



**2011 CONGRESSIONAL  
ACTIONS RESPONSIBILITIES**

**STANDING OPERATING  
PROCEDURES (CARSOP)**



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**OPERATING PROCEDURES (CARSOP)**

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***CONGRESSIONAL ACTIONS  
RESPONSIBILITIES  
STANDING OPERATING  
PROCEDURES  
(CARSOP)***

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**Chief of Staff:** General Martin E. Dempsey  
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**DEPARTMENT OF THE ARMY**  
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY  
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April 2011

**FOREWORD**

**TO THE 2011 CONGRESSIONAL ACTIONS RESPONSIBILITIES  
STANDING OPERATING PROCEDURES**

As we embark on a new Congress this year, it is incumbent upon the Army Secretariat and Staff to establish and maintain a positive working relationship with Members of Congress, congressional staff, and congressional committees. The Army is committed to ensuring transparency and providing accurate and timely information to Congress.

Staff agencies from across the Department of the Army play a critical role in providing timely, factual, fully coordinated information to ensure our success in obtaining the necessary authorizations and appropriations for the Army.

*How* we communicate with Congress often matters as much as *what* we communicate. The Congressional Actions Responsibilities Standing Operating Procedures (CARSOP) provides a valuable resource for all Department staff agencies and commands in their efforts to respond to congressional inquiries; present a clear, concise picture of our legislative and resource needs; and prepare oral and written presentations to Congress. All Army interactions with Congress must be consistent with this CARSOP.

  
JOYCE E. MORROW

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**DEPARTMENT OF THE ARMY**  
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April 2011


**PREFACE**

The Constitutional powers and responsibilities granted to Congress "...to provide for the common defense...and to raise and support Armies" provide the basis for the partnership between Congress and the Army in the defense of the nation. The Army cannot function without the support of Congress, so the relationships we forge with the Members and staff are vital to our nation's defense.

The mission of the Office of the Chief, Legislative Liaison (OCLL) is to provide effective liaison between the Army and Congress to gain Congressional trust and support. This is a strategic mission, which involves the participation of legislative and subject matter experts from across the Army. The responsibilities, organization, processes, and procedures described in the *Congressional Actions Responsibilities Standing Operating Procedures (CARSOP)* will give you basic information to understand our operating environment and execute your mission.

Effective Congressional liaison requires a high-performing team of professionals skilled in all matters relevant to legislative affairs. We seek to remain highly credible, respected, and transparent with Capitol Hill, which requires our team to be consistently accurate, clear, and timely information. OCLL is here to provide support both to Congress and the Army in achieving this goal.

The SOP will guide you in developing an understanding of legislative processes and procedures to enable you to effectively coordinate legislative actions, communicate the Army's message to Congress, and gain support for the Army on Capitol Hill.

  
JAMES C. McCONVILLE  
Major General, U.S. Army  
Chief of Legislative Liaison



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# **INTRODUCTION**

## **CONGRESSIONAL ACTIONS RESPONSIBILITIES STANDING OPERATING PROCEDURES (CARSOP)**

### **PURPOSE AND ORGANIZATION**

Under Army Regulation (AR) 1-20, Legislative Liaison, the Office of the Chief of Legislative Liaison (OCLL), is responsible for publishing the Congressional Actions Responsibilities Standing Operating Procedures (CARSOP) to ensure that all Army actions related to business with Congress are handled correctly and consistently, within current law, congressionally directed requirements, and AR 1-20. This SOP also is a tool used to achieve the Army's goal of "speaking with one voice" to Congress.

The CARSOP is organized in four sections:

#### **SECTION I, OVERALL ROLES AND RESPONSIBILITIES:**

- Defines Department of the Army (DA) working relationships, roles, and responsibilities.

#### **SECTION II, EXECUTIVE AND LEGISLATIVE BRANCH PROCESSES:**

- Provides an overview of the Executive Branch and Legislative Branch budget and lawmaking processes.

#### **SECTION III, ANNUAL ACTIONS RELATED TO THE LEGISLATIVE CYCLE:**

- Discusses the legislative cycle and Army actions during each phase of the cycle.
- Sets standardized procedures and formats required by all DA agencies in handling actions related to Congress. These include preparing legislative proposals, developing study material for the senior Army leadership in preparation for Congressional interaction, preparing witnesses to testify, editing hearing transcripts, preparing inserts for the record, and writing budget and language appeals.

#### **SECTION IV, OTHER CONGRESSIONAL ACTIONS:**

- Provides information necessary to effectively respond to a variety of congressional requests for information, including the rules for releasing information to members of Congress, developing and formatting written responses to congressional inquiries, and preparing Army congressional information papers.

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<b>SECTION I OVERALL ROLES AND RESPONSIBILITIES</b>
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## Section I – Overall Roles and Responsibilities

### CHAPTER 1 FUNCTIONS AND RESPONSIBILITIES WITHIN HQDA

#### 1. OVERVIEW:

Understanding of the roles, responsibilities and structure of the Army and its organizations is essential to performing the Congressional liaison mission. It is also essential to understand the functions and responsibilities of the organizations that make up the Headquarters, Department of the Army (HQDA).

The responsibilities of HQDA, agencies are described in HQDA General Orders No. 3, 9 July 2002, subject: Assignment of Functions and Responsibilities within Headquarters, Department of the Army. General Orders No. 3, 9 July 2002, specifies the Secretary of the Army (SA) is the senior official of the Department of the Army (DA) and responsible for and has authority to conduct all affairs of the DA.

The Chief of Staff, Army (CSA) is the senior military official of the DA, presides over the Army Staff, serves as a member of the Joint Chiefs of Staff, and performs other responsibilities as specified by the SA.

The organization of Headquarters, Department of the Army (HQDA) is provided in *Figure 1* on next page. This chart provides an overview of HQDA's primary Secretariat and Staff agencies, and the responsibilities of many of these organizations are discussed in this chapter.





## Headquarters, Department of the Army

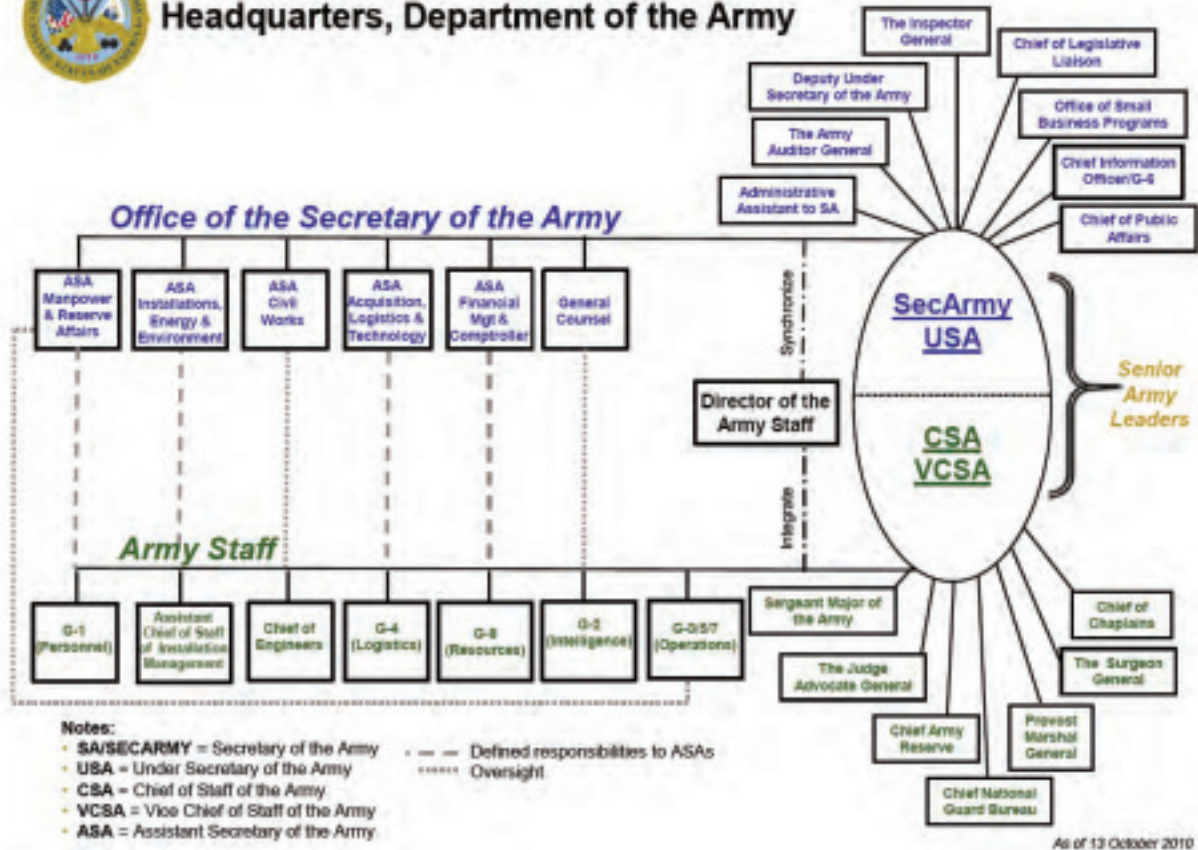


Figure 1

## 2. PRINCIPAL OFFICIALS OF HQDA:

The Army is headed by the SA and includes the CSA, USA, VCSA, and SMA. These officials provide executive leadership of the Army and HQDA. The Assistant Secretaries of the Army report to the Secretary and respond to other Principal Officials of HQDA, as authorized by the SA.

**a. Secretary of the Army (SA):** The SA is the senior official of the Department of the Army and responsible for the effective and efficient functioning of the Army.

**b. Chief of Staff, Army (CSA):** The CSA serves as the senior military advisor to the SA in all matters and has responsibility for the effective and efficient functioning of Army organizations and commands in performing their statutory missions.

**c. Under Secretary of the Army (USA):** The USA serves as the SA's senior civilian advisor on the effective and efficient functioning of the Army. The USA carries out those responsibilities and functions specifically delegated by the SA. The SA designated the USA as the Army's Chief Management Officer with the mandated

responsibilities, duties, and authorities pursuant to the National Defense Authorization Acts of 2008 and 2009.

**d. Vice Chief of Staff, Army (VCSA):** The VCSA serves as the principal advisor and assistant to the CSA.

**e. Sergeant Major of the Army (SMA):** The SMA serves as the CSA's personal advisor on all enlisted-related matters, particularly in areas affecting Soldier training and quality of life.

### **3. ARMY SECRETARIAT AGENCIES:**

In addition to the SA and the USA, the Army Secretariat includes the following principal officials.

**a. Assistant Secretary of the Army (Acquisition, Logistics and Technology) (ASA (ALT)):** The ASA (ALT) serves as the Army Acquisition Executive, the Senior Procurement Executive, the Science Advisor to the SA, and the senior research and development official for the DA. The ASA (ALT) has the sole responsibility for the acquisition function within the Army Secretariat and the Army Staff (ARSTAF). The ASA (ALT) also has the principal responsibility for all DA matters and policy related to acquisition, logistics, technology, procurement, the industrial base, and security cooperation.

**b. Assistant Secretary of the Army (Civil Works) ASA (CW):** The ASA (CW) has the principal responsibility for overall policy direction and supervision of the DA functions relating to all aspects of the Civil Works Program, including all reimbursable work performed on behalf of federal and non-federal entities.

**c. Assistant Secretary of the Army (Financial Management and Comptroller) (ASA (FM&C)):** The ASA (FM&C) has the principal responsibility for exercising the Army's financial management functions, including the comptroller's functions; is responsible for all financial management activities and operations for appropriated funds, financial management oversight of nonappropriated funds, and financial oversight of security assistance programs; and advises the SA on financial management.

**d. Assistant Secretary of the Army (Installations, Energy and Environment) (ASA (IE&E)):** The ASA (IE&E) has the principal responsibility for all DA matters related to installations, energy, real estate, privatization and partnerships, infrastructure analysis (BRAC) and environment, safety and occupational health. The ASA (IE&E) also sets the strategic direction, determines objectives, establishes policy, sets standards, and proposes programming and funding for these programs.

**e. Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)):** The ASA (M&RA) has the principal responsibility for setting the strategic direction and providing the overall supervision for manpower, personnel, and Reserve affairs across all the Army components (Active, Guard, Reserve, civilian, and contractor).

**f. General Counsel (GC):** The GC is the legal counsel to the SA and the chief legal officer of the DA. The GC's responsibility extends to any subject of law and to other matters as directed by the SA.

**g. Administrative Assistant (AA):** The Administrative Assistant to the Secretary, the senior career official within the Army, is the principal civilian advisor to the SA with respect to administrative matters and has oversight of the administrative function within the DA.

**h. Chief Information Officer (CIO/G6):** The CIO is responsible for the Army's information management functions and for setting the strategic direction, determining objectives, and supervising the DA's command, control, communications, and computers and information technology functions. The CIO reports to the SA and will provide the CSA such staff support as the CSA considers necessary to perform CSA duties and responsibilities.

**i. The Inspector General (IG):** The Inspector General is responsible for inspector general matters within the DA. The Inspector General reports to the SA and is responsive to the CSA as required.

**j. The Auditor General (AG):** The Auditor General is responsible for all audit matters within the DA. The Auditor General reports to the SA and is responsible to the SA for the operational performance of the U.S. Army Audit Agency. The Auditor General is also responsive to the CSA for audit service.

**k. Chief of Public Affairs (CPA):** The CPA is responsible for fulfilling the Army's obligation of keeping the American people and the Army informed. The CPA reports to the SA and is responsive to the CSA, as required.

**l. Director, Small and Disadvantaged Business Utilization (SADBU):** The Director, SADBU, reports to the SA and is the senior advisor on all small business program matters. The Director, SADBU, is responsible for developing policies for implementation of programs designed to afford opportunities to small businesses.

#### **4. ARMY STAFF AGENCIES (ARSTAF):**

In addition to the CSA and VCSA, the Army Staff includes the following principal officials:

**a. Director of the Army Staff (DAS):** The DAS synchronizes and integrates the HQDA staff. The DAS oversees the staff ensuring the effective integration and coordination of Army policy, positions, and procedures across the functional domains of Army responsibility. There are five Deputy Chiefs of Staff and one Assistant Chief of Staff who report to the DAS.

**b. Deputy Chief Of Staff, G-1:** The Deputy Chief of Staff, G-1, as responsible official to the ASA(M&RA) provides advice and assistance to the ASA(M&RA), in addition to responsibilities and authorities as Deputy Chief of Staff, G-1 on the Army Staff.

**c. Deputy Chief of Staff, G-2:** The Deputy Chief of Staff, G-2 is responsible for intelligence and counterintelligence, and security countermeasures policy, plans, programs, and budget functions for the DA in coordination with DoD and the National Intelligence Community.

**d. Deputy Chief of Staff, G-3/5/7:** The Deputy Chief of Staff, G-3/5/7 is responsible for operations and planning functions of DA.

**e. Deputy Chief of Staff, G-4:** The Deputy Chief of Staff, G-4 as responsible official to the ASA (ALT) provides advice and assistance to the ASA (ALT), in addition to responsibilities and authorities as Deputy Chief of Staff, G-4 on the Army Staff.

**f. Deputy Chief of Staff, G-8:** The Deputy Chief of Staff, G-8, as responsible official to the ASA(FM&C) provides advice and assistance to the ASA(FM&C), in addition to responsibilities and authorities as Deputy Chief of Staff, G-8 on the Army Staff. G-8 (PAED) is responsible for ensuring the accuracy and consistency of program data, out year budget figures, and anything that impacts the current Program Objective Memorandum (POM) or Total Army Analysis (TAA).

**g. Assistant Chief of Staff for Installation Management (ACSIM):** The ACSIM, as responsible official to the ASA (IE&E), provides advice and assistance to the ASA (IE&E) and other OASA (IE&E) officials, in addition to responsibilities and authorities as ACSIM on the ARSTAF. The ACSIM also serves as the Commander, Installation Management Command.

**h. Chief, National Guard Bureau:** The National Guard Bureau is a joint bureau of DA and the Department of the Air Force and is the channel of communication on all matters pertaining to the National Guard and the Army National Guard (ARNG) of the United States between the DA and the several States. The Chief, National Guard Bureau (CNGB) is the principal advisor to the SA and the CSA on matters relating to the Army National Guard. The Director, Army National Guard (DARNG) is responsible for assisting the CNGB in carrying out the functions of the National Guard Bureau as they relate to the Army National Guard.

**i. Chief, Army Reserve (CAR):** The CAR is the principal advisor on all Army Reserve matters and is responsive to the CSA.

**j. The Judge Advocate General (TJAG):** TJAG is the military legal advisor to the SA and all officers and agencies of the DA. TJAG provides legal advice directly to the CSA and the ARSTAF. TJAG provides legal advice to the SA and the Army Secretariat, in coordination with the GC, and is the principal legal advisor to the SA and the CSA on matters of military justice. TJAG also has staff responsibility for providing legal services to DA.

**k. Chief of Chaplains (CCH):** The CCH is the principal advisor on all issues regarding chaplaincy to the SA and all offices and agencies of the DA. The CCH provides religious advice directly to the CSA and the ARSTAF.

## Section I – Overall Roles and Responsibilities

<p style="text-align: center;"><b>CHAPTER 2</b> <b>PRIMARY CONGRESSIONAL ACTIONS ORGANIZATIONS</b></p>
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1. OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON
2. ARMY BUDGET LIAISON
3. ARMY CORPS OF ENGINEERS LEGISLATIVE LIAISON

Acronym meanings are provided in the General Appendices at **APPENDIX A**, and an up- to-date roster of the following organizations may be obtained from SALL-COD at 703-697-7675.

### 1. OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON (OCLL):

**The Chief of Legislative Liaison (CLL)** is directly responsible to the Secretary of the Army (SA) and is responsive to the Chief of Staff, Army (CSA) for legislative affairs. CLL has a deputy, a principal deputy, and seven divisions, each headed by either a colonel or civilian: Programs, Congressional Operations, Investigations and Legislative, Congressional Inquiry, Senate Liaison, House Liaison, and Support Operations Divisions. OCLL is the proponent of AR 1-20 as the sole directive agency for Department of the Army (DA) congressional affairs.

**a. Key Responsibilities:** Formulates, coordinates, supervises, and executes the Army's congressional affairs policy and strategy.

**b. Congressional Liaison Role:** Provides liaison between the Army and Congress with two exceptions. The Assistant Secretary of the Army for Financial Management and Comptroller (ASA (FM&C)) provides support for the Appropriations committees. The ASA for Civil Works (ASA (CW)) coordinates on all matters concerning Army civil works within Congress. Although these two ASA's have direct liaison responsibilities with Congress, OCLL is responsible overall integration of the Army's effort with Congress and for keeping the Army Senior Leader (ASL) informed on major Congressional activities and critical information.

(1) Acts as the central point of contact within DA for expediting the flow of information between the leadership of the Army and Members of Congress and relevant congressional committees and their staffs (other than the Appropriations committees and committees with oversight of civil works).

(2) Coordinates congressional requests for information, visits, briefings, meetings, and hearings involving Army personnel.

(3) Ensures information provided to Congress is consistent with Headquarters, Department of the Army operational security (OPSEC) procedures and controls.

**c. OSD/OJCS Liaison:** Serves as the sole Army liaison with the Office of the Assistant Secretary of Defense for Legislative Affairs (OASD (LA)) and the Legislative Assistant to the Chairman, Joint Chiefs of Staff (CJCS), on all congressional requirements and inquiries as they apply to DA.

**d. OCLL Divisions:** OCLL organizes its divisions functionally with the following duties:

**(1) Congressional Operations Division (SALL-COD)**

- **Army Senior Leader (ASL) Support:** Annually, in concert with SALL-P and SAFM-BUL, identifies the key issues most likely to be raised during upcoming hearing cycles. Tasks the Army Staff and Secretariat to provide accurate, coordinated, timely, and clear study material to be used at congressional preparation sessions. Obtains clearances, reproduces, and appropriately distributes responses to prehearing questions and prepared witness statements of the SA, USA, CSA, VCSA, and SMA. Through the CACO system, tasks and supervises the editing, review, clearance, and finalization of transcripts, and the preparation, review, coordination, clearance, and finalization of questions for the record (QFRs) and inserts for the record (IFRs) for the testimony of the SA, CSA, USA, VCSA, and SMA; and when required, the “Army portions” of the SecDef, DepSecDef, and CJCS testimony.

- **Strategy and Plans:** Develops, coordinates, and briefs Congressional strategies, actions and plans relevant to Army requirements. Maintains long-range planning calendar for Legislative Strategy. Maintains and manages the OCLL long-range planning calendar for legislative affairs. Schedules Congressional Updates on the Army’s current legislative objectives to the ASL. Develops, plans, coordinates, and monitors the new member contact plan (bi-annually) for initial contact by the Army of newly elected Members of Congress (MOCs).

- **Strategic Communication:** Ensures the Army effectively communicates the Army’s themes, messages, and key events in their interactions with members of Congress and their staffs in order to enhance understanding and garner congressional support for Army plans and programs. Synchronizes OCLL’s strategic communication effort with the Office of the Chief of Public Affairs to ensure the Army presents a clear, concise picture of its legislative objectives and consistently and accurately speak with one voice on all matters of concern to Congress. Acts as speechwriter for the Chief of Legislative Liaison’s outreach efforts.

- **Current Operations:** Publishes plans, orders, and memoranda for OCLL operations. Tasks OCLL divisions in response to HQDA directives and tracks timely completion of internal and external tasking. Maintains OCLL short-range planning calendar / synch matrix and prepares internal daily operational reports. Provides updates for Army Congressional Affairs Contact Officers (CACOs) and leads quarterly CACO conference. Responsible for OCLL’s Operational Security (OPSEC)

program, Continuity of Operations (COOP) program, Knowledge Management (KM) program, and manages the Army Congressional Fellowship program.

- **Army Congressional Fellowship Program (ACFP):** Works closely with the Office of the Assistant Secretary of Defense for Legislative Affairs (OSD-LA), Under Secretary of Defense for Personnel and Readiness to select, train, assign Congressional fellows to offices on Capitol Hill, provide professional development opportunities for Army fellows on the Hill, and place former Army fellows in appropriate utilization tours after completion of their fellowship.

- **CARSOP:** Reviews, writes, coordinates, and publishes the Congressional Actions Responsibilities Standing Operating Procedures. The CARSOP defines, establishes, and keeps current the specific roles, responsibilities, procedures, and actions required of the Army Secretariat, Army Staff, and ACOMs to provide the support necessary to successfully accomplish the Army's legislative liaison mission with Congress.

- **CACO Support:** Updates and distributes the CACO roster. Staff POC and advocate for keeping CACOs up to date on relevant Army and Legislative developments. Updates and distributes the CACO roster. Leads quarterly CACO conference.

- **Special Events:** Coordinates special events and ceremonies for the SA and CSA involving congressional participation with Army Protocol and other OCLL divisions.

## (2) Congressional Inquiry Division (SALL-CID)

- **Written Congressional Inquiries:** Receives, controls, records, and dispatches written replies to inquiries from Members of Congress on behalf of constituents or constituent interests that are related to Army issues. Prepares coordinated, timely, and factual replies to Members and committees of Congress regarding Army programs, policies, and concerns of constituents that involve Army-related matters.

- **Internal OCLL Coordination:** Obtains internal OCLL coordination on draft congressional inquiries.

- **Trends:** Advises the CLL, the Army leadership, and appropriate Army Staff agencies about congressional inquiry trends.

- **FOIA:** Serves as the OCLL focal point for Freedom of Information Act (FOIA) and Privacy Act requests.

- **Contract Notifications:** Notifies Members of Congress on contract awards over \$5.5 million.



- **Casualty Notifications:** Serves as the sole release authority for notifications to Members of Congress on operational casualty announcements.
- **Valorous Award Notifications:** Notifies Members of Congress when a Soldier is decorated for acts of gallantry or valor, specifically, the Silver Star, Distinguished Service Cross, and Medal of Honor.
- **CACO Assistance:** As necessary, provides assistance and guidance to HQDA and field operating agencies for processing written Congressional inquiries.
- **Backup for Telephonic Inquiries:** Provides backup to the House and Senate Liaison Divisions (HLD/SLD) on telephonic congressional inquiries when necessary.

### (3) Investigations and Legislative Division (SALL-I&L)

- **Investigations:** Coordinates, monitors, and reports on congressional investigative actions that are of interest to, or involve, the Army, except for House Appropriations Committee Surveys and Investigations (HAC(S&I)) investigations. Represents the Army's interests in congressional investigations, working with the investigating committees to ensure that the committees receive accurate and complete information on the issues in question.
- **Army Legislative Program:** Supervises the execution of the Army legislative program; coordinates and monitors legislative proposals initiated by Army organizations; coordinates the Army's views on proposed or pending legislation, Executive Branch proposed testimony, and proposed Executive Orders; and monitors legislative developments of interest to the Army.
- **Liaison for Environment, Morale, Welfare and Recreation (MWR) and Legal Policy and Programs:** Acts as Army lead legislative liaison for programs and policies relating to environment, military justice, and MWR. Lead for financial management and acquisition policy matters.
- **Witness Support:** Provides advice and training for witnesses called to appear before Congress. Assists Army witnesses in preparing written statements and obtaining final clearance of the statements from the Office of Management and Budget (OMB) and the White House.
- **Confirmations:** Manages the Senate confirmation process for General Officer and senior Army civilians and monitors the confirmation process for all Army officers.

- **Congressional Response Team (CRT):** The CRT is responsible for documenting, tracking, and monitoring the status of all major or sensitive Congressional requests incoming to the Department of the Army and the Army's responses to those requests. The CRT directs the collection, review, records management and accountability, coordination, and release of written and oral responses requested by Congress. The CRT ensures the Army leadership is properly informed of pending releases of information and coordinates these activities within the DA, OSD, and other DoD components.

#### **(4) Support Operations Division (SALL-SOD)**

- Provides Human resource, budget, logistics, information technology, administrative support and management services to each of the OCLL divisions.

- **Congressional Travel:** Arranges for all travel and accommodations for Army-escorted Members of Congress and their staff. SALL will use congressional travel opportunities to solidify relationships, keep the Congress informed about Army plans, policies, and programs, and further Army interests. Rules and restrictions on funding congressional travel will be in accordance with the Office of the Chief, Legislative Liaison, Handbook for Policies, Procedures, and Standards of Conduct. Legislative liaison officers will notify Army Command (ACOM) CACOs or LNOs as applicable, of every scheduled congressional trip, within 72 hours of scheduling the trip.

#### **(5) Programs Division (SALL-P)**

- **Authorization Monitor:** Monitors all House and Senate floor action on the annual DoD Authorization Bill, to include all proposed amendments and ensures that the ASL and Army Staff are kept informed in a timely manner.

- **Budget Monitor:** Keeps the Army Secretariat and Staff informed of action being taken on the Army's budget request by the authorization committees.

- **Liaison to Congress:** Serves as the primary liaison between Army and the Congress on Army programs, policies, and operations. Coordinates Congressional requests for witnesses, briefers, and information from the Congress. Ensures the Army provides prompt, coordinated, consistent, and factual information on Army policies, plans, programs, and operations in response to requests from Members of Congress, congressional committees, and their staffs.

- **Information for Members of Congress:** Coordinates and transmits Information for Members of Congress (IMCs) on all Office of Management and Budget (OMB) A-76 commercial activities decisions, reductions of civilian workforce actions, restationing decisions, significant deployments, and other information deemed critical by the CLL or ASL for Congressional notification.

- **Hearings:** Coordinates Army participation in Congressional hearings,

including identification and preparation of witness, preparations of hearing statements, monitoring issues raised during hearings of special interest to the senior Army leadership and preparing written hearing summaries. Assists SALL-COD in preparing the senior Army leadership (SA, USA, CSA, VCSA, and SMA) to testify before Congress. Coordinates and assigns to appropriate DA agencies congressional committee hearing transcripts and inserts for the record. Publishes a weekly schedule of congressional hearings.

- **Trip/Meeting Escort:** Escorts Army officials on trips and meetings involving Members of Congress and their staff.

- **G-8 Program Analysis and Evaluation Directorate (PAED)**

**Coordination:** Maintains continuous coordination with PAED on all Army responses to congressional Committees and the Congressional Budget Office (CBO) that involve resource programming.

- **SAFM-BUL Coordination:** Maintain coordination with SAFM-BUL on all matters affecting appropriations and the Appropriations Committees.

## **(6) House and Senate Liaison Divisions (SALL-HLD & SALL-SLD)**

- The House Liaison Division is located in the Rayburn House Office Building (B 325) and the Senate Liaison Division is located in the Russell Senate Office Building (SR-138).

- The Hill divisions are the Face of the Army to all Member offices and enhance trust, facilitate communication and access to Members, provide introductions, and develop engagement opportunities.

- Ensure OCLL leaders have situational awareness of congressional trends and developments affecting the Army.

- **Communicate and Educate:** Through a variety of means—newsletters, Army Caucus events, briefings, written documents, travel—ensure Congress is informed of Army programs, policies, and objectives.

- **Coordination:** HLD and SLD are the OCLL leads for interface with all Members and their personal staffs. HLD and SLD maintain close coordination with SALL-P and SALL-COD on matters affecting Army programs and senior leadership engagement strategy.

- **Congressional Travel:** Hill divisions plan, coordinate, and conduct Army-escorted congressional travel.

- **Congressional Inquiries:** Serve as first-line response to Member and staff issues, concerns, questions. Inform and coordinate responses to Member and staff issues with other OCLL divisions as appropriate. Respond to walk-in, e-mail, and telephonic inquiries from Members of Congress and staff. Forward written inquiries to SALL-CID. Task and respond to inquiries by e-mail or by telephone if the issue is time-sensitive.

- **Congressional Fellowship:** Provide mentorship to Congressional fellows serving in Member offices.

## **2. ARMY BUDGET LIAISON:**

**The Chief of Army Budget Liaison (SAFM-BUL)** is a part of ASA (FM&C). During the 79th Congress (1934-1935), the Appropriations Committees directed that an organization be created, separate from the authorization liaison and within the financial management community, to conduct liaison with the appropriators. SAFM-BUL was established within ASA (FM&C).

**a. Appropriations Committees Liaison:** Maintains liaison with the Appropriations Committees and their staffs, except for the Civil Works program and Army national cemetery matters.

**b. Advisor Role:** Monitors all House and Senate floor action on the annual Department of Defense (DoD) Appropriations and Supplemental Bills, to include all proposed amendments, and ensures that the ASL and Army Staff are kept informed in a timely manner.

**c. Budget Appeals:** Manages the Army appeals process for both authorization and appropriation appeals.

**d. President's Budget:** Maintains up-to-date spreadsheets showing the effects of congressional authorization and appropriation actions on the Army portion of the President's budget.

**e. Request for Information:** Furnishes prompt, coordinated, consistent, and factual information on Army policies, plans, programs, and operations in response to inquiries received from the Appropriations Committees and their staffs in the form of information papers, briefings, and telephonic responses.

**f. G-8 (PAED) Coordination:** Maintains continuous coordination with the G-8 (PAED) on all Army responses to congressional committees and the Congressional Budget Office (CBO).

**g. Coordination With OCLL:** Maintains continuous coordination with SALL-P and

SALL-COD on matters affecting the Appropriations Committees to ensure that the Army's replies to members and staffs of these committees are in concert with the replies being sent to other Members of Congress, committees, and their staffs.

**h. Hearings:**

**(1) Witness Support:** Arranges and tasks the Army Secretariat and Staff agencies and ACOMs to furnish witnesses, briefers, and information requested by the Appropriations Committees and their staffs, and coordinates hearing schedules and witness lists with SALL-P. Provides support to Army officials invited to testify before Congressional Appropriations Committees.

**(2) SALL-COD Support:** Assists SALL-COD in preparing the senior Army leadership (SA, USA, CSA, VCSA, and SMA) to testify before Congress.

**(3) Witness Preparation:** Attends special preparation sessions for appearances of the SA and CSA before the Appropriations Committees.

**(4) Schedule and Monitoring:** Provides hearing schedule data from the Appropriations Committees to the Army Secretariat and Staff and monitors and expeditiously provides summaries of hearings of special interest to the DA leadership.

**(5) Hearing Focus:** Furnishes information, including the anticipated focus, new issues and anticipated questions to the Army witnesses as it become available.

**(6) Transcripts and Inserts:** Provides support to Army officials invited to testify before Congressional Appropriations Committees, including hearing preparation, monitoring hearings, and managing Questions for the Record (QFRs) and Information for the Record (IFRs).

**i. Reporting Requirements:** Serves as the principal contact with the Office, Under Secretary of Defense (Comptroller) (OUSD(C)), on congressional reporting requirements for both the authorization and appropriations committees. Monitors congressional legislative directives for reporting by the Army and by other DoD agencies and offices and tasks the appropriate HQDA agency for action necessary to comply with the reporting requirements. Coordinates the assignment of these requirements with, and requests position statements and status reports from, the Army Secretariat and Staff. Establishes and conducts a regular review of the status of congressional reporting requirements and keeps the Army leadership and OUSD(C) informed of the status. Delivers congressionally required reports and budget displays to the Appropriations Committees.

**j. HAC (S&I) Liaison:** Serves as the Army principal contact with the OUSD(C) on requests and inquiries from the House Appropriations Committee Survey and Investigations (HAC(S&I)) staff. Designates the Army Secretariat or Staff agency responsible for appointing the functional monitor (FM) for each S&I study. On a

continuing basis, assists the FM as necessary. Maintains a current file of summary status reports of ongoing investigations and maintains a central file for all reports submitted by the FMs.

**k. Trip/Meeting Escort:** Escorts Army officials on trips and meetings involving Members of Congress and their staff.

**l. Congressional Publications:** Procures and distributes copies of selected appropriations committee reports, prints, bills, hearings, studies, and other significant items of interest to the Army Secretariat and Staff agencies. Analyzes material and distributes analyses as appropriate.

### **3. U. S. ARMY CORPS OF ENGINEERS (USACE) LEGISLATIVE LIAISON:**

Congressional Affairs falls under the Future Directions Branch, USACE. The Congressional Affairs function is to integrate the congressional activities of the Civil Works, Military Programs, and other Corps directorates and programs in order to facilitate a consistent and positive strategy for congressional relations. This office is led by a civilian Chief and supported by two action officers and shares critical information throughout the Command about MoC and significant congressional issues. With the exception of the direct communication between the Civil Works Directorate and the congressional committees with which it is aligned, all Corps-related congressional inquiries, issues, and contacts originating in Washington, DC, or of National importance, should be first coordinated with the Future Directions Branch.

**a.** Integrates and coordinates all Corps congressional activities in support of the Chief of Engineers' congressional engagement strategy.

**b.** Advises the Chief and Command on congressional issues affecting the Corps and the Army.

**c.** Develops the Chief's congressional engagement strategy (meetings with Members of Congress and their staff, testimony, Congressional Staff Workshop, etc.) in coordination with Civil Works, other command elements, and OCLL.

**d.** Serves as the Chief's principal congressional liaison.

**e.** Assists and advise the Chief and the Command in responding to congressional issues and inquiries.

**f.** Builds and maintains congressional relationships that improve congressional understanding of Corps' missions, programs, and policies.

**g.** Researches, tracks, and analyzes legislation important to the Corps.

**h.** Ensures the Command is responsive to Congress.

- i. Maintains regular and effective liaison with OCLL and SAFM-BUL.
- j. Leads or participates in preparing the Chief and other Corps senior leaders for testimony and meetings on Capitol Hill.

## Section I - Overall Roles and Responsibilities

### CHAPTER 3 CONGRESSIONAL AFFAIRS CONTACT OFFICERS, ACTION OFFICERS, AND OTHER PERSONNEL

1. ROLE OF ARMY ORGANIZATIONS IN SUPPORT OF CONGRESSIONAL MISSION
2. CONGRESSIONAL AFFAIRS CONTACT OFFICERS (CACOs)
3. ACTION OFFICERS (AOs)

#### 1. ROLE OF ARMY ORGANIZATIONS IN SUPPORT OF CONGRESSIONAL MISSION:

Army organizations at all levels play a critically important role in the Congressional liaison mission. The Army Regulation 1-20, Legislative Liaison specifies the basic responsibilities of organizations and basic policies for the Army's legislative liaison mission.

Army organizations, including Secretariat and Army Staff offices, ACOMs, ASCCs, and DRUs support this mission by responding directly to the Army's senior leadership or by tasking from OCLL.

Pursuant to Army policy and Secretary of Army guidance, the Army Secretariat, Staff, ACOMs, ASCCs, and DRUs will:

**a. Designate a CACO:** Designate at least one person and an alternate to serve as a CACO. Organizations should enable CACOs to have visibility and direct access to all key officials within their agency/command. Organizations should ensure that CACOs receive adequate resources and support. The timeliness and quality of the information provided directly shapes Congressional perceptions of the Army.

**b. Respond to Congressional Tasking:** Army organizations shall provide timely, accurate, and coordinated information papers, responses, transcripts, and inserts for the record in response to tasking from OCLL and SAFM-BUL. Organizations shall make these actions a top priority and ensure that they are reviewed and approved at an appropriate level. Provide timely, consistent, factual, and fully coordinated information in response to requests received from OCLL and SAFM-BUL.

**c. Provide Congressional Hearing Witnesses:** Upon invitation of Congressional Committees or designation by the Army leadership, organizations shall make personnel available to testify at Congressional hearings. Organizations shall ensure that Army witnesses selected to testify for congressional hearings are qualified and prepared.



**d. Coordinate Congressional Communications:** Organizations shall ensure communications and engagements with Members of Congress, congressional committees, and their staffs are coordinated IAW this **SOP** and **AR 1-20**. Contacts with Congress outside of SALL and SAFM-BUL channels should be minimized to ensure consistent information is provided to Congress. Significant contacts outside these channels shall be reported to SALL or SAFM-BUL for communications or contacts with the House and Senate Appropriations Committees. In general, communications and transmittals of written materials and documents to Congress or their staffs should be coordinated through your agency CACO and OCLL.

**e. Provide Notice to OCLL:** Army organizations shall provide notice to SALL (or SAFM-BUL) of all significant activities, engagements and developments on matters that are likely to be of interest or concern to Congressional Members or Congressional Committees, including matters likely to be reported in the media. Notice shall be made as soon as the facts of a certain matter are known. Matters requiring notice to SALL include such matters as significant reductions in personnel, workload realignments, restationing decisions, significant developments in law enforcement proceedings and investigations, major legal decisions, and casualties and accidental deaths.

## **2. CONGRESSIONAL AFFAIRS CONTACT OFFICERS (CACOs):**

Congressional Affairs Contact Officers (CACOs) directly contribute to the success of the Army's Congressional Liaison mission. CACOs ensure their organizations can provide essential analysis and information to the SA, CSA, and other senior Army leaders to best support Army interests. The Army Secretariat and Staff agencies and ACOMs will be tasked, through their CACOs, for information necessary to support the Army senior leadership's contact with Congress. Normally, tasking from SALL and SAFM-BUL will be in writing. However, due to extremely short suspense, CACOs and the above offices may use informal tasking procedures.

**a. Qualification of CACOs:** The CACO is each organization's link to OCLL and Congress. The organization's and Army's interest are best served when quality military officers or civilians serve as CACOs. CACOs should possess a number of key attributes to handle this sensitive position and be able to manage complex actions and work under sometimes stressful conditions. CACOs are expected to manage dozens of congressional actions at one time, provide clear guidance and direction to AOs, and serve as quality control checks on congressional actions. CACOs should possess effective oral and written communication skills, knowledge of Congress, the budget process, the Pentagon and their own organizations, and an ability to work within short suspense's. CACOs should ideally serve for at least two years. They also need the personal skills to obtain both full and timely cooperation within and outside of their agency when coordinating actions. SALL-COD is available to provide guidance to CACOs and can provide a list of training courses.

**b. Respond to Tasking and Requests:** CACOs should facilitate the timely and accurate responses to SALL and SAFM-BUL taskers and requests for information. OCLL has tasking authority on all congressional matters (minus SAFM-BUL's authority). CACOs should promptly review each action received to determine whether it has been appropriately tasked. If not, the CACO is responsible for immediately notifying the tasking official and providing the correct agency, if known. This notification should be made no later than four hours after receipt. In this regard, it is incumbent upon the CACOs to cooperate with the tasking official and others to prevent unnecessary delays and extremely short deadlines.

**c. Ensure Responses are Accurate and Timely:** CACOs should ensure that prompt, consistent, factual, fully coordinated, approved, and cleared responses are provided for each request received from SALL and SAFM-BUL. Papers should be written in a clear, concise plain English style and in the correct format. Acronyms should be spelled out the first time used and jargon kept to a minimum. Information shall be provided in the requested number of copies with required coordination, security clearance, and approved at the directorate level, usually a SES or general officer. CACOs should ensure that all written material provided to SALL or SAFM-BUL is consistent with all previous responses submitted on the same or similar subjects.

**d. Advisor for Organization:** CACOs should ensure that all personnel within their organization is familiar with, and comply with, the procedures and formats set forth in this CARSOP and any additional specific instructions or requirements contained in the tasking.

**e. Communications with Congress:** CACOs should ensure that all communications received from Members of Congress, committees, and their staffs comply with this **SOP** and **AR 1-20**. Responses that do not comply will be returned for revision usually with an extremely short turnaround time due to time constraints.

**f. Transcripts and Inserts:** Edit transcripts and complete inserts for the record within established suspense dates. Inserts for the record should be in the correct format as outlined in this SOP, and any additional specific instructions contained in the tasker should be met (requirements may vary from committee to committee).

**g. IG Coordination.** CACOs should notify the Office of The Inspector General of the Army, Plans and Analysis Division (SAIG-PA), immediately when an inquiry is received from a Member of Congress or committee concerning issues raised in a General Accounting Office (GAO) report.

**h. SALL and SAFM-BUL Notification:** CACOs should promptly advise SALL and SAFM-BUL of congressional contacts or requests that are received from other than established DA channels, e.g., directly from Congress or OSD. To ensure the consistency and accuracy, contacts with staff and Members should be made by SALL and SAFM-BUL personnel.

**i. G-8 (PAED) Coordination:** CACOs should ensure that all resource programming information intended for congressional committees or CBO is coordinated with PAED before submitting to SALL-P or SAFM-BUL.

**j. Legislation:** CACOs shall manage the development, coordination, and submission to SALL-I&L of legislative proposals initiated by their organizations for the annual DoD Omnibus Legislative program. CACOs will monitor and provide comment as appropriate on pending or proposed legislation and expiring laws.

**k. Army Posture Statement (APS) Development:** Participate, as required, in the development of the purpose, scope, and theme of the APS and the Army's strategy for presenting its portion of the DoD budget request to Congress. Once the SA and CSA have approved the purpose, scopes, and theme, provide well-prepared, coordinated and approved text, pictures, graphs, and charts for inclusion in the statement.

**l. Advance Policy Questions (APQs) and Questions for the Record (QFRs):** CACOs shall manage the development, coordination, and submission of all APQ and QFRs tasked to the organization. CACOs will ensure that the draft responses are accurate, responsive to questions raised, and well written.

### **3. ACTION OFFICERS (AOs):**

Action Officers bear a tremendous responsibility to provide essential analysis and information regarding their programs that will prepare the Army leadership to communicate with Congress. AOs are the Army's subject matter experts and most often know more about their programs than anyone else. Because of this, AOs must provide useful, concise information that is necessary to formulate and successfully present the Army position.

**a. CARSOP:** AOs shall understand the contents of this SOP and fully support their agency's CACO in all matters discussed within this SOP.

**b. Responding to Taskers:** Promptly review all congressional taskers to determine whether the action has been properly tasked. If not, AOs will advise their CACO immediately, providing the correct office, if known. If this notification is not provided within the following timeframes, the AO will be responsible for completing the task, regardless of improper tasking: if the suspense is a day or less, notify the CACO immediately; if the action's suspense is more than a day, notify the CACO within one working day. AOs will understand the time sensitivity of congressional actions and give congressionally related requests top priority to ensure all suspenses are met and the leadership receives factual and relevant information in a timely manner.

**c. Content of Congressional Responses:** AOs shall ensure the accuracy of all congressional materials they prepare, including statistical data, numbers, and dollar amounts. AOs will ensure all prepared congressional material is grammatically correct, including spelling and punctuation, and that the material submitted is correctly formatted. AOs are responsible for obtaining the required coordination, approval, and clearance of all prepared congressional material. Actions that have not been properly prepared, coordinated, approved, and cleared will be returned for rework. Generally, a general officer or SES will approve any information provided to Congress.

**d. OPSEC:** AOs shall ensure all material being provided to Congress is consistent with HQDA operational security procedures and controls. Extreme care should be exercised when releasing information outside of the Department of the Army.

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<p><b>SECTION II</b>  <b>EXECUTIVE AND LEGISLATIVE BRANCH PROCESSES</b></p>
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## Section II – Executive and Legislative Branch Processes

### CHAPTER 1 EXECUTIVE BRANCH LEGISLATIVE AND BUDGET PROCESS

1. THE ROLE OF OMB IN LEGISLATIVE INITIATIVES
2. THE EXECUTIVE BRANCH BUDGET PROCESS
3. OMB CIRCULAR (A-11) – PREPARATION, SUBMISSION, AND EXECUTION OF THE BUDGET
4. THE PRESIDENT’S BUDGET TO CONGRESS

#### OVERVIEW:

This chapter discusses the Executive Branch’s participation in drawing up a unified national budget – the detailed business and financial plan for the United States Government, which reconciles proposed spending and estimated revenues. Prior to 1921, no system existed, either in the Congress or the Executive Branch, for unified consideration or control of fiscal policy. The Budget and Accounting Act of 1921 directed the President to submit a proposed budget annually to Congress and established the General Accounting Office (GAO) and the Bureau of the Budget, a legislative and financial clearing house for the Executive Branch that, in 1971, became the Office of Management and Budget (OMB).

Today, the President’s budget offers the framework of the President’s programs for the fiscal year. The President provides three key annual messages – State of the Union address, Budget, and the Economic Report – and any other special communications to Congress. Soon after delivering the annual State of the Union address, the President sends to Congress draft Administration bills for introduction on his behalf.

#### 1. THE ROLE OF OMB IN LEGISLATIVE INITIATIVES:

The President, acting through OMB, approves all Executive Branch legislative initiatives. Therefore, OMB has broad authority in overseeing the budgets and legislative activities of other departments. OMB Circular Number A-19, Legislative Coordination and Clearance, prescribes the requirements and procedures for legislative coordination and clearance by OMB. OMB’s clearance function covers agency legislative proposals, agency reports and testimony on pending legislation, Statements of Administration Policy, and enrolled bills. Central clearance facilitates the coordinated development, review, and approval of legislative proposals needed to carry out the President’s legislative program and helps agencies to develop legislative proposals consistent with the President’s policy objectives.

It identifies for Congress those bills that are part of the President's program and the relationship of other bills to that program. It assures that Congress receives coordinated and informative agency views on legislation and ensures that statements and views submitted to Congress by one agency reflect the interests and concerns of all affected agencies. Finally, central clearance provides a means to identify and reconcile diverging agency views. The Department of Defense Office of General Counsel, Office of Legal Council (OLC) is DoD principal liaison to the OMB for legislative proposals and actions. SALL I&L is the Army's primary liaison to OLC and to OMB.

## **2. THE EXECUTIVE BRANCH BUDGET PROCESS:**

The Executive Branch budget process begins in the spring of the year when the agencies prepare their budget requests based on the guidelines provided by the President through OMB. The departments and agencies are required to submit their initial budget materials to OMB in September.

Following submission of the initial budget materials, OMB schedules hearings or less formal discussions with agency representatives. After analyzing the agency budget submissions, OMB prepares issue papers and recommendations for the OMB Director's review process. The major issues are discussed with the Director, and decisions are made on agency submissions. Agencies may choose to appeal the OMB decisions to the President. Upon receipt of the final decisions on the budget year estimates, agencies must revise their budget submissions promptly and bring them into accord with the final decisions. The final budget estimates form the President's budget that will be transmitted to Congress.

## **3. OMB CIRCULAR (A-11) – PREPARATION, SUBMISSION, AND EXECUTION OF THE BUDGET:**

OMB Circular A-11 discusses administration policies regarding the budget formulation and submission process. The circular applies to all executive departments, including the Army. It also includes policies and procedures regulating the communications and information provided to the Congress concerning the budget.

## **4. THE PRESIDENT'S BUDGET TO CONGRESS:**

The President generally transmits his budget request to Congress in early February. It outlines the Administration's spending priorities and starts the Legislative Branch's annual process of appropriating money for the Federal agencies. Funding for the Department of Defense and the Department of the Army for a Fiscal Year is part of the President's budget. Army officials are expected to support the President's budget, and should advocate for funding for Army programs and initiatives only if the request is part of the submitted budget.

## Section II – Executive and Legislative Branch Processes

### CHAPTER 2 THE LEGISLATIVE BRANCH BUDGET PROCESS

1. THE LEGISLATIVE BRANCH BUDGET PROCESS
2. THE AUTHORIZATION PROCESS
3. THE APPROPRIATIONS PROCESS

#### OVERVIEW:

The Constitution, Article I, Section 8, gives Congress the power to tax and spend; Section 9 gives Congress the power of the purse, stating no one may spend public money without a congressional appropriation. Therefore, each year after the President has submitted his budget to Congress, DoD is required to justify its programs to the House Armed Services Committee (HASC) and the Senate Armed Services Committee (SASC) – the authorizing committees – and justify the associated funding of its programs to the Defense Subcommittee of the House Appropriations Committee (HAC-D) and the Defense Subcommittee of the Senate Appropriations Committee (SAC-D) – the appropriations committees.

#### 1. THE LEGISLATIVE BUDGET PROCESS:

In April of each year, the Budget Committee of each house of Congress reports a budget resolution for the fiscal year that is to begin in October. These resolutions are based upon their review of the President's budget, information from the Congressional Budget Office (CBO), and views of other committees. By the middle of April, these two committees are supposed to resolve their differences and allocate agreed upon spending targets among the appropriate committees in the House and Senate to be used in the authorization and appropriation processes.

Congress may adopt a later budget resolution that revises the most recently adopted budget resolution. One of the mechanisms Congress uses to implement the constraints on revenue and spending is called the reconciliation process.

Reconciliation is a two-step process designed to bring existing law into conformity with the existing concurrent resolution on the budget. The first step in the reconciliation process is to review the language found in a concurrent resolution on the budget instructing House and Senate committees to determine and recommend changes in laws or bills that will achieve the constraints established in the concurrent resolution on the budget. The instructions to a committee specify the amount of spending reductions or revenue increases a committee must attain and leave to the discretion of the committee the specific changes to laws or bills that must be made. The second step involves the combination of the committee recommendations into an omnibus

reconciliation bill, which is reported by the Committee on the Budget and considered by the whole House. Congress aims to complete action on a reconciliation bill or resolution by June 15th of each year.

## **2. THE AUTHORIZATION PROCESS:**

Prior to making appropriations, the authorization process gives permission to establish or renew programs and agencies and sets funding ceilings. It normally concludes prior to the appropriations process. Defense authorization legislation is the responsibility of the HASC and SASC.

Authorizations may cover more than one year, allowing Federal agencies to do longer-range planning. An authorization bill may call for more funding at different levels than the Appropriations Committees.

## **3. THE APPROPRIATIONS PROCESS:**

The appropriations process subsequently allocates money at the authorization ceiling, below the ceiling, or not at all. Congress can exercise oversight of agencies and programs through the appropriations process. By cutting off or reducing funds or threatening to do so, Congress can abolish agencies, curtail programs, or obtain requested information. By increasing funds, Congress can build up favored programs. Mainly, the HAC and SAC exercise the appropriations power, particularly through their powerful subcommittees, whose budgetary recommendations are subject to change by the full committee or by the House and Senate.

Appropriations bills provide funding for one fiscal year. Thirteen appropriations bills must clear Congress by October 1st, the start of the fiscal year. If an appropriations bill is not enacted by October 1st, Congress must pass a continuing resolution – a stopgap funding measure to keep the government functioning in the new fiscal year. Rarely, Congress does not enact a continuing resolution and this can result in a shutdown of government until a new continuing resolution or final bill is passed and signed by the President.

**a. Authorization before Appropriation:** As noted above, authorization normally occurs before appropriation. By its own rules (Rule XVI in the Senate and Rule XXI in the House), Congress is not allowed to allocate money until the programs have been approved by authorization, and legislation is not allowed in an appropriations bill. Therefore, Congress first passes authorization laws that establish federal agencies and their programs and recommends funding them at certain levels. In exceptional cases, appropriations bills can appropriate funds for programs that have not been authorized. This is usually accomplished under two methods: appropriate funds for unauthorized programs and hope that no member will raise a point of order or ask the Rules Committee to waive the rule mandating authorization to come first because the authorization process is holding up the appropriation bill unreasonably.

**b. Appropriated/Not Authorized and Authorized/Not Appropriated:** Section 114, Title 10, United States Code, prohibits the appropriation, obligation, or expenditure of appropriated funds in various categories unless authorized by law. Programs and initiatives that are authorized but not appropriated cannot be executed.

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## Section II – Executive and Legislative Branch Processes

### CHAPTER 3 THE LEGISLATIVE BRANCH LAWMAKING PROCESS

1. LEGISLATIVE FUNCTION
2. BILLS
3. PUBLIC LAW

#### OVERVIEW:

This chapter provides a basic overview of the Legislative Branch lawmaking process. Additional information is contained in *How Our Laws Are Made* by Charles W. Johnson, Parliamentarian of the United States House of Representatives. The full text is available on the Library of Congress' web site:

<http://thomas.loc.gov/home/lawsmade.bysec/congress.html>

In addition, a glossary of general terms used in lawmaking is at **APPENDIX II-A**, and **APPENDIX II-B** contains a diagram of the general lawmaking process.

#### 1. LEGISLATIVE FUNCTION:

The chief function of Congress is the making of laws. Proposed legislation can originate from a variety of sources, including the Administration, trade associations, constituents or industry. No matter how a legislative proposal originates, a Member must introduce legislation in either the House or Senate. Article I of the Constitution vests “all legislative powers herein granted” to a Congress consisting of two chambers (or houses) – a Senate and a House of Representatives. The Constitution further stipulates, “All bills for raising revenue (and paychecks) shall originate in the House of Representatives...” This has generally been interpreted to include appropriation bills. All other bills may originate in either chamber; major legislation usually is introduced in both houses in the form of companion bills. In a typical two-year Congress, approximately 10,000 bills are introduced, but only about 600 become law. Of that 600, only about 300 deal with substantive issues.

#### 2. BILLS:

A bill is usually introduced by the chairman of the committee or subcommittee having jurisdiction over the subject involved, or by the ranking minority member if the chairman is not of the President's party, by placing it into the hopper. The parliamentarian then decides to which committee(s) it will be referred. In the Senate, the bill is given to the committee with predominant jurisdiction in the subject area. In the House, a bill may be referred to just one committee or to multiple committees by joint, split, or sequential referral.



**a. Committee Action:** The standing committees of Congress determine the fate of most legislative proposals. This is where the greatest culling of legislation occurs. Only about 15 percent of the bills referred to a committee ever get reported out. Any bill the committee does proceed with may be assigned to a subcommittee. Full committee and subcommittee members and staff frequently have a high degree of expertise in the subjects under their jurisdiction, and it is at the committee stage that a bill comes under the sharpest congressional scrutiny.

**b. Agency Views:** A committee may request comment from interested agencies of the government on the necessity or desirability of enacting the bill into law. The agencies give their views on the effect of the proposed legislation and how it would accord with the President's program. Requests for views from the Army will be managed by SALL-I&L.

**c. Hearings:** The committee usually schedules hearings on the bill and invites testimony from interested government, public, and private witnesses to place information and positions of witnesses and members on public record and to begin the legislative history of the bill. Hearings on proposed legislation serve a variety of purposes, such as to seek information on the subject under consideration, to test public opinion, to build support for the bill, or even to delay action on it. Witnesses are invited to hearings to present their testimony and respond to questions regarding such matters as implementation, adverse effects, and cost implementation. Committee members may question witnesses before, during, and after the hearing.

**d. Mark-Up Session:** After the hearings have ended and the subcommittee members are ready to vote on the final form of the bill, they hold a "mark-up" session to decide on the bill's actual legislative language. A clerk reads the bill section by section, and members vote on whether to approve the language as written, amend it, delete provisions from it, or add provisions to it. The clerk marks up the bill with the language the subcommittee decides upon. The subcommittee then reports the bill back to the full committee.

**e. Full Committee Action:** When the full committee receives the bill, it may conduct hearings and mark-ups on its own, ratify the subcommittee's decision, take no action, or return the matter to the subcommittee for further study. If the full committee proposes substantial amendments to the bill and the legislation is complicated, the committee may order introduction of a "clean bill." Only the full committee can report legislation for action by the House or Senate.

**f. Report:** If the full committee votes to send the bill to the House or Senate chamber floor, the staff prepares a report, subject to committee approval, which justifies the committee's actions in a written statement. The report describes the purpose and scope of the bill, explains the committee's amendments, notes proposed changes to existing law, and usually includes the texts of communications from department and agency heads whose views on the legislation have been solicited. Often committee

members opposing a measure submit a dissenting minority report. Reports are numbered by Congress and chamber, in the order in which they are filed, and immediately printed. The reported bill also is printed with committee amendments indicated by showing insertions in italics and deletions in stricken-through type. The report number also is shown on the bill, and the bill and report both carry the Calendar number.

Committee reports are a valuable component of legislative history of a law. The courts, executive departments and agencies, and the public use the reports, generally as a source of information regarding the purpose and meaning of the law. Committee reports give details of the bill and describe its implications in layman's language to help agencies determine how to implement the law and to help the courts interpret the law to decide if it has been implemented correctly.

A bill reported out by a Senate committee goes on one of two calendars: the Executive Calendar (for treaties and nominations) or the Calendar of General Orders (for everything else). A bill reported out by a House committee is placed on the Union Calendar (bills that raise revenue, authorize, or appropriate the expenditure of public funds), House Calendar (bills that do not raise or appropriate money), or the Private Calendar (bills that are not of a public nature but affect an individual personally, such as financial relief, etc.).

**g. Floor Action:** To transact business on the floor of either chamber, a quorum (the presence of a majority of the membership) is required. When there are no vacancies, the quorum required is 51 in the Senate and 218 in the House. If a point of order is made that a quorum is not present, the only business in order is either a motion to adjourn or a motion to direct the Sergeant-at-Arms to request the attendance of absentees. The processes on the floor in the House and Senate differ dramatically. Some of the differences are:

**(1) Senate:** In the Senate, rules and practices may be modified to accommodate even one Senator's wishes. The presiding officer of the Senate has little power in the chamber beyond keeping order. He must recognize the first Senator standing to seek recognition. However, tradition is that priority recognition is given to the Majority Leader or Minority Leader if they seek it. Once a Senator is recognized, he or she may talk on any subject and may continue to hold the floor for as long as he or she wishes. Senators may also offer amendments on any subject and at any time to any piece of legislation under debate – unless there is a unanimous consent agreement that would prohibit that for a specific piece of legislation. These two factors give each Senator enormous influence to delay or completely obstruct legislation. Therefore, collegiality and a consensus-seeking orientation dominate the Senate. The Majority Leader is responsible for seeking a consensus among Senators and setting the agenda for the floor.

**(2) House:** In the House, rules and precedents are numerous and strictly followed. The Speaker controls floor proceedings with near absolute power. The Speaker may recognize whomever she (or he) chooses and may ask for what purpose a member rises to speak before deciding whether to recognize him or her for that purpose. Members do not have an automatic right to be recognized to speak on whatever they wish. Up to one hour of debate is allowed on each matter before the House, usually divided between the proponents and the opponents. To expedite floor consideration of major bills, the House transforms itself into “The Committee of the Whole.” This lowers the quorum requirement to 100 members and sets the length of time for debate to be divided between the proponents and the opponents on each amendment offered. Amendments must be germane and normally can be made only when the section of the bill they seek to amend is under debate. The Committee of the Whole cannot vote final passage of a bill. Therefore, when all amendments have been accepted or denied, the Committee of the Whole must dissolve, and the House must reconvene for the final vote on the bill.

**h. Engrossed Bill:** An engrossed bill is the final copy of a reported bill – “An Act” as passed by one chamber – with the text as amended by floor action and certified by the Clerk of the House or the Secretary of the Senate.

**i. Conference:** The House and Senate must pass bills in identical form before they can be sent to the President to be signed into law. If neither chamber will accept the other’s changes, a House-Senate conference committee must reconcile the differences. Conference committees generally are free to conduct their negotiations as they choose, but they are to address only the matters on which the House and Senate have disagreed. Moreover, they are to propose settlements that represent compromises between the positions of the two houses.

**j. Conferent Report:** The conference committee ends when its report (also called the compromise bill) is signed by a majority of the conferees from each chamber. The conference report then goes to the floor of both chambers to be voted on. If either chamber rejects the conference report, a new conference may be called or another bill introduced. Only after the two houses have reached complete agreement on all provisions of a bill can it be sent to the President for his approval or veto.

**k. Enrolled Bill:** An enrolled bill is the final copy of the compromise bill, “An Act” which has been passed in identical form by both chambers. It is certified by an officer of the house of origin (House Clerk or Senate Secretary) and then sent on for the signatures of the House Speaker, the Senate President, and the U.S. President. If the President vetoes it, the Congress needs a two-thirds majority in both the House and the Senate to override the veto. The bill may become law without the President’s signature by virtue of the constitutional provision that if the President does not return a bill with objections within 10 days (excluding Sundays) after it has been presented to the President, it becomes law as if the President had signed it.

**3. PUBLIC LAW:** Once the President signs an Act, it becomes Public Law. The first official publication of a bill that has been enacted into law is called a “slip law.”

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## APPENDIX-A SECTION II LEGISLATIVE TERMINOLOGY

**Act:** A piece of legislation that has passed both houses of Congress and has been signed by the President (or passed over his veto) into law. Act also is used to signify a bill after it has been amended (“engrossed”) on the floor of the respective house.

**Amendment:** A proposal to change or an actual change to a bill, a motion, an act, or the Constitution.

**Appropriation:** A formal approval to draw funds from the Treasury for specific purposes.

**Appropriations Bill:** A piece of legislation that provides authority for federal agencies to incur obligations and to spend money for specified purposes. It spells out how much money can be spent on an authorized program. It grants the agency “budget authority” to enter into “obligations” that are later paid out in “outlays.” Defense appropriations bills are considered by the Defense Subcommittee of the House Appropriations Committee and the Defense Subcommittee of the Senate Appropriations Committee. To become law, the bill must be approved by the full House and Senate and signed by the President.

**Authorization:** A law creating a program and outlining funding. The authorization to actually draw funds from the Treasury and the amount to be drawn are established by an appropriation.

**Authorization Bill:** A piece of legislation that establishes or continues the operation of a federal program or agency. It provides the government agency with the legal authority to operate. The bill may permit the operation for either a specific or an indefinite period of time; likewise, it may put a ceiling on the amount that may be appropriated for the program or agency, or it may allow the appropriation of “such sums as are necessary.” The Defense bill is reviewed by the House Armed Services Committee and the Senate Armed Services Committee and must be approved by the full House and Senate and signed by the President to become law.

**Bill:** A proposed law. Bills are designated as HR (House of Representatives) or S (Senate) according to the house in which they originate and by a number assigned in the order in which they were introduced, from the beginning of each two-year congressional term.

**Budget:** The President’s annual proposal to Congress anticipating revenue and expenditures by the federal government for the upcoming fiscal year.

**Budget Authority:** Permission given to federal agencies by Congress allowing them to enter into obligations that will result in immediate or future outlays. The amount of money a government agency may obligate or lend.



**Budget Outlays:** The amount of money that an agency actually spends during the fiscal year. Budget authority may carry over from year to year, as in cases where funds are obligated to contractors but not actually paid out until the work is completed.

**Budget Resolution:** First, Congress outlines its own spending priorities. Congress' budget takes the form of a budget resolution, which is passed by the House and Senate, but is not signed by the President. The budget resolution does not determine spending for specific programs, but instead sets spending totals for broad categories, such as national defense, international affairs, natural resources, the environment, etc. The budget resolution serves merely as a recommendation from the Budget Committees with the real decisions left to the appropriators.

**Caucus:** A group of members of Congress who meet around some common interest (political, geographic, demographic, industry, etc.), such as the Army Caucus, Hispanic Caucus, etc.

**Clean Bill:** A new piece of legislation containing all the provisions, as amended during mark-up, of a previous piece of legislation. Such a bill is usually introduced when there is a procedural advantage to reporting out a bill without amendments; for instance, when someone could raise a point of order against one of the amendments on the basis that it was not germane to the original bill.

**Cloture:** In the Senate, the closing of debate or ending of a filibuster by a required three-fifths vote, thereby allowing a bill to be voted on.

**Committee:** A panel of members elected or appointed to perform some service or function for its parent body. Congress has four types of committees: standing, special or select, joint, and in the House, a Committee of the Whole.

**Concurrent Resolution:** A concurrent resolution, designated by "H Con Res" or "S Con Res," must be passed by both houses but does not require the signature of the President and does not have the force of law. Concurrent resolutions generally are used to make or amend rules applicable to both houses or to express the sentiment of the two houses.

**Conferees:** The House and Senate appoint conferees to a conference committee to resolve differences between House and Senate passed versions of the same legislation. The speaker of the House and the Senate majority leader appoint conferees, although, by tradition, they usually appoint majority and minority members – in a five-to-two ratio – from the committees that had jurisdiction over the legislation.

**Conference:** A meeting between delegations from the House and Senate to reconcile differences between the House-passed version of a bill and the version passed by the Senate. The Speaker of the House appoints the members of the delegation from the House, and the Senate Majority Leader selects the members of the Senate delegation. A majority of the representatives for each chamber must reach agreement on the

provisions of the bill (often a compromise between the versions of the two chambers) before it can be sent up for floor action in the form of a “conference report.” There it cannot be amended, and if not approved by both the House and Senate, the bill goes back to conference.

**Congressional Budget Office:** A congressional support agency created by the Congressional Budget and Impoundment Control Act of 1974 to provide nonpartisan budgetary information and analysis to Congress and its committees.

**Congressional Record:** The daily printed account of proceedings in both House and Senate chambers with debate, statements, etc. reported verbatim. Highlights of legislative and committee action are embodied in a Digest section of the Record, and members of Congress are entitled to have their extraneous remarks printed in an appendix known as “Extension of Remarks.”

**Continuing Resolution:** Legislation providing continued funding for a federal department or program, usually at the previous fiscal year level. It is used when Congress has failed to pass a necessary appropriations bill for a new fiscal year.

**Debt:** The total accumulation of all deficits (offset by the surpluses) that have occurred since the formation of the United States.

**Deficit:** The amount by which federal spending exceeds revenue in a given fiscal year.

**Discretionary Spending:** Budgetary resources provided in appropriations acts. Congress must pass and the President must sign legislation each year providing for these funds to be spent (controllable spending).

**Engrossed Bill:** Official copy of a bill passed by the House or Senate.

**Enrolled Bill:** Final certified copy of a bill passed in identical form by the House and Senate.

**Fast Track Legislation:** Legislative procedures stipulating that once the President formally submits to Congress a bill implementing an agreement (negotiated under an act’s authority), both houses must vote on the bill within 90 days. No amendments are permitted.

**Filibuster:** Talking and debating a bill in an effort to change it or kill it. A filibuster is easier to effect in the Senate than the House because of the Senate’s more relaxed rules controlling debate.

**Fiscal Year:** The federal budget year runs from October 1 to September 30.

**Floor Amendment:** An amendment offered on the floor by a member of Congress.

**Full Committee:** An entire committee as distinguished from its subcommittees.

**Government Accountability Office:** A congressional support agency often referred to as the investigative arm of Congress. It evaluates and audits federal agencies and programs in the United States and abroad on its own initiative or at the request of congressional committees, their chairmen and ranking minority members, or occasionally, other members.

**Hearings:** Committee sessions held to obtain witness testimony. Most hearings are open to the public and any testimony given is considered a public statement. Closed (executive) sessions are hearings from which the general public is excluded.

**Impoundment:** An executive branch action or inaction that delays or withholds the expenditure or obligation of budget authority provided by law. The Impoundment Act of 1974 classifies impoundments as either deferrals or rescissions, requires the President to notify Congress about all such actions, and gives Congress authority to approve or reject them.

**Joint Resolution:** A resolution that requires both House and Senate approval.

**Law:** An act of Congress which has been signed by the President, or passed over his veto by the Congress. Laws are listed numerically by Congress and run in sequence starting anew at the beginning of each Congress, and are prefixed for ready identification by the number of the Congress – e.g., the first public law of the 107<sup>th</sup> Congress is designated Public Law 107-1 and the first private law of the 107<sup>th</sup> Congress is designated Private Law 107-1. Subsequent laws of this Congress also will contain the same prefix designator.

**Lay on the Table:** Stop debate on a bill and postpone indefinitely any further action on it. A motion to table a bill usually effectively kills the bill. Under certain conditions, however, a tabled bill may later be picked up and action taken.

**Line Item Veto:** The Line Item Veto Act provides expanded rescission authority for the President. After signing a bill or joint resolution, the President may cancel in whole any dollar amount of discretionary budget authority, any item of new direct spending, and certain limited tax benefits. This authority is available only when the President signs a bill or joint resolution. It is not available when the President allows a bill or joint resolution to become law without the President's signature or when the President exercises the veto power. In exercising authority under the Line Item Veto Act, the President must determine that such cancellation will reduce the federal budget deficit, not impair any essential government functions, and not harm the national interest. The act requires the President, in identifying cancellations, to consider legislative histories and sources of information referenced in the law.

**Majority Leader:** The head of the majority party in a chamber as elected by the members of the majority party in that chamber. In the Senate, the Majority Leader holds

a powerful position, as he or she directs the legislative schedule for that chamber and serves as the party's spokesman. In the House, the Majority Leader is second to the Speaker in the party hierarchy.

**Mark-Up:** The process of deciding on the final language in a piece of legislation – taking it section by section, revising language, penciling in new phrases, etc. – to be “reported out” of a subcommittee to a full committee or reported out of the full committee to the parent chamber. Only the full committee can report legislation for action by the House or Senate.

**Minority Leader:** The head of the minority party in a chamber as elected by the members of the minority party in that chamber.

**Motion:** A formal proposal for a procedural action, such as consider, amend, lie on the table, reconsider, recess, or adjourn.

**Non-Discretionary Spending:** Outlays that result from prior year commitments of the federal government, including previously granted budget authority, entitlement, open-ended programs (which increase automatically as the economy grows), and permanent appropriation (for example, interest on the national debt) that require no further action by Congress (relatively uncontrollable spending).

**Obligation:** A binding agreement by a government agency to pay for goods, products, services, studies, etc., either immediately or in the future. When an agency enters into such an agreement, it incurs an obligation. As the agency makes the required payments, it liquidates the obligation.

**Omnibus Bill:** A measure that combines the provisions of several disparate subjects into a single and often lengthy bill.

**Outlays:** Amounts of government spending. These consist of payments, usually by check or in cash, to liquidate obligations incurred in prior fiscal years as well as in the current year, including the net lending of funds under budget authority.

**Outyears:** Years that follows an upcoming fiscal year. The Congressional Budget Act of 1974 requires both the president and Congress to make projections of economic conditions and budget estimates for several outyears.

**Pay-As-You-Go:** A requirement of the Budget Enforcement Act of 1990, effective for fiscal years 1990-1995, that congressional action on revenue legislation and legislation on entitlement or other mandatory programs should not add to the budget deficit.

**President of the Senate:** The official presiding officer in the Senate. The Constitution created this office and assigned it to the Vice President of the United States.

**President Pro Tempore:** Because the Vice President is seldom present to preside over the Senate, the Senate elects a “President Pro Tempore,” or temporary President who, if he does not preside each day, assigns the job to another Senator, usually of junior seniority.

**Public Law:** A public bill or joint resolution enacting into law. It is cited by the letters “P.L.” followed by a hyphenated number. The digits before the hyphen indicate the number of the Congress in which it was enacted; the digits after the hyphen indicate its position in the numerical sequence of public measures that became law during that Congress.

**Ranking Member:** Most often a reference of the minority member with the highest ranking on a committee or subcommittee. A reference to the majority member next in rank to the chairman or to the highest ranking majority member present at a committee or subcommittee meeting.

**Ranking Minority Member:** The member whose name appears at the head of the list of minority members on a committee or subcommittee. The ranking minority member usually appoints the minority staff, acts as minority floor manager on committee measures, and recommends minority members for appointment as conferees on such measures.

**Reconciliation:** A procedure for changing existing revenue and spending laws to bring total federal revenues and spending within the limits established in a budget resolution.

**Report:** A committee’s written record of its actions and views on a bill. The committee “reports” its finding to the House or Senate.

**Rescission:** A provision of law that repeals previously enacted budget authority in whole or in part.

**Resolution:** A formal statement of a decision or opinion by the House, Senate, or both. A simple resolution is made by one chamber and generally deals with that chamber’s rules or prerogatives. A concurrent resolution is presented in both chambers and usually expresses a congressional view on a matter not within congressional jurisdiction. A joint resolution also requires approval in both chambers and goes to the President for approval. Simple and concurrent resolutions do not go to the President.

**Rule:**

(1) A permanent regulation that a house adopts to govern its conduct of business, its procedures, its internal organization, behavior of its members, regulation of its facilities, duties of an officer, or some other subject it chooses to direct its operations.

(2) In the House, a privileged simple resolution reported by the Rules Committee that provides methods and conditions for floor consideration of a measure, or rarely,

several measures. The resolution is also called a special rule, special order, or special order of business resolution.

**Subcommittee:** A panel of committee members assigned a portion of the committee's jurisdiction or other functions.

**Select, Special, or Ad Hoc Committee:** These committees are created for a specific investigation or oversight function and are more apt to die and have functions routed to a standing committee.

**Sequester:** If lawmakers exceed any of the spending caps, an across-the-board-cut (a sequester) is imposed on all discretionary programs within that category. As a result, special interest groups no longer have the option of trying to move funds from defense programs to domestic ones or vice versa.

**Sequestration:** A term introduced with the Gramm-Rudman-Hollings deficit-reduction law that means the withholding of budget funds in order to cut the deficit.

**Spending Caps:** Caps limit spending. Under the new rules of the Budget Enforcement Act of 1990, members of Congress cannot decrease funding in one category (defense, domestic, international programs) to pay for increased spending in another, nor can they raise taxes to fund expenditures above the caps.

**Standing Committee:** A permanent committee given jurisdiction over all legislation concerning a particular subject or range of subjects. These committees are legislative committees, i.e., they can hold hearings both on the subject and on proposed legislation affecting the subject, they can propose amendments to the legislation, and they can send the legislation, along with their proposed amendments, forward for floor action.

**Supplemental Appropriation:** A bill appropriating additional funds that become necessary after the regular appropriation bills are passed.

**Table a Bill:** Stop debate on a bill and postpone indefinitely any further action on it. A motion to table a bill usually effectively kills the bill. Under certain conditions, however, a tabled bill may later be picked up and action taken.

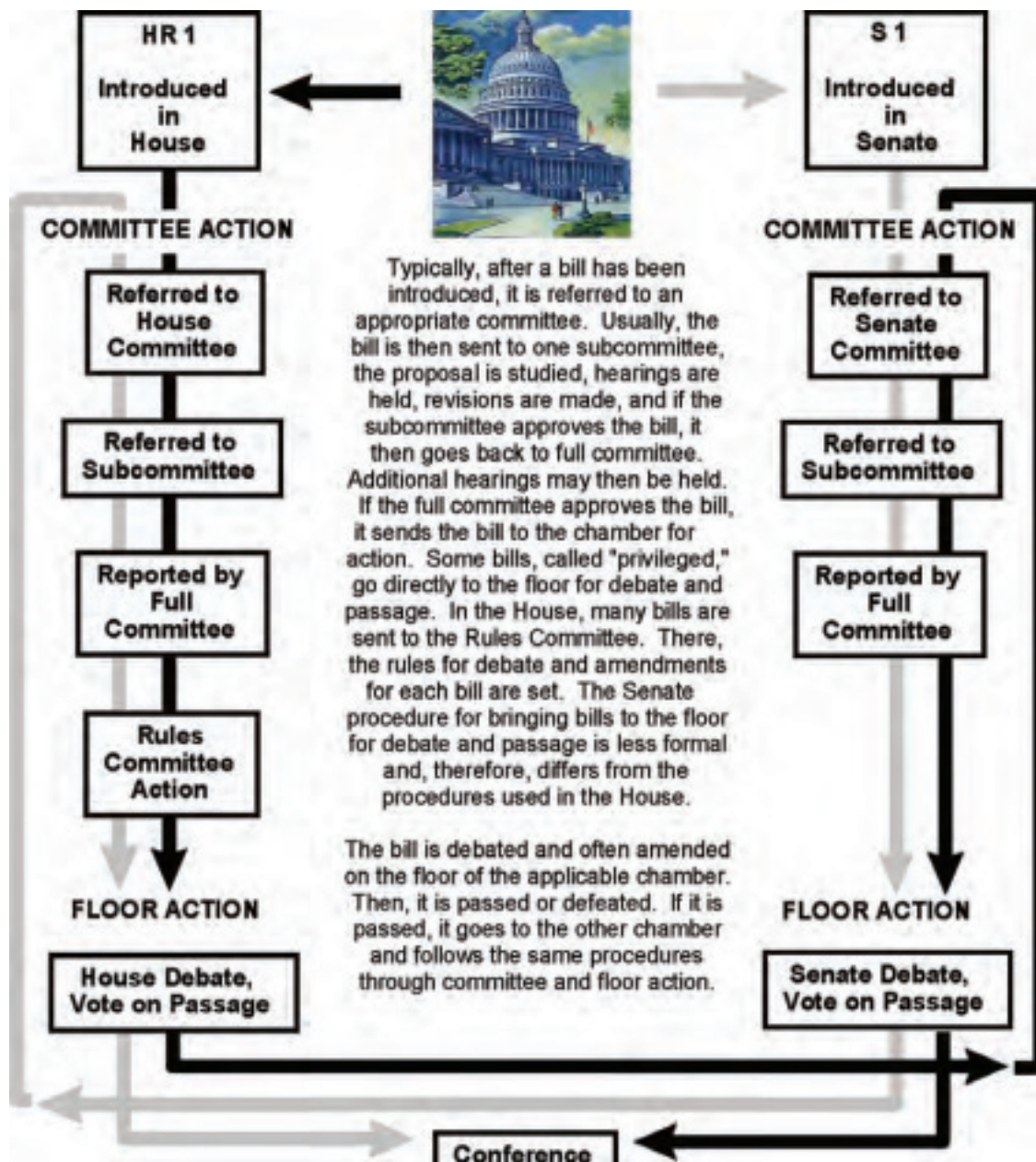
**Unobligated Balance:** The portion of budget authority not yet committed as payment for specific products or services.

**Vote:** Members vote in three ways on the floor:

- By shouting "aye" or "no" on voice votes
- By standing for or against on division votes

- On recorded votes (including the yeas and nays), by answering “aye” or “no” when their names are called or, in the House, by recording their votes through the electronic voting system.

**APPENDIX-B SECTION II  
HOW A BILL BECOMES A LAW**



**House Adopts**

**Senate Adopts**

If both houses have passed related bills, a conference report committee composed of members from both the House and the Senate is convened to eliminate the differences. The reported compromise bill is then sent to each chamber for final passage.

This final version of the bill is then sent to the President to be signed into law or vetoed. If the Congress overrides the veto with a two-thirds majority in each house, the bill becomes law without the President's signature.



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## SECTION III

### ANNUAL ACTIONS RELATED TO THE LEGISLATIVE CYCLE

#### INTRODUCTION

Many of the actions that you, as a member of the congressional actions team, become involved with are related to the legislative cycle. Each of the actions addressed within this chapter are in preparation for or in response to that cycle. *Figure 3* on the next page illustrates the legislative campaign and the Army actions related to it.

**CHAPTER 1** addresses **legislative proposals**. In early summer, SALL-I&L begins its preparation for the upcoming DoD Legislative Program by soliciting legislative proposals for the next legislative cycle. This chapter provides governing guidance and the proper processes for proposing legislation, commenting on other agencies' proposals, and handling actions such as enrolled enactments. For additional information, contact the Investigations and Legislative (I&L) Division.

**CHAPTER 2** addresses the primary **annual report** required by the Army in support of the President's budget: the **Army Posture Statement (APS)**. In late summer, the Army Staff begins preparing the APS. For additional information, contact the Congressional Operations Division (COD).

**CHAPTER 3** addresses **senior leadership preparation material**. In January of each year, the Army will begin to prepare the senior leadership for the upcoming hearing season. This chapter describes the process SALL uses for hearing preparation. For additional information, contact the Congressional Operations Division (COD).

**CHAPTER 4** addresses all Army actions related to **testifying before Congress**. This includes witness preparation, writing and formatting witness statements, the hearing process, and hearing follow up. For additional information, contact the Investigations and Legislative (I&L) Division.

**CHAPTER 5** addresses the post-hearing actions of processing **transcripts and inserts for the record**. This includes reviewing transcripts, responding to questions for the record (QFR), and properly formatting inserts for the record (IFR). For additional information, contact the Programs or I&L Division.

**CHAPTER 6** addresses the process and procedures for **appealing Congress' dollar and language changes** to the President's budget. This chapter includes the governing guidance and instructions for developing effective appeals. For additional information, contact SALL-P or SAFM-BUL.

# Legislative Campaign Template

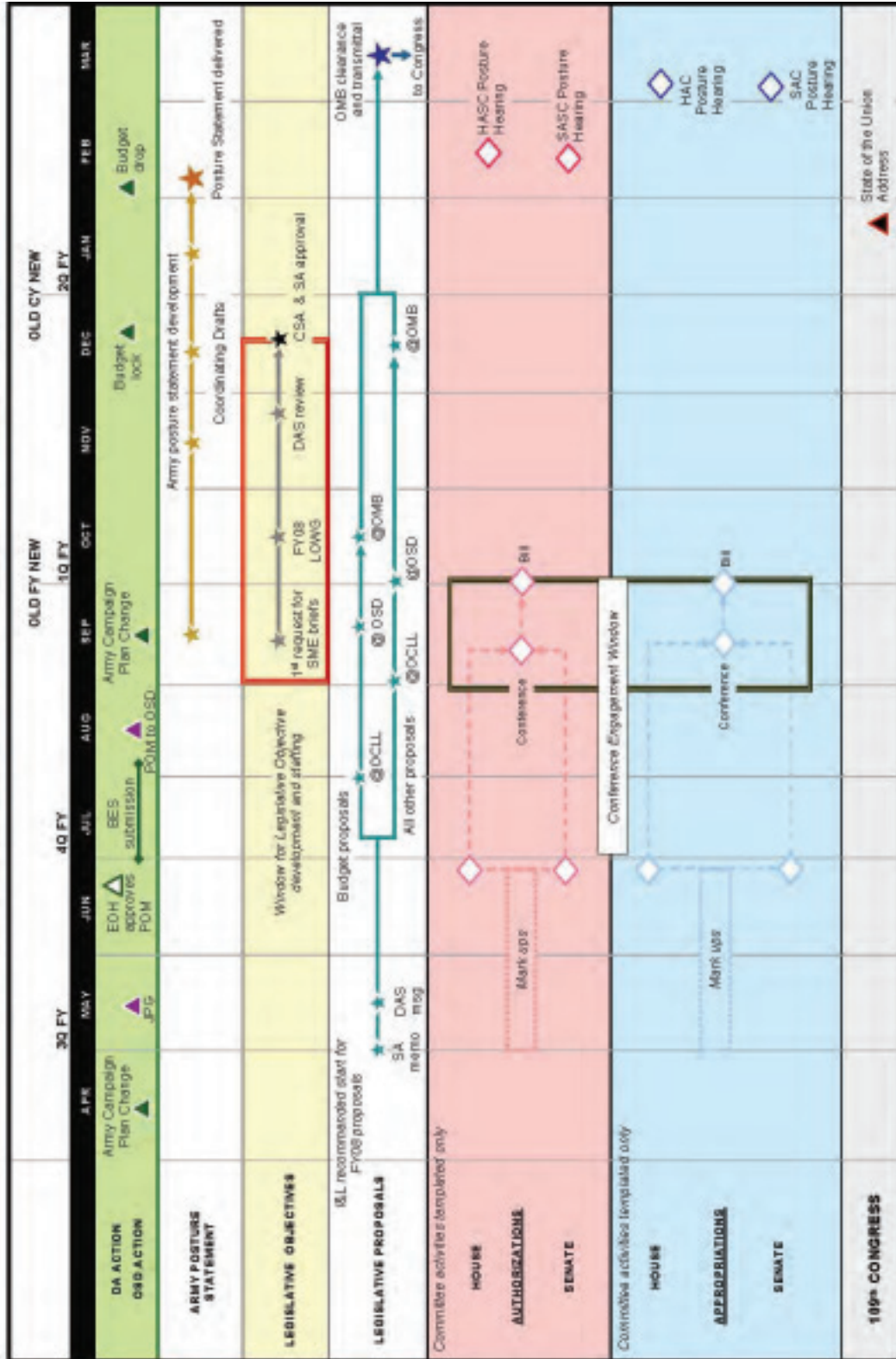


Figure 3. The Legislative Cycle and related Army actions.

## Section III – Annual Actions Related to the Legislative Cycle

### CHAPTER 1 LEGISLATIVE PROPOSALS AND COMMENTS ON LEGISLATION

#### CHAPTER 1 LEGISLATIVE PROPOSALS AND COMMENTS ON LEGISLATION

1. GOVERNING GUIDANCE
2. LEGISLATION PROPOSED BY DA
3. STEPS IN THE LEGISLATIVE PROPOSAL PROCESS
4. CONTENTS OF LEGISLATIVE PROPOSAL
5. UNIFIED LEGISLATIVE AND BUDGETING (ULB) PROCESS
6. LEGISLATION TO AMEND APPROPRIATIONS ACT
7. COMMENTS AND REPORTS ON LEGISLATION
8. ENROLLED ENACTMENTS, PROPOSED EXECUTIVE ORDERS AND PROCLAMATIONS

#### OVERVIEW:

This chapter describes the Army Legislative Program process and responsibilities. SALL-I&L coordinates the Army Legislative Program. The key components of this program are preparation, coordination, and submission of legislative proposals from Army organizations and activities and the submission and coordination of Army views on proposed legislation, executive orders, enrolled bills, and proclamations. Legislative proposals pertaining to civil functions of the Corps of Engineers are outside the scope of this chapter.

#### 1. GOVERNING GUIDANCE:

Legislative proposals and Army comments on pending or proposed legislation will be processed in accordance with this chapter and guidance issued by SALL-I&L. Supplemental guidance concerning legislative proposals is contained in **AR 1-20, OMB Circular A-19 (Legislative Coordination and Clearance), and DoD Directive 5500.1 (Preparation and Processing of Legislation, Executive Orders, Proclamations and Reports and Comments Thereon)**. In addition to these documents, the Office of the Secretary of Defense issues an annual memorandum providing guidance to the DoD components on the legislative program.

#### 2. LEGISLATION PROPOSED BY DA:

The Army's legislative program is a continuous process. Army commanders and leaders are encouraged to request the Secretary of the Army initiate an Army legislative proposal whenever they determine a change in law is necessary for the Army to take a desired course of action. Normally, this occurs when a



commander or leader is advised that a course of action is precluded by the lack of statutory authority or a statute prohibits the course of action. Army organizations should also closely monitor provisions in law that must be reauthorized and to seek to repeal authorities or statutory reporting requirements that no longer serve a useful purpose. The preparation, coordination, and processing of a legislative proposal entails significant time and staffing resources. Accordingly, it is very important to submit carefully thought out and fully researched proposals.

**a. Direct Reporting Units and other Army Organizations:**

Any Army organization may develop and submit a legislative proposal on a matter falling within its area of responsibility or to improve the Army's ability to accomplish its mission. Organizations must submit legislative proposals to the Assistant Secretary of the Army (ASA) that has oversight over the subject matter of the proposal. Heads of Army Staff agencies may initiate proposals for legislation to carry out its responsibilities or improve the Army's ability to accomplish its mission. The initiating organization is responsible for researching the history of any similar initiatives, developing funding estimates, and coordinating at the staff-level. Prior to submission, the legal office supporting the originating organization must complete a legal review. Late proposals and resubmissions must include additional information justifying the submission. Legislative proposals should advance a Department of Defense legislative priority or Army legislative objective.

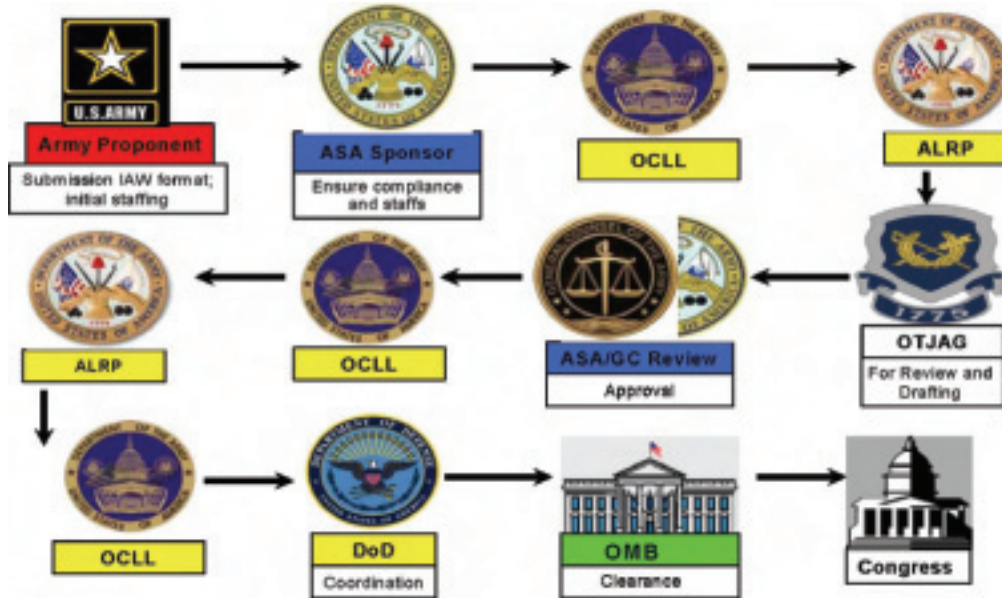
**b. SALL-I&L:** SALL-I&L monitors and assists the coordination of legislative proposals initiated by DA activities or organizations. For each session of the Congress, SALL-I&L will issue implementing instructions for processing DA legislative proposals.

**c. Army Secretariat:** The Army Secretariat has primary responsibility for the quality and timeliness of proposals. The Secretariat may also propose legislation on any matter falling within its area of responsibility. Offices of ASAs will review, coordinate, and approve all legislative proposals initiated by Army Staff offices or other Army units that fall within its area of responsibility. Prior to submission to SALL-I&L, Army legislative proposals must be fully coordinated across the Army staff, including OTJAG and OGC. Each office of the Army Secretariat should designate one or more senior leaders to approve submission of legislative proposals and provide coordination on legislative proposals. All non-concur reviews must be signed at the GO or SES level.

**d. The Army Leadership Review Panel (ALRP):** ASAs and HQDA Principals may be requested to serve as ALRP members to resolve issues and formulate positions on legislative proposals during the proposal cycle. The ALRP will review proposals and provide recommendations for approval to the Secretary of the Army. The Secretary of the Army will make the final decisions of legislative proposals to be submitted to OSD.

### 3. STEPS IN THE LEGISLATIVE PROPOSAL PROCESS:

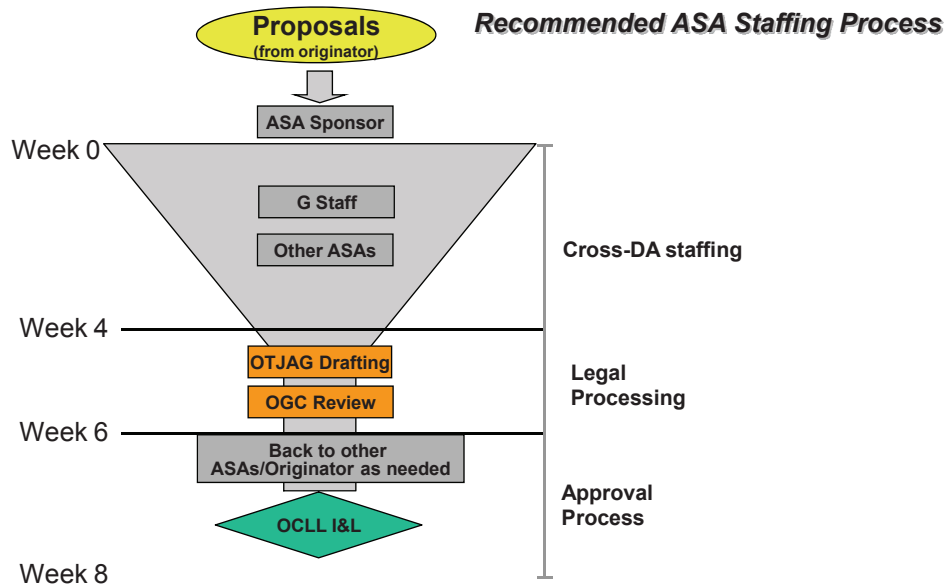
The following charts demonstrate the course a legislative proposal will take to reach Congress and recommended Secretariat/ARSTAF processing procedures for a Legislative Proposal.



*Legislative Proposals Flow Chart*

#### **“Best Practices”**

- Leverage CACO to CACO communication
- Socialize with other Service counterparts
- Must have SES/GO non-concurrence
- Keep it moving, even with a non-concur
- After drafting, return to originator for sufficiency check



### **Recommended ASA Staffing Process**

#### **4. CONTENTS OF LEGISLATIVE PROPOSAL:**

Army commanders and leaders are strongly encouraged to request legislative relief as soon as the need for a change in the law is recognized as necessary. Army organizations should not wait for the annual call for legislative proposals memorandum to submit a legislative proposal. SALL-I&L will issue a memorandum providing guidance to supplement this Chapter for the submission of legislative proposals for the upcoming fiscal year. This memorandum will set a suspense date for submission of legislative proposals to the appropriate ASA and include any guidance received from OSD. In all cases, initiating offices must ensure that proposals are initiated and staffed well before the established suspense for receipt of proposals in OCLL.

- a. Requirement:** The following legislative proposals must be submitted as a budgetary impact proposal:
- (1) Creates costs or savings across the Department of Defense.
  - (2) Creates or changes an entitlement.
  - (3) Has tax implications.

- (4) Has budget or resource implication for another federal agency.
- (5) Creates or changes pay and benefits.
- (6) Creates or changes lease terms or baseline authorities.
- (7) Creates or changes procurement authorities or time thresholds.
- (8) Creates or changes receipts or user fees.
- (9) Creates or changes funding levels for a program or activity.

**b. Format:** The Army office or organization submitting a legislative proposal shall prepare an action memorandum describing the proposals in specific detail following the format below:

**(1) Purpose:** Describe what the proposal will do and give the beneficial impact on the Army.

**(2) Discussion:**

- **Summary of Proposal:** Include a brief summary of the legislative proposal.
- **Problem to be addressed:** Describe the current problem or constraint on Army operations, to include the scale of severity. What will happen if the legislation change is not made?
- **Objective of the Proposal:** Describe in detail how the proposed legislation will address the problem. Will the proposal completely solve the problem? Is this a step in a series of required changes?

**(3) DoD Priority Supported:** Explain how this proposal supports a DoD Legislative Priority.

**(4) Army Priority:** DoD OGC requires us to identify our priorities and must have designations. In this section, explain the level of importance of this legislative proposal (i.e., critical, convenient) and why you chose this designation. This will better inform the SA of where each proposal falls in the relative ranking.

**(5) Stakeholders:** List other parties who also have a direct stake in seeing the change made (other agencies; other services).

**(6) Potential Drawbacks:** Are there any potentially negative impacts of this proposal? If so, how will they be mitigated? Who will object?

**(7) Legislative Framework:** Discuss what laws or code section(s) will be amended with the new authority being sought. Will any other parts of the law be affected?

**(8) Legislative History:** Describe the legislative history of the section of law to be amended or addressed. Highlight recent Congressional actions pertaining to the law to be modified. Discuss in detail any previous related legislative proposals and indicate the outcome. If the proposal is a resubmit, explain what has been done to address any problems that surfaced during earlier consideration.

**(9) Reason for Missed Deadline:** If the proposal is being submitted after the suspense date, provide compelling circumstances or justification for not deferring until the next FY.

**(10) Budget Implications:** Describe the funding impact for the proposal, including start-up, implementation, and sustainment costs. Indicate if any savings will be expected. If there is no funding impact explain rationale and provide data for your decision. (The information for this paragraph should be reflected in the cost template submitted with the proposal). Include cost and budget data, by fiscal year, including an estimate of cost (or expected savings) for each year over a five-year period. If the proposed legislation will expire within five years after enactment, the estimates should cover the effective duration of the legislation. If such information cannot be accurately determined, or reasonably estimated, this should be stated with rationale. The budgetary statement should explain and justify estimates for reviewers and evaluators of programs and associated financial requirements. As appropriate, the memorandum should address modifications to personnel strengths or workload; changes in Army organizations; impact on other Services or government or agencies, and statement whether any increase has been included in estimates for appropriations submitted through regular channels. If the proposed legislation requires additional funds, it must be coordinated with the ASA (FM) before it is submitted to SALL-I&L.

**(11) Unified Legislative Budget (ULB) Proposal Number:** Was this proposal a ULB submission? If so, provide number and if it was approved or disapproved by the ULB or enter a N/A. If proposal was a previous ULB and disapproved during the process, provide the ULB cycle, reason for disapproval, and how the proposal has been revised to address previous objections.

**(12) Resubmission Justification:** Was this proposal previously submitted? If so, state when, objections, why is it being resubmitted and any remedies taken to address previous objections or enter a N/A.

**(13) Reviewing Local Resource Manager/G8:** Include name and

contact info (phone and email) for the Resource Manager that reviewed and approved the budget implications and cost methodology.

**(14) Reviewing Legal Counsel:** Include name and contact info (phone and email) for the legal counsel that reviewed and approved.

**(15) Agency Subject Matter Expert:** Include name and contact info (phone and email) for the subject matter expert.

**(16) Coordination:** This proposal has been coordinated with the following organizations: Provide POC, name/number, dated coordinated, concur/non-concur and any comment.

**(17) Changes to Existing Law:** Will be provided by TJAG.

**c. Coordination:** The action memorandum, along with a proposal checklist, and cost template should be transmitted to the ASA or the General Staff principal with primary oversight for the area concerned with a copy furnished to SALL-I&L in order that the proposal be entered into the OLC tracking system. The office of the ASA or the Army Staff principal will coordinate the proposal with appropriate offices within the Army, including OTJAG and OGC. Upon completion of coordination, the memorandum shall be submitted to SALL-I&L under the signature of the ASA or principal deputy. These organizations may designate a GO or SES to act on behalf of the principal on all legislative matters.

**d. DA Approval:** Upon completion of coordination, SALL I&L will send the proposals to Executive Correspondence and Control (ECC), for review by the Army leadership and approval by the Secretary of the Army. If the proposal must be revised as a result of coordination, the initiating organization will modify the proposal and re-coordinate it with OTJAG and OGC, as appropriate, prior to returning it to SALL-I&L.

**e. Final Approval:** After approval by the Secretary of the Army, SALL-I&L will forward the proposal to the DoD General Counsel's Office of Legislative Counsel (OLC). OLC coordinates the legislative proposal throughout DoD. If cleared within DoD, OLC forwards the proposal to the Office of Management and Budget (OMB) for clearance within the Executive Branch. If cleared by OMB, then the proposal is sent back to OLC for transmission to the Congress. In most cases, OLC includes DoD legislative initiatives in a DoD Omnibus proposal and submits it to Congress in early spring. SALL-I&L will notify the initiating organization when the proposal is submitted.

**f. Revisions:** If OMB requires revision of the proposal, SALL-I&L will request the initiating organization make modifications and complete necessary coordination with OTJAG and other relevant offices. The Army proponent and other Army offices will assist OCLL, as requested, in coordinating the Army

proposal and seeking OSD and OMB approval of the proposal as part of the Administration's legislative program.

**g. Comments:** DA will be given an opportunity to comment on legislative proposals submitted by OSD or the other Services. DA organizations interested in making a comment or tasked to provide the Army position on a legislative proposal shall ensure that the proposed comment accurately represents their organization's position and is reflective of Army priorities. As appropriate, organizations should coordinate comments with the Army staff. If an organization nonconcurs with a proposal, or has comments that are tantamount to a nonconcurrence, those comments must be approved by a GO or SES. SALL-I&L shall transmit the comment to the OLC.

## **5. UNIFIED LEGISLATIVE AND BUDGETING (ULB) PROCESS:**

Bi-annually (once in late summer, later in the winter) the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) initiates the DoD *Unified Legislation and Budgeting* (ULB) process, to centrally-manage the legislative and budget processes for Defense-wide personnel-related proposals.

**a.** The ULB process is conducted two years in advance of submission to Congress to accommodate the budgeting and legislative cycles. Under the ULB process, Military Department and OSD representatives review all of the DoD personnel legislative initiatives, assess costs and funding requirements, and identify priorities. The goal of the ULB is to uniformly develop and coordinate the legislative program for all initiatives and ensure they are included in the budget. Legislative proposals approved by the ULB process will be submitted to the OLC for submission in the DoD Omnibus legislative package.

**b.** SALL-I&L shall coordinate all proposals affecting civilian or military personnel with the ASA (M&RA) to determine whether the proposal should be considered under the ULB process.

**c.** The ASA (M&RA) has DA responsibility for issuing guidance and monitoring proposals under the ULB process. ASA (M&RA) serves as the Army's voting member for ULB proposals submitted by the other Services and DoD agencies, and is the DA liaison with OUSD (P&R).

**d.** The Army Staff ensures legislative proposals to be submitted through the ULB process are accurate, well thought-out, and fully coordinated. The Army Staff office making a ULB submission shall comply with timelines and guidance issued by ASA (M&RA) and OUSD (P&R).

## **6. LEGISLATION TO AMEND APPROPRIATIONS ACTS:**

Any Army organization may propose legislation to amend a recurring provision or seek new authority in the annual DoD Appropriations Act or Military Construction and Veterans Affairs Appropriations Act. OSD typically issues the call for appropriations act proposals soon after the previous year's Appropriations Act has been enacted. The Army proponent should prepare an Action Memorandum through the ASA (FM&C), consistent with the formats for other legislative proposals. The proposals will be forwarded to OTJAG for legislative drafting of the legislative language and preparation of a sectional analysis. The draft will be coordinated with the Army Office of General Counsel and the OSD Deputy General Counsel for Fiscal Law. Cleared Appropriations Act proposals will be approved by the Secretary of the Army and transmitted to the DoD General Counsel for Fiscal Law.

## **7. COMMENTS AND REPORTS ON LEGISLATION:**

DA receives numerous requests for its position on legislation from a variety of sources, including congressional committees, individual Members of Congress, OMB, OSD, and the other Services.

**a. SALL-I&L:** SALL-I&L supervises Army coordination and review of legislative proposals, bills, and reports originated outside of DA that are of interest to the Army. When OSD assigns DA reporting responsibility for an action, SALL-I&L assigns it to the Army Staff office having primary interest in the subject through the SALL-I&L website as a "Green Sheet" tasking. SALL-I&L will issue guidance concerning the format to be used to prepare a report or views letter. Suspense dates established are driven by Congress and the legislative process and typically require a short response time.

**b. Army Staff:** When DA is assigned reporting responsibility by OSD to prepare a report, SALL-I&L will assign action to the Army staff office having primary interest in the subject and issue guidance on the format to be used for the report or views letter. The tasked Army office will assign an action officer and immediately advise SALL-I&L the name of the action officer and confirm the suspense date. The tasked Army office prepares, coordinates with the Army staff, and submits a draft report or views letter within the established suspense date.

**c. The Office of the Secretary of Defense (OSD):** The OLC within DoD OGC is responsible for soliciting and coordinating the views of the Services and the Office of the Joint Chiefs of Staff on proposed or pending legislation. The OLC will submit the approved DoD position to OMB. OMB will coordinate DoD views with other Federal departments and Executive Branch agencies to ensure the views are consistent with the Administration's views.



**d. Preparation of Voluntary Report:** Army offices may initiate a report on any pending or proposed legislation. An action memorandum will transmit the proposed report and a copy of the bill. The report will identify the bill, state that reporting responsibility has been delegated to DA, state the purpose of the bill, and state the DA/DoD position. The reasons for the position taken when appropriate and the action recommended by DoD should be included. If changes to the bill are recommended, the amendatory language will be included. If deemed appropriate, a substitute draft bill may be submitted. The estimated fiscal impact of the proposal over the next five years should also be addressed. Army staff offices assigned reporting responsibility are required to coordinate with all relevant Army staff offices, including OTJAG, before submitting the report to SALL-I&L. Upon receipt, SALL-I&L will coordinate within the Army Secretariat and DoD before forwarding the report to OMB for clearance. If a revision of the report is necessary as a result of coordination, the action office will accomplish the revision and return the report to SALL-I&L. When a disagreement exists among the military departments concerning the proposed report, the action office will prepare a memorandum to OSD requesting a resolution of the differences. On receipt of clearance from OMB, SALL-I&L will submit the report to the appropriate Army Secretariat official for signature and forwarding to the Congress.

**e. Preparation of Draft Views Letter:** If assigned the task of preparing a views letter on behalf of the Army, the assigned action office will prepare an action memorandum containing the name and number of the technical expert and attach a draft views report, see sample at **APPENDIX III-Q**. The memorandum shall include the rationale for any proposed nonconcurrence. The action office may recommend substituted language or a modification. If changes to the proposed legislation are recommended, the specific recommended language should be included. The assigned lead will complete necessary coordination within the Army Staff, including OTJAG. If the comment or concurrence will have a fiscal impact on DoD, the action agency will coordinate with ASA (FM). Include the funding, civil rights and environmental impact considerations, where appropriate, under OMB Circular A-19. Finally, the report should state that, from the standpoint of the Administration's program, OMB does not object to submission of the report.

## **8. ENROLLED ENACTMENTS, PROPOSED EXECUTIVE ORDERS, AND PROCLAMATIONS:**

An Enrolled Enactment has passed both chambers of Congress and is awaiting the President's signature. A request for a report on an enrolled enactment requires a recommendation from DA that the President either approves or disapproves the act. Requests to DA for a report or comments on an enrolled enactment, proposed Executive Order, or proclamation will be assigned, prepared, coordinated, and processed in accordance with this section. Views on Enrolled Enactments, proposed Executive Orders, and proclamations will be

prepared, coordinated, and processed in the same general manner as a report on a bill to a Committee of the Congress.

**a. SALL-I&L:** SALL-I&L supervises the processing and coordination of enrolled enactments, Executive Orders, and proclamations and will assign action responsibility to the Army Staff office having primary interest in the subject through the SALL-I&L website as a “Green Sheet” tasking. SALL-I&L will issue guidance on the format to be used, a copy of the Enactment, Order or Proclamation, and set the suspense date. Suspense dates established are driven by Congress and the legislative process and typically require a short response time.

**b. Army Staff:** SALL-I&L will assign the Army Staff office with the greatest interest in the area having oversight responsibility, to prepare a report or comment on an Enrolled Enactment, proposed Executive Order, or Proclamation. The assigned staff office will prepare a concise and well-thought out report, consistent with the format guidance given and complete DA coordination within the established suspense date.

**c. Processing Views on an enrolled Enactment, Proposed Executive Order or Proclamation:**

(1) A report recommending approval of an Enrolled Enactment by the President will not normally exceed one page and should include the specific action recommended; a statement of the purpose or effect of the enactment; the reasons for the recommendation; and the estimated funding impact. The report should be coordinated with all Army staff and secretariat offices having an interest in the matter. If the report represents the views of the Department of Defense, the report shall contain a statement that the report has been coordinated under procedures prescribed by the Secretary of Defense. Electronic mail or telephonic concurrences to Enrolled Enactments or draft Executive Orders are acceptable.

(2) If it is recommended that the President disapprove (veto) an enrolled enactment, a report will be prepared and processed in the form of a letter to the Director, Office of Management and Budget (OMB). The veto message or memorandum of disapproval will state fully the reasons for the recommended disapproval. An action memorandum will be used to process the report. The report should be coordinated with all Army Staff and Secretariat offices having an interest in the matter.

(3) The assigned Army Staff office must submit the coordinated report on an enrolled enactment to SALL-I&L in sufficient time to permit Service coordination and transmittal to OMB within 48 hours after receipt of the request by DoD. Because the Constitution limits the time the President has to consider

an enrolled enactment, no extension of time for preparing the report can be granted and the report will be given top priority.

**d. Processing Proposed Executive Orders and Proclamations:** A proposal for an Executive Order or a Proclamation desired by DA will be initiated, coordinated, and processed within DA in the same manner as a proposal for legislation. SALL-I&L will forward the proposal to OSD for approval and transmittal to OMB.

## Section III – Annual Actions Related to the Legislative Cycle

<p style="text-align: center;"><b>CHAPTER 2</b> <b>ARMY POSTURE STATEMENT (APS)</b></p>
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### OVERVIEW:

The Army prepares the Army Posture Statement annually in support of the President's budget.

### 1. UNITED STATES ARMY POSTURE STATEMENT (APS):

Since 1977, the SA and CSA have used a joint APS to present a cohesive and persuasive Army position during their testimony before Congress. This testimony is in support of the Army's budget request contained in the fiscal year Defense budget. The staff of the Principal Officials of HQDA prepares the APS.

The APS:

- a. Supports the annual defense report submitted by the SECDEF and the CJCS to Congress prior to or during their testimony before the defense oversight committees.
- b. Sets the stage for subsequent Congressional testimony by senior Army civilian and military leadership.
- c. Describes the Army's strategic roles in defending and meeting threats to the nation.
- d. Sets the stage for subsequent Congressional testimony by senior Army civilian and military leadership.
- e. Describes the Army's strategic roles in defending the nation.
- f. Evaluates the current posture of the Army and reviews the highlights of the previous year.
- g. Describes new developments, plans, and improvements that can be anticipated if requested resources are approved.
- h. Focuses Congressional attention on situations requiring support and legislative action.
- i. Discusses the Army vision by serving as a reference document that looks beyond budget issues to the Army's philosophy, goals, priorities, and vision.

j. Communicates to other audiences by reaching beyond Capitol Hill to a larger audience including the Army community, the American public, and military and civilian leaders around the world.

k. Responsibilities: The preparation effort involves the active participation of all Army agencies from August to January. **Note that the APS is not releasable until it is submitted to the first Army Posture and Budget hearing (usually in February of each year).** The final product must be first-rate in every respect. Several steps are taken to ensure this occurs:

**(1) Outline:**

- The Executive Strategy Group (ESG) supports the SA, the CSA, and the Director of the Army Staff (DAS) by developing concepts and issues, preparing the APS outline, and submitting a schedule to the SA/CSA for approval. Tasks CACOs to prepare information papers to support APS development.

- CACOs task AOs to prepare UNCLASSIFIED information papers (see Chapter 3 for guidance and format). Coordinate with appropriate Army Secretariat and Staff agencies and obtain proper clearance and approval.

**(2) Coordination Draft:**

- The ESG prepares a draft APS, incorporating SA and CSA guidance and the Staff's information papers. Requests G-3/5 (DAMO-SS), G-8 (PAED), OCPA, SALL-P, SAFM-BUL, and Army Secretariat and Staff to review and comment.

- CACOs accomplish agency and Secretariat review and coordination, as appropriate. Consolidate agency comments into single document and submit to ESG. **Signature of general officer or SES-equivalent is required.**

**(3) Principal Draft:**

- The ESG incorporates comments into APS draft, requests G-3/5/7, G-8 (PAED), OCPA, SALL-P, SAFM-BUL, and Army Secretariat and Staff principals to review and comment. Incorporates resulting comments into final draft for SA and CSA approval.

- CACOs: Accomplish agency review and coordination, as appropriate. Consolidate agency comments into a single document and submit to ESG under **signature of principal or principal deputy.**

The appropriate release authority will properly review the document IAW applicable security regulations to ensure no classified information is contained and will annotate the following at the bottom of the comment memorandum.

**(4) Final Draft:**

- ESG provides APS draft to SA and CSA for review and final approval. Distributes to lead agencies for final verification and comment.
- CACOS coordinate with SAFM-BUL and G8 (PAED) on proposed changes in statistics and numbers and submit validation and/or changes ESG under signature of general officer of SES-equivalent.

**(5) Printer's Copy:**

- ESG certifies the document based on input from agencies, and provides two certified copies to the Washington Headquarters Services (WHS) Office of Freedom of Information and Security Review (OFOISR) for final policy and security review. Provides cleared copy from OFOISR to SALL-I&L for clearance with OMB. Resolves any questions that arise and returns the original OFOISR-cleared, stamped copy to ESG for file. OMB normally provides only verbal concurrence. Include notation on document of the name and telephone number of the OMB official who cleared the document and the date cleared.

**(6) Publish and Distribute:** ESG publishes and SALL-P and/or SAFM-BUL distributes the APS to Congress beginning with the first Army Posture hearing. *The APS is not releasable until the first Army posture hearing to Congress.*

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## Section III – Annual Actions Related to the Legislative Cycle

<p style="text-align: center;"><b>CHAPTER 3</b> <b>SENIOR LEADERSHIP PREPARATION MATERIAL</b></p>
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1. RESPONSIBILITIES
2. HEARING PREPARATION SESSIONS
3. HEARING PREPARATION BOOKS
4. HEARING EXECUTION
5. STANDARDS FOR PREPARATION PRODUCTS

### OVERVIEW:

Congressional Hearings offer a vital opportunity for the Army Senior Leadership (ASL) (SA, CSA, USA, VCSA, and SMA) to formally discuss Army plans, programs, and policies and initiatives before Congress. All hearings demand extensive and detailed preparation by the ASL, and therefore, require SALL and the Army staff to provide concise, coherent, and accurate information for all preparation materials including the following: written statements of record, opening oral statements, and hearing preparation materials/briefings. Enabling the senior leadership to successfully “tell the Army story” to Congress involves the entire Army Secretariat and Staff. The preparation process described below begins in October before the next congressional session, and, when followed, ensures the leadership receives factual and relevant information in a timely manner. This information is used **for internal use only** to develop accurate testimony in support of the Army’s portion of the President’s budget.

1. **RESPONSIBILITIES:** (Also refer to Section I, Roles and Responsibilities).

- a. **SALL-COD:**

- (1) Responsible for the overall preparation process of the ASL for all congressional hearings, office calls, congressional engagements, and other events.

- (2) Tasks CACOs and, as needed, other members of the Army staff, to provide preparation materials within designated suspenses, formats and content for each preparation session. Responsible for assigning taskings for other specified issues, as required.

- (3) Taskings normally consist of requests for input or chop on written statements, assistance with the provision of briefing slides, information papers, talking points, and other products for preparation sessions, and the participation



of an ARSTAF principal (or representative, if permitted) at a preparation session, as required.

**b. CACOs:**

(1) Responsible for the tasking, tracking, coordination, accuracy, review, and timely submission of information required by SALL-COD.

(2) Will ensure that all products are clear, concise and directly addresses the issues to be presented.

(3) Will maintain an electronic version of all hearing preparation documents, including hearing preparation slides and information papers, for which their agency has the lead.

(4) Serve as the single point of coordination within their ARSTAF agency or element for congressional coordination on materials required for hearing or other preparation.

(5) Assist as required based on input from SALL-COD on any materials necessary to support a Congressional contact of an ASL, whether it is an office call, meeting, telephone call, or hearing.

(6) Will assist with the copying and organization of multiple hearing preparation books and “murder board” materials.

**c. Action Officers (AOs):**

(1) Responsible for properly preparing, processing, and coordinating preparation session materials and information papers. All products must be clearly written and have a “strategic focus,” in order to ensure that they meet ASL needs.

(2) Ensure briefing slides and papers are timely and accurate – especially numerical figures, statistical data, and dollar amounts.

(3) Keep information current and providing their agency CACO with all products in an electronic version.

**2. HEARING PREPARATION SESSIONS:**

Hearing preparation sessions are organized, directed and supervised by the CLL and SALL-COD. Unless directed by CLL, no other Army Staff agency or principal will run such sessions.

**a. Identification of areas of interest/concern:** OCLL (Programs) and/or SAFM-BUL, in conjunction with the ARSTAF, and in coordination with SALL-COD identifies congressional committee and specific Member issues and concerns, expected hearing questions, and anticipated positions/responses. As discussed below, SALL-P and SAFM-BUL develops an overview of these issues and concerns for presentation to the ASL.

**b. Identification and Tasking of Strategic Questions** are specific senior level issues and concerns that the ASLs wish to address before congressional committees during the authorization and appropriation hearings, and/or those issues congressional committees/Members are expected to raise during the next legislative cycle. In concert with SALL-P, SALL-HLD/SLD, and SAFM-BUL, SALL-COD identifies and consolidates a preliminary list of issues most likely to be raised during the cycle and task the ARSTAF to provide answers in the form of information papers. These papers must follow the format provided by SALL-COD (which will vary based upon ASL preference) and will be approved by the ARSTAF Principal or Deputy.

It is essential to provide the ASL with the necessary information that answers the strategic question covered in the prep session. An information paper for the ASL prep session should contain **key themes and messages that answer the specific question**. Supporting points and additional information may be used, but it is vital for the ASL to have several key themes that can be easily referred to (see example below)

INFORMATION PAPER

SAFM-FCR  
July 15, 2010

1. **SUBJECT:** Financial Auditability
2. **PURPOSE:** Provide proposed response for probable questions to the USA from the HAGC.
3. **QUESTION:** What is the Army doing to improve the delivery of timely, reliable, accurate and relevant financial information to decision makers and produce auditable financial statements? When will the Army achieve financial auditability?
4. **KEY THEME / MESSAGE:**
  - Consistent with NDAA 2010 and DoD Financial Improvement and Audit Readiness (FIAR) guidance, Army is on track to reach full financial statement auditability by FY 2017.
  - Army will assess audit readiness for Appropriations Received in September, 2010.
  - Army will assess audit readiness of general fund Statement of Budgetary Resources (SBR) by October, 2014.
  - Army will assess verification of existence and completeness (E&C) of selected Military Equipment Mission Critical Assets by March, 2011 and E&C of all Military Equipment by December, 2015.
  - Army's implementation of key Enterprise Resource Programs (ERPs), such as the General Fund Enterprise Business System (GPERS), will also enable audit readiness efforts and success through improved controls and enforcement of compliant and auditable accounting practices, which supported by a standard general ledger at the transaction level of detail. GPERS full deployment to Army to be completed during FY 2012.
5. **SUPPORTING POINTS:**
  - Statement of Budgetary Resources Audit Readiness:
    - Conducting on-site testing to identify audit weaknesses and developing, implementing corrective actions.
    - Conducting iterative examinations using accepted audit standards in each fiscal year from 2011 to 2014. Results will provide identification of problems and corrective actions to implement across all locations.
  - Existence and Completeness (E&C) Verifications:
    - Executing E&C inventory plans for selected Military Equipment assets, reconciling results to accountable property systems of record.
    - Completing test plans and internal control testing, gathering documentation, and identifying corrective actions based on inventory and testing results.
    - Preparing documentation for verification of selected Military Equipment E&C by March, 2011.
6. **ADDITIONAL INFO:**
  - Coordinating audit methodology with Army Audit Agency (AAA), OUSD(C), and DoDIG on SBR and E&C efforts.
  - Remediation of material weaknesses identified in the Internal Control over Financial Reporting program is integrated into the Army Financial Improvement Plan. The Army FIP is incorporated into the DoD Financial Improvement and Audit Readiness (FIAR) Plan.

**c. Warning Order/Scheduling:** SALL-COD legislative assistants/counsel (LAs/LCs) to the ASLs will provide a warning order to CACOs for all preparation sessions for Army Senior Leader congressional engagements and will coordinate the scheduling of the sessions. Minimum elements: five W's (who, what, where, when and why), expected attendees, information required, and coordinating instructions. SALL-COD will make every effort to task CACOs in a timely enough manner to gather information; however, in many cases hearings and senior leader engagements are very short notice.

**d. Preparation Session:** Subject to the guidance and direction of the CLL, the LA/LC to each ASL is responsible for the organization, supervision, and facilitation of the preparation session. Normally, preparation sessions at the senior leader level are kept to a very small group of participants, normally at the ARSTAF principal level. Subject matter experts are invited on a case-by-case basis depending on a variety of factors including the size of the preparation session. Sessions may be held either in an Army Conference Room or the senior leader's private office.

**e. Follow-up:** Individual LAs/LCs will take notes at the preparation session, and with the concurrence of the CLL send a tasking or in some cases schedule a follow-on preparation session through another Warning Order/Scheduling to CACOs.

**f. Execution of Principal Officials of HQDA Engagement:** ASLs attend hearings, office calls, and other Congressional engagements escorted by their LAs/LCs and the CLL. In some cases, ASLs may be accompanied by ARSTAF principals as subject matter experts.

**g. Executive Summaries/Due Outs:** LAs/LCs to the ASL (or the CLL) will record all due-outs from congressional engagements in conjunction with the preparation of EXSUMs (if appropriate) from the engagements. LAs/LCs will track the due-outs and ensure they are completed in a timely manner. For hearings, Inserts for the Record/Questions for the Record (IFRs/QFRs) and transcripts will be handled in accordance with Section III, Chapter 5, of this SOP.

**h. After Action Review (AAR):** The CLL directs any AAR for ASL's congressional engagements, as required.

### **3. HEARING PREPARATION BOOKS:**

Individual LAs/LCs will provide hearing preparation books to the ASL before the hearing preparation session. The book will contain, but is not limited to, the committee's letter inviting the witness to testify, a face chart of the committee members that includes their significant interests, strategic questions and

answers, seating charts, the oral and written witness statements, and other background information as necessary.

#### **4. HEARING EXECUTION:**

**SALL COD** with the assistance of other SALL divisions and SAFM-BUL will ensure:

**a.** Formal written statements are submitted in the proper format, with the requisite number of copies, to the committee staff by the designated suspense date for the hearing. Note: Formal written statements are due 10 days prior to the Congressional deadline. The formal written statement must be approved by Office of the Chief of Public Affairs (OCPA), Office of the Secretary of Defense (OSD), and Office of Management and Budget (OMB).

**b.** Senior leader oral statements are properly prepared, approved and with the ASL member prior to the hearing.

**c.** ASL is transported to the hearing well in advance of the start time, all charts and other visual aids are prepositioned and ready for the hearing. SALL-SLD and HLD assist SALL-COD, SALL-P, and SAFM BUL in providing requisite administrative support for the hearing.

**d.** ARSTAF principals (as required), additional witnesses if applicable, and any other support personnel are transported to the hearing in the proper uniform and prepared to support the ASL.

#### **5. STANDARDS FOR PREPARATION PRODUCTS:**

**a. Information Papers and Request for Information:** For hearing and meetings with Members of Congress involving the ASL, SALL-COD ensures that all information papers and briefing products are kept current. SALL-COD will periodically task CACOs for updates during and at the end of the hearing cycle. AOs are responsible for collecting and maintaining updated information on preparation products. AOs are also responsible for providing updated papers in a timely manner through their CACOs to SALL-COD whenever events dictate that a key revision should be provided to the senior leadership.

**b. Coordination and Security Clearance:** Lead agencies retain primary responsibility to coordinate ASL preparation materials with all agencies identified by SALL-COD, other relevant agencies affected by the issue, and agencies directed by this SOP. Completed coordination will be indicated by identifying the coordinating agency office symbol and the agency POC contacted (name, telephone number, and date coordinated).

**c. AOs are responsible for coordinating with:**

(1) Appropriate Army Secretariat/Staff Agencies as designated by SALL COD.

(2) Army General Counsel/OTJAG.

(3) G-8 Program, Analysis and Evaluation Directorate (PAED): (3E365), 697-3625. PAED is responsible for ensuring the accuracy and consistency of program data. Out-year budget figures and anything that impacts the current Program Objective Memorandum (POM) are the responsibility of PAED.

(4) Army Budget Office (ABO): Army Budget Office (ABO) is responsible for ensuring the accuracy and consistency of current year and budget year data. All products (as required) will be coordinated with SAFM-BUL and at least one functional ABO office. Based on subject matter, the AO should choose the ABO functional directorate(s) having primary budget oversight of the issues.

SAFM-BUC – (management and control) – 3E341 / 692-6963  
SAFM-BUI – (investment) – 3C332 / 614-9507  
SAFM-BUO – (operations and maintenance & military personnel)  
3B349 / 693-2681  
SAFM-BUR – (business resources) – 3B349 / 692-9760  
SAFM-BUL – (budget liaison) – 3E331 / 693-0379

(5) SALL-P(1E385): All senior Army leadership preparation materials will receive final coordination from the appropriate legislative liaison officer in SALL-P. If you do not know who to contact in SALL-P, please call (703) 697-9915.

**NOTE: APPROVAL:** All senior Army leadership preparation materials will be approved at the agency directorate level – as a minimum – by a general officer or SES.

## Section III – Annual Actions Related to the Legislative Cycle

### CHAPTER 4 TESTIFYING BEFORE CONGRESS

1. TYPES OF CONGRESSIONAL HEARINGS
2. RESPONSIBILITIES
3. THE HEARING STATEMENT
4. WITNESS PREPARATION
5. THE HEARING PROCESS
6. HEARING FOLLOW-UP
7. HEARING CHECK LIST

#### OVERVIEW:

Congressional hearings provide Members of Congress with the opportunity to question Army leaders on specific programs, budget request or issues. Committee hearings also provide the Army with an excellent opportunity to explain Army programs, policies, decisions, and operations. Preparing for Congressional hearings is often the key to a successful outcome. This chapter provides the basic tools for preparation, as well as a guide for preparing and clearing the required hearing documents, such as witness statements.

#### 1. TYPES OF CONGRESSIONAL HEARINGS:

**a. Legislative:** These are hearings called to gather views on pending or proposed legislation or budget requests. These hearings are often referred to as “posture” hearings. Each year, DoD civilian and military leaders testify before the “big four” committees (SAC-D, SASC, HAC-D, HASC) on what the Services need in terms of money and legal authority for the next fiscal year.

**b. Oversight:** Committees hold hearings to review the performance of programs or policies within their jurisdiction. Information gathered in these hearings often forms the basis for appropriations decisions or legislative actions. The goal of these hearings is to explain progress or status of the program, policy, or initiative, address any problem area, and delineate corrective actions being taken.

**c. Investigative:** These hearings are held to focus on a perceived problem or concern falling within the jurisdiction of a Congressional committee. These hearings are held to ensure that a Congressional Committee fully understands all aspects of an issue and learn what steps may be taken to resolve a problem.

**d. Confirmation:** Confirmation hearings are held in the Senate for senior civilian and military nominations for Army leadership positions. The mission for the nominee is to make a good first impression with the Congress and demonstrate suitability for the position.

## **2. RESPONSIBILITIES:**

**a. OCLL and SAFM-BUL:** The Army lead for a Congressional hearing will depend on the Committee, issue or witness. SAFM-BUL is responsible for hearings before Appropriations Committees and Sub Committees. SALL-COD is responsible for all hearings that include Army Senior Leaders (SA, CSA, USA, VCSA and SMA). SALL I&L is the lead for all investigative or confirmation hearings. SALL Programs will be the lead for most other hearings, unless otherwise directed by the CLL. The lead Division will assign a hearing action officer immediately upon receipt of notice of a Congressional hearing involving an Army witness.

**b. Hearing Action Officer (HAO):** The HAO shall take the following actions:

**(1) Hearing Information:** The Action Officer will confirm the time, place, subject, and scope of the hearing and determine whether a specific witness is desired. The HAO will prepare an e-mail notification including this information for the OCLL leadership. The HAO will notify the appropriate Army Secretariat/Staff agency or ACOM. The HAO will resolve any witness scheduling conflict and propose an alternative if appropriate.

**(2) Witness Preparation:** The HAO will brief the hearing witness on the composition, desires, interests, and concerns of the committee and its members and propose a timeline of the hearing preparation process. The HOA will provide the witness with a copy of the hearing invite letter immediately upon receipt. The HAO will schedule testimony training, usually by SALL-I&L personnel, if the Army witness is testifying for the first time.

**(3) Committee Coordination:** The HAO will advise the committee staff of the desired Army witness and confirm hearing details. The HOA will coordinate with the committee staff if there are any issues, such as the presentation of classified information or the need for audio visual support. The HAO will provide any information received from committee staff on the line of questioning to be used during the hearing so that specific and detailed responses can be developed.

**(4) Preparation and Delivery of Hearing Statement:** The HAO will monitor the preparation of hearing statements. The HAO will review the hearing statement to ensure consistency and appropriateness. Upon clearance, the HOA will deliver the Hearing statement to the Committee, along with any supplemental material, by the time prescribed in the invitation letter. The HAO will immediately notify the Committee if any delays in delivery by the prescribed time are anticipated.

**(5) Clearance of Hearing Statements:** Statements must be cleared by OMB. SALL-I&L will clear statements with OMB. SALL-COD will clear statements for the Army Senior Leaders (SA, CSA, USA, VCSA and SMA).

**(6) Hearing Assistance:** The HAO will monitor the Army personnel attending hearings and provide guidance and information to those involved in the hearing to include backups. The HAO will facilitate transportation and seating arrangements for Army witnesses and attendees.

**(7) Hearing Summary:** The HAO will monitor the hearing and prepare a succinct and factual Executive Summary (EXSUM) summarizing the hearing and highlighting issues of significance. Not later than 24 hours after the hearing, the EXSUM will be distributed to appropriate Army Secretariat and Staff agencies and ACOMs.

**c. Army Secretariat and Staff Agencies and ACOMs:**

**(1) Witness Selection and Support:** When requested by a Congressional Committee, Army Secretariat or Staff agencies or ACOMs will provide Congressional hearing witnesses and support the witness throughout the hearing process.

**(2) Hearing Information and Study Materials:** Lead agencies will prepare appropriate study material and information papers based on direction and guidance from OCLL or SAFM-BUL. The lead agency will also anticipate hearing questions and prepare proposed witness answers to the likely questions.

**(3) Witness Statement:** The lead agency will prepare a draft witness statement and coordinate it with other organizations affected, including all those with responsibilities over the subject matter of the hearing. The statement should also be coordinated with all other agencies, within or outside the Army, mentioned in the statement. Finally, the lead agency shall coordinate the record statement with the designated DA and OSD points of contact for this process. For each session of Congress, SALL I&L will publish guidance on how to complete the hearing statement coordination process within DoD. After OCLL clears the statement, the lead agency shall provide the required final copies of witness statements for the committee. The number of copies varies by



Committee, but is usually specified in the hearing invitation letter or in the Rules of the Committee.

**(4) Hearing Support:** The lead agency will inform OCLL in advance of the hearing concerning any special hearing support requirements, such as audiovisual requirement, use of props, and participation of any witness back-up or supporting personnel. Agencies shall limit the number of observers attending a hearing and arrange transportation to the hearing for the witness and support personnel.

### **3. THE HEARING STATEMENT:**

**a. General:** In most cases, witnesses for Congressional hearings are required to provide a written “record” statement in advance of the hearing. These statements are part of the record of the hearing and released to the public. Oral testimony during the hearing must be consistent with the cleared, written statement. The Record Version is a detailed written statement to be provided to the committee before the witness appears (normally 72 hours) to assist them in preparing for the hearing. The statement will be published as the Administration’s position. A “Reading Version” of the written statement should be prepared for the opening statement and should not exceed five minutes.

**b. Content of the Hearing Statement:** A hearing statement should respond to the specific topics in the hearing invitation letter. Prior to preparing a witness statement, Army organizations should closely review the letter in consultation with the Office of the Chief, Legislative Liaison (or SAFM-BUL for Appropriation Committee hearings) for additional guidance. The witness and the responsible organization shall ensure the accuracy of the content of the information in the statement. The tone should be positive, but candid. Assume that the reader has limited information about the issue, subject, or program and spell out acronyms completely the first time used. Where appropriate, the hearing statement should reference or support Army goals and Congressional Objectives.

**c. Format:** Statements should be prepared on plain bond with 1 ½ line spacing in Arial 12 point font and include a cover sheet. Witness Statement Preparation.

**d. Statement Limitations:** A Congressional hearing statement should be consistent with DA, OSD, and Administration views. A Congressional hearing statement should fully support the President’s budget request, Administration and DoD policies, Management Agenda and the Army’s submitted budget to OSD. Budget information should not be included until it is formally transmitted to Congress by the President. A hearing statement should refer to decision makers by titles and organizations rather than as individuals. It is appropriate to state that “decisions came from the Office of the Secretary of Defense” or “the directive

was signed by the Secretary of Defense.” OMB must specifically clear all hearing statement that request funding, proposes legislation, or comments on pending legislation.

**e. Personal Opinions:** Witnesses should not volunteer personal opinions unless specifically asked. Witnesses should be careful not to present testimony which reflects positions inconsistent with the Administration or the President’s submitted budget. In expressing personal opinions relating to a program and appropriation request, witnesses will specify the extent to which these opinions differ from the President’s recommendations.

#### **4. WITNESS PREPARATION:**

**a. Preparation:** Testifying before Congress requires the same kind of preparation as any military operation. To be successful the hearing team must understand the mission, have an obtainable goal or desired outcome, gather available intelligence, thoroughly prepare, and complete all follow-up steps. SALL-I&L provides a comprehensive witness training briefing for Army personnel designated to testify at hearings. Contact SALL-I&L at 703-697-2106 to arrange a briefing.

**b. Research:** The HAO officer responsible for the hearing will conduct research on the scope and background of the hearing and the Members involved. The HAO will put the hearing in proper context, help focus the approach to the hearing, identify the issues involved, and note Members’ general positions and opinions on issues. The witness for the hearing should also conduct research into the hearing, to understand the history of the issue, the views of the Committee or its Members, and perspectives from other interested or involved agencies. The hearing witness should be familiar with the impact of the President’s budget and Management Agenda, the Army Posture Statement, the DoD Annual Report to the President and Congress, and the statements of all other witnesses. Be knowledgeable of Army Audit Agency (AAA) and General Accounting Office (GAO) reports that have been provided to Congress and be prepared to discuss the Army position or corrective actions on the reports’ recommendations.

**c. Keeping Current:** The hearing witness should closely monitor and study all developments that could impact or shape the hearing right up to the day of the hearing. Witnesses should read the major newspapers and the Early Bird on the morning of the hearing as Members may ask about emerging issues.

**d. Rehearsing:** Several hearing preparation sessions and at least one “murder board” should be conducted prior to the hearing. These sessions help to ensure that the witness understands and is thoroughly prepared to address the issues. A “murder board” is a mock hearing during which staff role play as Committee Members to test the witnesses understanding, response, and reaction to expected questions.

**e. Public Affairs Plan:** Witnesses should consider developing a public affairs plan prior to a Congressional hearing. If media are expected to attend, witnesses and all Army attendees will respond to any press attending the hearing.

## **5. THE HEARING PROCESS:**

**a. Committee Hearing Process:** The committee chair opens the hearing with welcoming remarks and outlines the purpose of the hearing. The chair typically offers the Ranking Minority Member an opportunity to provide opening remarks. All witnesses appearing on the panel will be requested to provide an oral statement of up to five-minutes summarizing the record statement. Committee Members who attend the hearing will be given the opportunity to ask any witness on the panel questions. Members are generally limited to five minutes for each round of questioning. Questioning can proceed to a second round after all Members have been afforded an opportunity to ask questions.

**b. Addressing the Committee Members:** Witnesses should address the Chairman as “Mr. Chairman” or “Madam Chairman,” Senators as “Senator [last name],” Representatives as “Mr., Ms. or Mrs. [last name],” and staff members as “Mr., Ms., or Mrs. [last name].”

**c. Answering Questions:** In responding to questions, witnesses should establish a tone of frankness, transparency, and cooperation. Responses should be frank, concise, and in colloquial terms. Witnesses should speak distinctly in a measured pace at the direction of the questioner. If a witness does not know the answer to a question, he should offer to provide the information for the record. Witness testimony should be free of programmatic and clinical jargon. Do not use technical terminology, military jargon, or abbreviations.

**d. Support Staff Conduct:** Beware of excessive note passing and facial expressions.

**e. Charts and Slides:** Avoid use of charts and slides. If a witness desires to use charts, handouts or other aids, coordinate with the HAO prior to the hearing. Charts or handouts that have not been properly cleared and coordinated with the Committee prior to the hearing should not be used. Handouts, if used, must be cleared in the same manner as the witness statement

and provided in sufficient quantities for members and staff at the hearing as well as the news media and general audience.

**f. Limitations in Open Hearings:** Most hearings are open to the public and many are covered on the Congressional television stations (C-Span or available in an internet link. Information discussed during an open hearing must be unclassified. If a question asked in an open session requires a classified answer, advise the committee it cannot be answered in the current setting for security reasons. Also advise the committee that the question could be answered in a closed session, provided for the record, or discussed in general unclassified terms. In addition, matters that are not releasable to the general public, such as law enforcement information, proprietary information, or matters subject to the Privacy Act, should not be provided during open hearings.

## **6. HEARING FOLLOW-UP:**

**a. Feedback:** The HAO will provide immediate feedback on the hearing and prepare an EXSUM with 24 hours. Witnesses should quickly clear up any misunderstanding or corrections to testimony as soon as possible by following up with the committee by a telephone call, letter, or meeting. See next page for example of an EXSUM which includes: Introduction, Overall Effects/Impacts, Most likely outcome of the engagement, highlights of the engagement, due out from the engagement, and point of contact information.

**b. Significant Concerns:** The HAO and hearing witnesses will report and significant concerns to the CLL as soon as possible.

**c. Transcript:** Several weeks after the hearing, the witness may be given an opportunity to review the transcript and make any corrections to spelling or obvious errors in transcription. This does not provide an opportunity to revise or change the nature of the testimony presented at the hearing. If a mistake is discovered during this review, alert the HAO immediately.

**d. Inserts for the Record/Questions for the Record:** After the hearing, the Committee may request that the witness provide responses to Questions for the Record (QFR). Witnesses should prepare an answer to each question as of the date of the hearing. The QFR and responses are made a part of the hearing record.

**e. Promises:** Witnesses must keep any promises or commitments made during the hearing. The witness may be asked to provide the information as an Insert for the Record. This information is included in the record of the hearing.

## EXSUM

On 23 February 2010, The Honorable John McHugh, Secretary of the Army, and General George Casey, Chief of Staff of the Army, testified before the Senate Armed Services Committee on the Army's Defense Authorization request for Fiscal Year 2011.

**OVERALL EFFECTS/IMPACTS:** Overall tone was collegial, engaged, and supportive. Members continue to be appreciative of all that Soldier and Families do to protect our country. While the Don't Ask, Don't Tell policy was the top issue for Members other issues of importance included the efforts to train the Afghan National Army and Afghan National Security Forces; the transfer of equipment, particularly MRAPs, to Afghanistan; they are very concerned about stress on the force from multiple deployments, sexual assault, as well as mental health issues; they also wanted to know if they needed to make the temporary end strength permanent. There was significant interest in the Army's hardware programs, specifically HMMVVs, Ground Combat Vehicles, Unmanned Aerial Systems, and MRAPs. Members did raise concerns regarding Brigade Combat Team and Combat Aviation Brigade stationing, MILCON projects, and a Basic Housing Allowance study.

**MOST LIKELY OUTCOME OF THIS ENGAGEMENT:** Additional follow up with SASC on the issues discussed.

### **HIGHLIGHTS OF ENGAGEMENT:**

- \* Members wanted to know if the SA and CSA would support a moratorium for discharges relating to sexual orientation while Defense completed its policy review.
- \* Members wanted to know if the Army was soliciting combatant commanders views on DADT as well as if there was any impact of Soldiers serving beside other countries such as Great Britain or Canada that have already integrated homosexuals within their forces.
- \* Senator Graham (R-SC) asked about the Army's view on the role of women in combat
- \* Senator Akaka (D-HI) and Senator Graham both expressed concerned about the Army's ability to fill mental health provider slots.

**\*\*Member Views listed after the EXSUM\*\***

### **DUE OUTS FROM ENGAGEMENT:**

Sen Levin (D-MI)

- Provide the numbers of excess and non excess equipment that have been transferred to Afghanistan?
- The decision to end DADT has to have caused some complications for ongoing cases. Provide your lawyer's analysis on what complications might occur from a suspension of discharges while the study goes on, the complication that might impact discharges from the intent to repeal policy and a comparison of the two.

Sen McCain (R-AZ)

- What is the Army's long term wheeled vehicle strategy?

Sen Chambliss (R-GA)

- Can you give us an update on the transfer of the Armor School and the impact of the red-cockaded woodpecker on this consolidation? Does your budget include the funds necessary to complete the consolidation on time?
- Ft Stewart and BCT basing. Need to provide an update on the report from the FY10 Appros Bill on mitigating impacts to communities impacted by the decision not to grow the last three BCTs.

POC: Ms. Lindsay Yuill, 703-697-9915

## **7. CONGRESSIONAL HEARING CHECKLIST:**

### **a. Confirm and Notify the Witness:**

(1) Upon receipt of notice of a hearing, notify witness and Congressional Affairs Contact Officer (CACO) of the hearing. Provide invitation letter as soon as available.

(2) If the invitation letter does not specify a witness, recommend an appropriate witness based on discussions with Committee staff, the subject matter of the hearing, and availability of Army officials. Upon Army leadership approval of witness, confirm with Committee staff.

(3) Prepare an e-mail summary of the hearing for the CLL and OCLL Ops Cell.

### **b. Conduct Hearing Intelligence Assessment:**

(1) Research Congressional and legislative history, discuss with Committee staff and understand why the hearing is being held.

(2) Identify Issues of concern to the Committee based on history of the issue, previous hearings, correspondence and staff input.

(3) Determine if DoD or the Administration has an established position or provided views on the hearing issue(s).

(4) Conduct research to assess hearing dynamics, including the following:

- Congressional correspondence from Committee or Members
- Related Questions for Record
- Recent GAO, CBO or CRS studies, reviews or reports
- DoD or Army Reports to Congress
- Audit or investigative reports (DoD IG, DAIG, DCAA, AAA)

(5) Conduct a “red team” analysis to identify potential problems and ancillary issues that could be raised.

### **c. Develop Hearing Strategy and Prep Milestones:**

(1) Identify issues and key message(s) to highlight at the hearing.

(2) Develop a Congressional hearing strategy that includes such matters as themes and messages for the hearing, number and types of witness prep sessions desired, need for meetings with Committee Members or staff.

(3) Complete hearing milestones based on strategy (include target dates to complete all major steps, such as completing the hearing statement, preparing issue information papers, and conducting hearing prep sessions).

**d. Prepare, Coordinate and Clear Record Hearing Statement:**

(1) Task lead DA organization to prepare draft testimony and assign due date testimony.

(2) Monitor status of statement and negotiate revised testimony due date.

(3) Read testimony to ensure appropriateness, accuracy and consistency.

(4) Coordinate draft testimony within the Army based on subject matter.

(5) Determine if there are comments to draft testimony and review, coordinate and incorporate comments into testimony.

(6) Coordinate draft testimony with OSD Security Review.

(7) Send cleared testimony to OCLL I&L (or to OCLL COD for Army senior leadership testimony) for OMB and Administration clearance.

(8) Monitor OMB clearance. If clearance process delays timely submission, notify Committee staff. Negotiate or incorporate OMB recommended changes.

(9) Upon OMB clearance, provide required number of copies to the Committee point of contact (usually specified in Committee invitation letter or in Committee rules).

(10) Prepare an oral statement based on the cleared hearing statement to a version that can be delivered in under 5 minutes.

**Witness Preparation:**

(1) Schedule and hold initial hearing prep sessions to review hearing milestones, develop the contents of the briefing book and identify potential questions and issues.

(2) Task organizations to prepare issue papers and other products for the briefing book.

(3) Compile a briefing book with issue papers, Bios for Members, Committee face charts and statements of all other witnesses.

(4) Consider scheduling pre hearing meetings with Congressional Committee Members or staff.

(5) Schedule a hearing "101" briefing if witness has not previously testified also consider a visit to the hearing room.

(6) Schedule and conduct witness prep sessions to review testimony and questions that may be asked at the hearing.

(7) Schedule and conduct a "murder board" to rehearse oral statement and ask witness questions that may be raised at the hearing.

(8) Determine if follow-up prep sessions are necessary.

**e. Final Hearing Steps:**

(1) Determine if the Committee or Members have any outstanding Congressional inquiries.

(2) Develop and coordinate a transportation plan.

(3) Identify any potential emerging issues (Conduct Internet research; read Early Bird and Washington Post; and scan Committee Web Site).

(4) Call Committee staff to confirm receipt of statement, any changes to hearing details, reserve seats for Army attendees.

**f. After the Hearing:**

(1) Immediately prepare an e-mail notice for OCLL leadership if any significant issues or problems were raised during the hearing.

(2) Prepare a hearing EXSUM for OCLL leadership.

(3) Determine if thank you notes are appropriate for staff.

(4) Schedule follow up meetings if necessary.

(5) Immediately resolve any misunderstandings or mistakes in testimony.

(6) Develop and execute a plan to respond to any due-outs.

(7) Provide responses to Questions for Record (QFRs).



(8) Send transcript to witness to review.

## Section III – Annual Actions Related to the Legislative Cycle

### CHAPTER 5 TRANSCRIPTS AND INSERTS/QUESTIONS FOR THE RECORD (IRFs/QFRs)

1. CRITICAL GUIDELINES
2. ROLES AND RESPONSIBILITIES
3. PROCESSING TRANSCRIPTS, INSERTS/QUESTIONS FOR THE RECORD(IRFs/QFRs)

#### OVERVIEW:

Most Congressional committees forward the official hearing record, or transcript, to the witnesses to correct any inaccuracies in their testimony. The transcript is usually accompanied with the Committee's request for inserts for the record (IFR) and questions for the record (QFR). An insert is any information that is inserted into the transcript to complete the record of the hearing. Inserts are usually answers to member questions during the hearing that require additional information from the witness. Inserts may also include the witness's prepared statement, biographical sketch, charts, or a black and white version of any published document required by the committee, such as the Army Posture Statement. Questions for the record (QFR) are submitted to witnesses by members after the hearing. This chapter discusses critical guidelines, agency roles and responsibilities, and processing of transcripts, IFRs and QFRs.

#### 1. CRITICAL GUIDELINES:

**a. Release:** The authority to publicly release a transcript resides with the presiding committee. The Army is prohibited from publicly releasing a committee transcript.

**b. Suspense Deadlines:** The opportunity to review a transcript is a courtesy extended to witness by most congressional committees. Committee deadlines for returning the transcript must be met. It is imperative that the agency's CACO notify SALL-P, SALL-COD, or SAFM-BUL when suspenses cannot be met. Failure to meet Committee deadlines may result in an inability to correct inaccuracies in the hearing transcript.

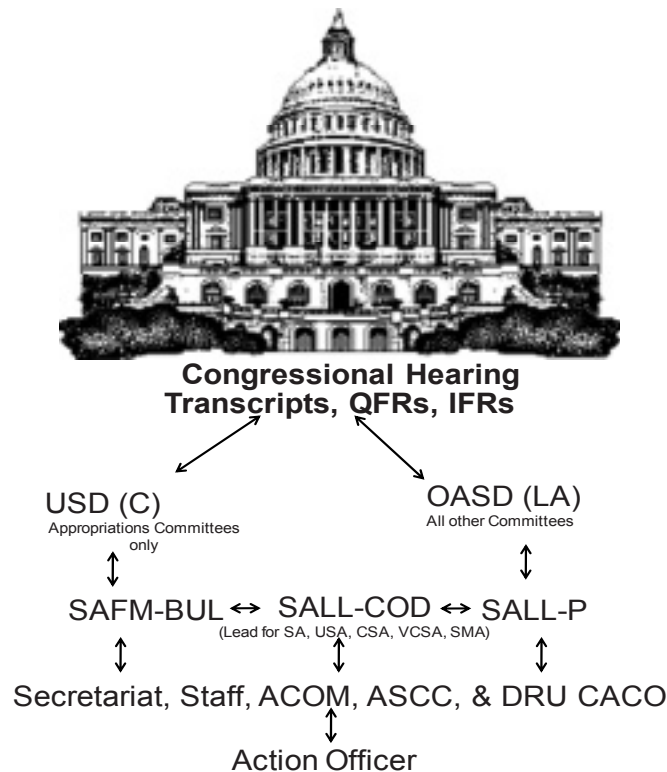
**c. Committee Instructions:** Congressional Committees may issue specific instructions on editing transcripts and preparing inserts for the record. Therefore, deviations from the instructions in this SOP may occur to accommodate the wishes of a particular committee or subcommittee. If different formats or

numbers of copies are requested, tasking officials should specify these differences in their tasking document.

## 2. ROLES AND RESPONSIBILITIES:

The chart below illustrates the general flow of transcripts and questions for the record through DoD and the Army, followed by the roles and responsibilities for each of the agencies.

### *Transcript Flow*



a. **OSD:** OSD receives most Defense-related committee transcripts and questions. When appropriate, they are passed to the Army through two sources:

(1) **OASD (LA).** OASD (LA) receives transcripts and questions from all congressional committees (except Appropriations) which contain the testimony of DoD witnesses, including the Army. OASD (LA) will task the Army through the Congressional Hearings and Reporting Requirements Tracking System (CHARRTS). CACOs should refer questions regarding transcripts related to Army testimony are passed to SALL-P or SALL-COD for processing. SALL-P or SALL-COD will task the appropriate Army Secretariat, Staff, ACOM, DRU, or

Field Operating Agency CACO to review the transcript or respond to the QFRs or IFRs as appropriate. When these transcripts and questions are complete, OASD (LA) returns them to the appropriate committee. If an Army component receives a transcript, QFR or IFR directly from a Congressional Committee or Commission, they are to report that immediately to SALL-P. SALL-P will coordinate directly with OASD (LA).

**(2) OUSD(C):** OUSD(C) receives transcripts and questions from the Appropriations committees, which contain the testimony of DoD witnesses, including the Army. OUSD(C) will pass transcripts and questions related to Army testimony to SAFM-BUL. When the transcripts and inserts are complete, OUSD (C) returns them to the appropriate committee. When the hearing consists of Army witnesses only, the Appropriations committees send the transcript and questions directly to SAFM-BUL for processing.

**b. SALL-P AND SAFM-BUL:** DA receives transcripts and questions for the record from Congressional committees through SALL-P and SAFM-BUL. SALL-P and SAFM-BUL will assign action to the appropriate Army Secretariat, Staff, or ACOM, DRU, or Field Operating Agency CACO, and returning the completed transcript and inserts to OASD (LA).

**c. SALL-COD:** SALL-COD is responsible for processing transcripts and inserts related to testimony of the Army Senior Leaders (SA, CSA, USA, VCSA, and SMA). SALL-COD is also responsible for the Army portion of transcripts and inserts involving the testimony of the SECDEF, the DEPSECDEF, and the CJCS.

**d. Army Secretariat and Staff Agency and ACOM CACOs:** SALL-P, SAFM-BUL or SALL-COD will assign agency CACOs with either lead or support responsibilities for reviewing transcripts and preparing answers to IFRs, and QFRs.

**e. Agency Action Officers:** Based on their functional subject areas of expertise and responsibility, action officers will be tasked by their agency CACOs to review and edit transcripts and prepare answers to IFRs and QFRs.

### **3. PROCESSING TRANSCRIPTS, INSERTS/QUESTIONS FOR THE RECORD (IFRs/QFRs):**

**a. Tasking Authority:** Taskings from SALL-P, SALL-COD, or SAFM-BUL will include specific guidance regarding the suspense to return required information, pertinent hearing information, organization(s) tasked to support the action, and general guidance. The content and information provided as a response to an IFR or QFR should be prepared based on the information available at the time of the hearing. CACOs shall, however, notify SALL-P, SALL-COD or SAFM-BUL if there are changes or developments that would

change the answer at the time submitted. Although tasked by SALL-P, SALL-COD, or SAFM-BUL for response, the CACO may find it necessary to further task other Army organizations to request assistance in verifying and providing the correct information. It is the witness' responsibility to respond to the questions from the hearing in which he or she testified. SALL-P and SAFM-BUL do not task transcripts and inserts beyond that of the witness' CACO. SALL-P, SALL-COD, or SAFM-BUL will review the Transcripts and proposed responses to IFRs and QFRs.

**b. Primary Action Agency CACO Review:**

**(1) Check Classification:** Make sure transcripts are handled in accordance with their classification markings. Most hearings are open and the transcripts are unclassified. However, some hearings are closed to allow the witnesses to discuss classified issues, if required. If the hearing was closed, regardless of whether classified information was discussed or not, the committee will mark the transcript with a security classification. This protects classified information and allows for the opportunity to review and properly mark any classified information. You will request the final classification of the transcript from the OFOISR after all reviews have been completed and all input received.

**(2) Read the Transcript:** Read the transcript at least twice before finalizing. The first time is to: look for IFRs and determine other agencies that should review the transcript.

- **Screen for IFRs and Annotate the Transcript:** An IFR is a response to a question that was asked by a Member of Congress during the hearing, but the witness was not able to fully respond and asked to take the question "for the record." The question appears in the text of the transcript and the point of insertion for the witness' response is normally annotated with, "(The information follows:)." There are instances, however, when an IFR is missed. Upon receipt, screen the transcript and make a list of all IFRs, including any missed. Note the location of the insert requirement by the transcript's page and line number. This information will be used to prepare a tasker.

- **Annotate the Transcript:** If the transcript does not already indicate where an IFR is required, annotate at the appropriate insertion point (page and line number) with "(The information follows:)." See **APPENDIX III-D**, for an example of the proper point of insertion. Add these to your list developed in the paragraph above.

- **Identify Action Agencies:** Make a list of those agencies that need to review the transcript to ensure accuracy. If you have questions regarding agency responsibilities, see SECTION I, Overall Roles and Responsibilities, to assist you in determining the proper offices, or ask the

appropriate legislative liaison officer in SALL-P, SALL-COD, or SAFM-BUL for guidance.

**c. Classification Guidance:** Remember, if the hearing was closed, handle the [transcript in accordance with AR 380-5](#). Stress the importance to the tasked agencies that the transcript be thoroughly reviewed to identify classified information. All committees except the SASC require classified information be bracketed [ ] in red pencil and the appropriate classification provided in the margin. The SASC requires the classified material to be excised from the Printer's Copy and the testimony made understandable without the information and the classified material in the Committee's Copy to be boxed in red.

**d. QFRs:** Congressional; Committees may send QFRs and IFRs several weeks after a hearing. OASD (LA) reviews and tasks the appropriate Service through CHARRTS. SALL-P, SALL-COD, and SAFM-BUL will task the witness' CACO directly. The tasking will have instructions that will include specific guidance regarding the suspense to return required information, pertinent hearing information, organization(s) tasked for action, and general guidance to include classification guidance. UNCLASSIFIED inserts are preferred; inserts classified higher than SECRET are not acceptable, and classified inserts should not be prepared for "open" session hearings.

**e. Completing the Transcript, Inserts/Questions for the Record:**

**(1) Consolidate Transcript Edits:** In your copy of the transcript, consolidate agency edits. Read the transcript to ensure all edits make sense and all grammatical corrections are made.

**(2) Account for and Review Insert:** Use the guidance in **APPENDIX III-E**.

- **All Received:** Ensure that all tasked inserts are received. This includes a hard copy with approval authority signature and an electronic version.

- **Proper Format:** Ensure that each insert complies with the appropriate committee format and preparation instructions.

- **Answer the Question:** Review each IFR and QFR to ensure all questions are fully answered. Responses must be written in the context of the hearing date in easily understood, plain English, colloquial (conversational) style. Inserts should not be overly technical – do not use bullets, charts, tables, etc., unless specifically requested or absolutely necessary to be fully responsive. Responses not written in this manner may be returned for rewrite.

- **Correct Grammar, etc:** Check grammar, spelling, word spacing, and line spacing.

- **Coordinated, Cleared, and Approved:** Ensure required coordination, approval, and security review has been performed. Agency CACOs can assist you in determining the POC within their organization to perform coordination. Always ensure you have a current CACO roster to refer to. The latest CACO roster can be obtained from OCLL-COD, (703) 697 7675.

**(3) Use Interim Responses Sparingly:** All inserts must be accounted for when the transcript is returned to the committee; therefore, every effort will be made to return all inserts with the transcript by the original suspense date. When a final response cannot be provided by the suspense date, the AO will prepare an interim response. Interim responses will be used very sparingly. See **APPENDIX III-F SASC INSERT FORMAT** for instructions.

**(4) Final Review:** The edited transcript and proposed inserts of Army witnesses (other than the SA, USA, CSA, VCSA, and SMA) to the lead witness for final review. SALL-COD will submit the edited transcript and inserts of the SA, CSA, USA, VCSA and SMA to the lead witness for final review, including the Army portion of the testimony of the SECDEF, DEPSECDEF, and CJCS.

**(5) Obtain Witness Approval:** Obtain the witness' approval of the edited transcript and IFRs and QFRs. Enter any changes made by the witness into the working master copy. Resolve any questions about the transcript and inserts through the appropriate CACO or AO. Agency CACOs can assist you in determining the coordination POC within their organization.

**(6) Obtain WHS (OFOISR) Clearance:** This clearance requirement applies to Appropriations committee hearings in which only Army witnesses testified. This clearance must be obtained from OFOISR before the transcript and IFRs and QFRs are completed and returned to SAFM-BUL. The requirement should be delineated within the SAFM-BUL tasking document. OFOISR clearance for all other committee hearing transcripts and inserts are obtained by OSD.

- **To OFOISR:** Provide: (1) the original and two copies of the transcript with security review statements and (2) the original and two copies of the IFRs and QFRs to OFOISR for clearance at least five days before the date required. Forward the originals and copies to OFOISR under a **DD Form 1587, Record of Congressional Transcript Review**. See example below.

RECORD OF CONGRESSIONAL TRANSCRIPT REVIEW					
1. TRANSCRIPT ACTION MONITOR		2. DATE RECEIVED FROM CONGRESS (YYYYMMDD)			
a. NAME (Last, First, Middle Initial) Rosenbath, Suzanne	b. AGENCY SALL-CAD, Room 1D437	c. TELEPHONE (Area Code) 703-693-3421	d. 20060630		
e. Title (in Full)	4. DATE ACTION MUST BE COMPLETED (YYYYMMDD)				
e.	4.				
e.	4.				
3. DNEP, OFFICE OF FREEDOM OF INFORMATION AND SECURITY REVIEW		4. 20060716			
5. DESCRIPTION OF DOCUMENT COMMITTEE/SUBCOMMITTEE Transcript & QFRS from SAC/D		6. HEARING DATE AND SUBJECT 22 June 2006, FY07 Defense Appropriation	7. PAGES 1 thru 30		
		8. MARKING <input type="checkbox"/> UNCLASSIFIED <input checked="" type="checkbox"/> CONFIDENTIAL			
		9. CLASSIFICATION UNCLAS			
<p>The attached transcript of testimony is forwarded for editorial and security review in accordance with DoD Directive S400.4. To meet committee requirements and allow time for final review by the Office of Freedom of Information and Security Review, your action must be completed as indicated. Each element in the review process must give cooperative consideration to the time requirements of all elements in meeting due out dates. An advance copy of this DD Form has been sent to OFOISR.</p> <p style="text-align: center;"><b>GUIDELINES</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>I. SECURITY</b></p> <p><b>A. GENERAL.</b> Review must be accomplished by officials competent to judge the security aspects of the subjects involved and to provide a consistent and defensible security position.</p> <p><b>B. MARKING</b></p> <p>1. Use black lead pencil.</p> <p>2. Inclose with brackets [ ] information to be deleted.</p> <p>3. Make deletions as limited as possible, considering whether the total context may contain clues to the information deleted.</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>II. EDITORIAL</b></p> <p><b>A. GENERAL.</b> Edit to correct inaccuracies.</p> <p><b>B. MARKING</b></p> <p>1. Use black lead pencil.</p> <p>2. Line through all words or figures for which substitute language or figures are entered. Do not use brackets.</p> <p>3. Print or write all entries legibly.</p> <p>4. Use standard proofreaders markings.</p> <p>5. Do not change statements by committee members. Note inaccuracies in the margin.</p> </td> </tr> </table>				<p><b>I. SECURITY</b></p> <p><b>A. GENERAL.</b> Review must be accomplished by officials competent to judge the security aspects of the subjects involved and to provide a consistent and defensible security position.</p> <p><b>B. MARKING</b></p> <p>1. Use black lead pencil.</p> <p>2. Inclose with brackets [ ] information to be deleted.</p> <p>3. Make deletions as limited as possible, considering whether the total context may contain clues to the information deleted.</p>	<p><b>II. EDITORIAL</b></p> <p><b>A. GENERAL.</b> Edit to correct inaccuracies.</p> <p><b>B. MARKING</b></p> <p>1. Use black lead pencil.</p> <p>2. Line through all words or figures for which substitute language or figures are entered. Do not use brackets.</p> <p>3. Print or write all entries legibly.</p> <p>4. Use standard proofreaders markings.</p> <p>5. Do not change statements by committee members. Note inaccuracies in the margin.</p>
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10. REMARKS Transcript w/3 inserts: page 36, page 38 and page 32. QFRs: 2-5, 10-21, 25-27, 30, 32, 34-37, 39-47, 53-54, 61-68					
<b>11. FORWARDING CERTIFICATE</b>					
TD: Chief, Office of Freedom of Information and Security Review		Date: 30 June 2006			
Portions of the attached transcript which require deletion in the interests of national security before publication have been bracketed. This action represents the considered judgment of this department/agency that the information so marked warrants the protection of security classification.					
c. SIGNATURE		6. OFFICE SALL-CAD			
DD FORM 1587, APR 2004 PREVIOUS EDITION MAY BE USED.					

The form is available from the WHS website (<http://www.dtic.mil/whs>). If prior coordination has been accomplished with any OSD office, provide the name, agency, and telephone number of the OSD coordinating official, as well as the Army action officer responsible for answering questions in the Block 10 “Remarks.”

- **From OFOISR:** OFOISR will retain the original Army cleared set and return a copy with an original OFOISR cleared and stamped copy of the transcript and inserts—and red bracketed, if classified—to you.

**f. Finalizing the Committee and Printer’s Copies of the Transcript with Inserts:** The original committee’s copy or printer’s copy of the transcript must be returned to the committee via SALL-P or SAFM-BUL. It must include original inserts. OFOISR stamped transcripts and inserts are for internal use only. Congressional committees will not accept reproduced or stamped copies. Specific requirements from Congressional Committees shall be followed if they differ from this SOP.



**(1) Carefully Annotate Final Edits.** Once completing the coordination, witness approval, and clearance, transfer the approved edits, etc. into the committee's or printer's copies. SALL-P or SAFM-BUL should have advised you whether to use pencil or ink. If not provided, contact SALL-P (703-697-7817) or SAFM-BUL (703-693-0379) for direction.

**(2) Make Copies and Distribute Provide to SALL-P, SALL-COD, or SAFM-BUL:**

- A fully coordinated Form 5 with a General Officer/SES signature. The appropriate SAFM-BUL and OCLL legislative liaison who was the lead for the hearing or with oversight of the subject matter must coordinate on the response.
- Transmit an electronic version of the transcript, IFRs and QFRs via e-mail.
- The original committee's copy, including your edits and original inserts, if the committee provided a committee's copy.
- One copy of either the printer's or committee's copy. Also, with each copy, include a copy of the transcript cover page and inserts showing the Army security review statement or, when obtained, the OFOISR-stamped transcript cover page and inserts.

Keep a copy for agency records. The primary action agency CACO will retain one copy of the items listed above. It is also important to keep a historical file of all backup material that resulted from processing the transcripts and inserts.

**g. Editing Galley Proofs:** After receipt of the edited transcript and inserts from the Army, the committee staff edits the testimony of committee members and forwards the documents to GPO for type setting and photographing. The first version produced by GPO is called the galley proof. The committee may send the galley proof to the witness to be proofread. Editing, or in some cases retyping, may have been done by the committee staff or the printer so the galley proof may not match what was originally submitted by the witness. SALL-P or SAFM-BUL will forward the galley proof to the primary action agency CACO for review, including the testimony of committee members, to ensure that:

**(1)** The testimony is readable, factual, and agrees with the testimony as previously reviewed.

**(2)** All figures are accurate are correct and properly placed. Check all charts, graphs, etc. for accuracy. Footnotes may have been rearranged or changed.

(3) Numbers are not missing or misaligned in columns of figures.

(4) All inserts, including any photographs, bios, charts, etc., are correct and properly placed. Check all charts, graphs, etc. for accuracy. Footnotes may have been rearranged or changed.

(5) All classified material has been deleted. If not bring the classified information immediately to the attention of SALL-P, SALL-COD, or SAFM-BUL.

(6) All previously identified typographical errors and minor editorial changes have been made.

(7) Unless otherwise directed by the committee, use black #2 pencil to edit. Circle the words or figures and connect by a leader line to the margin. Write corrections in the margin. The printer will ignore any correction not clearly marked outside the typed area. Make corrections to the right half of the text in the right margin; use the left margin for the left half of the text. Annotate edits using the proofreader's marks located at the end of **APPENDIX III-E**.

(8) Generally, substantive changes will not be made in the proofs. Where major changes are required, SALL-P or SAFM-BUL will clear such changes with the committee prior to action being taken. On occasion, sections of an edited transcript may have been moved to improve flow and content. Where it is obvious that portions are incorrectly placed, make a note in the margin. SALL-P or SAFM-BUL will clear the changes with the committee.

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## Section III – Annual Actions Related to the Legislative Cycle

<p style="text-align: center;"><b>CHAPTER 6</b> <b>BUDGET AND LANGUAGE APPEAL PROCESSES</b></p>
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1. GOVERNING REGULATION
2. OSD RESPONSIBILITIES
3. ARMY RESPONSIBILITIES
4. APPEALS

### OVERVIEW:

Each year during the legislative budget cycle, DoD monitors and reviews the actions taken by congressional authorization and appropriation committees during their consideration of the DoD portion of the President's Budget (PB). Appeals are prepared when a congressional committee recommends a change to the PB that the DoD does not support. Appeals apply only to legislation, including dollar and language changes. Normally, we will not appeal language that is in a committee report which is not reflected in the bill. The goal is to persuade Congress to restore all or some of the original DoD request in the final Conference.

### 1. GOVERNING REGULATION:

For purposes of this chapter, DoD Financial Management Regulation 7000.14-R, Volume 2A, Chapter 1, is the governing regulation (appropriations appeals).

### 2. OSD RESPONSIBILITIES:

**a. Heartburn Letters:** In response to congressional changes to the PB, the SecDef sends a heartburn letter(s) and the DoD's consolidated appeal package(s) to the appropriate committee chairman (or conferees in the case of conference appeals), emphasizing those items he believes are significant and in most critical need of restoration. Each DoD component recommends the programs that should be singled out in the SecDef's heartburn letter. For appeals to the appropriations bills, the Under Secretary of Defense (Comptroller) (USD(C)) recommends the component programs that are used in the heartburn letter and/or backup appeal package. The Assistant Secretary of Defense for Legislative Affairs (ASD-LA) and the DoD General Counsel, Office of Legislative Counsel (OLC) recommends the component programs that are used in the heartburn letter and/or backup appeal package for the authorization bills.

**b. The Under Secretary of Defense (Comptroller)** has the responsibility to coordinate all justification actions for the SecDef's consideration that may be interpreted as reprogrammings, supplementals, amendments, or appeals to the DoD budget. DoD Financial Management Regulation 2A, Chapter 1, paragraph 010406, subparagraph D states. The ASD-LA/OLC may jointly assume responsibility from USD(C) for providing appeals to the Defense Authorization bill. Accordingly, the Army will receive guidance from ASDLA/OLC on preparing authorization appeals.

### **3. ARMY RESPONSIBILITIES:**

The appeals process often moves quickly. Each appeal is unique and governed by the demands of Congress, the desires of OSD, and the time available before subsequent congressional marks are scheduled to occur. The key to success in the appeals process is flexibility. All directorates have responsibility in the appeals process. The Appropriation/Fund Sponsors, CACOs, functional managers, the G-3/5/7, SALL-P, and SAFM-BUL must be ready and willing to exercise the flexibility necessary to achieve the most beneficial results for the Army.

**a. SALL-P and SAFM-BUL:** Jointly, SALL-P and SAFM-BUL will ensure timely distribution of both draft and final HASC/SASC and HAC/SAC reports to facilitate analysis and the preparation of appeals. They will receive guidance and taskers from OUSD(C) or ASD-LA/OLC, as appropriate, and task the Army Secretariat and Staff CACOs for preparation of the appeals material.

**b. Army Secretariats and CACOs will:** Meet SALL-P or SAFM-BUL suspense and provide the completed appeal and heartburn package in the required copies:

- An original package without any internal Army markings.
- The package showing original internal Army coordination, approval signature, and security clearance statement.
- An electronic version of the complete package.

### **4. APPEALS:**

**a. Timing Considerations:** Preparation of appeal material begins with the actions of the committees become known. Keep in mind that the appeal material should be modified to reflect final floor action, since amendments adopted on the floor can significantly change the positions reported out by the committees. The submission of appeal material is primarily dependent upon the timing of each

committee's actions on the budget request. Therefore, the sequence may vary, but in most cases the appeal process is as follows:

**(1) Authorization Actions:**

- **SASC:** An appeal to the SASC normally will be based on the actions taken by the HASC (as modified by House floor action).
- **HASC and SASC Conferees:** An appeal to the joint conferees is based on actions taken independently by the HASC and SASC (as modified by the House and Senate floor actions, respectively).

**(2) Appropriation Actions:**

- **SAC:** An appeal to the SAC normally will be based on the actions of the HAC (as modified by House floor action).
- **HAC and SAC Conferees:** An appeal to the joint conferees is based on actions taken independently by the HAC and SAC (as modified by the House and Senate floor actions, respectively).

**b. Funding Ceiling Considerations:** "Funding ceilings" to any line item appeal are normally set by:

(1) The maximum amount recommended by either the House or Senate Committee (e.g., when appealing the Senate Committee action to the Joint Conference Committee, the Army cannot appeal for more than the higher amount approved by the House Committee, or vice versa); and,

(2) The PB request. The Army cannot ask for more than was originally in the President's Budget submission.

**c. Format:**

Appeals are prepared primarily in response to dollar line item variations from the budget request, but can also be submitted in response to congressional language. OSD will not accept and Army will not appeal language that is in a committee report, but not reflected in the bill. The format and procedures for preparing appeals are directed by OUSD(C) in the [DoD Financial Management Regulation 7000.14-R, Volume 2A](#).

**(1) Dollar Appeals:**

- **Authorization Dollar Appeal Format:** OUSD(C) format guidance at **APPENDIX III-K**.

- **Appropriations Dollar Appeal Format:** OUSD(C) format guidance at **APPENDIX III-L**.

**(2) Congressional Language/Provision Appeal Format:** OUSD(C) format guidance for Authorization and Appropriations Language appeals are provided at **APPENDICES III-M** and **III-N**, respectively. They are very similar. Considering by a joint conference committee: The Department strongly urges the conferees to support “\_\_\_\_\_”. Fill in the blank with the “the House position”, or “the Senate position.” Do not ask for support of the PB position and do not refer to a committee as the position being appealed because the Department is appealing to the congressional conferees at this point in the legislative process

- **For Language Appeals. When appealing an action passed by the House and being considered by the Senate:** “The Department strongly urges the committee to delete the “\_\_\_\_\_” language and support the President’s budget request.” Fill in the blank with “House” or “Senate.”

- **For Language Appeals when appealing an action passed by both houses and being considered by a joint conference committee:** “The Department strongly urges the conferees to support \_\_\_\_\_.” Fill in the blank with “the House position”, or “the Senate position.” Do not ask for support of the PB position and do not refer to a committee as the position being appealed because the Department is appealing to the congressional conferees at this point in the legislative process.

**d. Content:**

**(1) Dollar Appeal:** There are three heartburn paragraphs in a dollar appeal (see **APPENDIX III-K** or **L** for an example).

- **Summary:** A brief narrative paragraph describing the level of the reduction and the congressional rationale for the reduction.

- **Item:** A display of the Total Obligation Authority (TOA) requested in the PB compared to the congressional marks, followed by the restoration level requested. On a dollar appeal sheet, the number the Army is requesting in the column titled “Appeal” should be the entire amount being requested; it should not be the difference between what was in the PB and what one committee decided upon.

- **DoD Position:** A brief narrative describing the DoD rationale for requesting restoration.

**(2) Language/Provision Appeals:** There are two heartburn paragraphs for language or provision appeals (see **APPENDIX III-M** or **N** for an example).

- **Summary:** A brief narrative describing the level of the change and the congressional rationale for its change.
- **DoD Position:** A brief narrative describing the DoD rationale for its position.

**(3) Closing Paragraph:** There is a certain “boilerplate” or template element to the appeal sheets. In no instance can the closing recommendation exceed the dollar amount found in the President's Budget request. Normally, DoD does not appeal when both the House and Senate positions exceed the President's budget request. The last line of the last paragraph should read:

- **For Dollar Appeals:** When appealing an action passed by the House and being considered by the Senate: “The Department strongly urges the committee to support \_\_\_\_\_.” Fill in the blank with “the President’s budget request”, “the House position”, or “the Senate position.”

- **For Dollar appeals when appealing an action passed by both houses and being considered by a joint conference committee:** “The Department strongly urges the conferees to support \_\_\_\_\_.” Fill in the blank with “the House position”, or “the Senate position.” Do not ask for support of the PB position and do not refer to a committee as the position being appealed because the Department is appealing to the congressional conferees at this point in the legislative process.

- **For Language Appeals:** When **Appealing an action passed by the House and being considered by the Senate:** “The Department strongly urges the committee to delete the \_\_\_\_\_ language and support the President’s budget request.” Fill in the blank with “House” or “Senate.”

- **For Language Appeals when appealing an action passed by both houses and being considered by a joint conference committee:** “The Department strongly urges the conferees to support \_\_\_\_\_.” Fill in the blank with “the House position”, or “the Senate position.” Do not ask for support of the PB position and do not refer to a committee as the position being appealed because the Department is appealing to the congressional conferees at this point in the legislative process.



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## APPENDIX-A SECTION III WITNESS STATEMENT PREPARATION

### OVERVIEW:

Except in unusual circumstances, Army witnesses who testify before a congressional committee will provide a prepared (written) statement for the record. Written statements are critical documents that will be published as the Administration's position. ***There are no exceptions to this policy: All prepared witness statements must be cleared by OMB.*** This appendix covers actions related to preparing and processing witness statements, as well as witness lists and biographical sketches, when required.

### 1. WITNESS STATEMENT DEVELOPMENT:

a. The statement should be a complete, concise statement that is comprehensive enough to give the committee adequate information on Army programs. This is a civilian document and the writer shall assume that some committee members have no prior information on the hearing subject.

b. Have a main theme and three to five supporting points.

c. Be written in simple, non-technical, easily understood non-military style. Remember that the audience is civilian.

d. Be as brief as possible, consistent with presenting the Army's position on the matter.

e. The names of weapons systems or training exercises should not be in all caps. Only acronyms should be in all caps (e.g., FCS, HMMWV, NATO, etc.). The name of a weapon system, training exercise, or operation that is not an acronym should have only the first letter capitalized, i.e., Stryker is the name of a vehicle, Apache and Black Hawk are names of helicopters, and Operation Iraqi Freedom is the name of a military operation.

f. Have all abbreviations or acronyms spelled out the first time they are used. Use only abbreviations that are well known in the civilian community; for example, NATO may be used without spelling the abbreviation out the first time used. Military abbreviations, such as IN for infantry, etc., will not be used. Spell out "million" instead of using "M" to indicate amount and spell out fiscal year the first time used, etc.

g. Never abbreviate Senator, Secretary, General, etc. The proper forms of address for Members of Congress are:

POSITION:

Member of U.S. Senate;  
Member of House of Representatives

ADDRESS AS:

Senator (last name)  
Mr., Mrs., or Ms. (last name)

h. **Avoid charts, tables, or slides if at all possible:** If you must use them, first establish the desire and attitude of the committee on use of visual aids, charts, handouts, etc. **Do not use charts, viewgraphs, or handouts that have not been properly cleared.** Handouts must be cleared in the same manner as the witness statement and in sufficient quantities for committee members and staff present at the hearing, including the committee's stenographic reporter and, in an open hearing, the news media and general audience at the hearing.

**2. WITNESS COVER AND STATEMENT FORMAT:**

a. **Unclassified Cover:** On plain bond in Arial 12-point font:

<b>RECORD VERSION</b> ↙ VERSION: RECORD OR READING
<b>STATEMENT BY</b>
<b>GENERAL PETER W. CHIARELLI</b> <b>VICE CHIEF OF STAFF UNITED STATES ARMY</b> ←----- ----- WITNESS
<b>BEFORE THE</b>
<b>HOUSE ARMED SERVICES COMMITTEE</b> <b>SUBCOMMITTEE ON MILITARY PERSONNEL</b> ←----- ----- COMMITTEE
<b>FIRST SESSION, 112TH CONGRESS</b> ←----- ----- SESSION & CONGRESS
<b>ON ADEQUACY OF THE ARMY FORCES</b> ←----- ----- HEARING SUBJECT
<b>FEBRUARY XX, 20XX</b> ←----- ----- HEARING DATE
<b>NOT FOR PUBLICATION UNTIL RELEASED BY THE</b> <b>COMMITTEE ON ARMED SERVICES</b> ←----- ----- RESTRICTION

a. **Classified cover.** On plain bond in Arial 12-point font:

←—*CLASSIFICATION: top and bottom*  
**CLASSIFICATION**

**RECORD VERSION**  
←— VERSION: RECORD OR READING

**STATEMENT BY**

**GENERAL GEORGE W. CASEY**  
**CHIEF OF STAFF UNITED STATES ARMY**

←— WITNESS

**BEFORE THE**

**COMMITTEE ON ARMED SERVICES**  
**UNITED STATES HOUSE OF REPRESENTATIVES**

←— COMMITTEE

**FIRST SESSION, 112TH CONGRESS**

←— SESSION & CONGRESS

**ON THE FISCAL YEAR 2012 BUDGET AND POSTURE**  
**OF THE UNITED STATES ARMY**

←— HEARING SUBJECT

**XX FEBRUARY 20XX**

←— HEARING DATE

**CLASSIFIED BY Multiple Sources**  
**DECLASSIFY ON XX February 20XX**

←— *CLASSIFICATION AUTHORITY AND  
DECLASSIFICATION INSTRUCTIONS*

**CLASSIFICATION**



b. **Statement.** On plain bond, use the following format:

**STATEMENT BY  
GENERAL PETER W. CHIARELLI  
UNITED STATES ARMY VICE CHIEF OF STAFF**

Chairman McKeon, Representative Reyes, members of the committee – on behalf of myself, Lieutenant General Helmly, Lieutenant General Schultz, and Lieutenant General Blum, I would like to express our appreciation at the opportunity to appear before you to discuss the Army’s readiness, and in particular the readiness of our Reserve Component forces and the ability to meet worldwide commitments, as our Army of One simultaneously transforms to a more flexible, capable, joint, and expeditionary force.

**Opening paragraph should summarize purpose of hearing and capture overall theme of statement**

I thank the members of the committee for their continued outstanding support to the men and women in uniform, who make up our great Army. Your concern, resolute action, and deep commitment to America’s sons and daughters are widely recognized throughout the ranks of our Service.

**FORMAT: Arial 12 point**  
**1.5 inch margins .5 inch indent**  
**1.5 line spacing**  
**Double-space between**  
**paragraphs & headings**

The Army story today is one where the dominant land campaign

1

←————— Page number at the  
bottom center  
starting with first page  
of statement – not cover page

**3. SECURITY REVIEW:**

**a. Responsibility:** Security review/verification is the responsibility of the Lead staff agency. The designated security review authority will review the document IAW applicable security regulations to ensure no classified information is contained and will properly annotate such on the cover page of the witness statement. The use of the “Security Authority” title further emphasizes the security aspect of the review.

**b. Required Documentation:** The security review statement is documented on the cover page of the witness statement. This review statement is for internal use only and will be removed from the final version that is distributed to the committee. The individual identified as the "Security Authority" is asked to date and both print and sign his or her name as illustrated below:

Security: *(APPROPRIATE OFFICE SYMBOL)* has reviewed this paper IAW applicable security regulations and has determined the information enclosed therein is *(CLASSIFICATION)*

Security Authority: *(PRINTED NAME AND SIGNATURE)* DATE: \_\_\_\_\_.

#### **4. COORDINATION:**

Witness statements should be coordinated with the DA and OSD offices with oversight responsibilities or a significant interest in the subject matter of the statement. Coordination should also be made with offices impacted by or mentioned in the statement. The appropriate level of coordination will vary from hearing to hearing. If other DA or DoD witnesses will testify at the hearing, ensure that the statement is consistent. Lead agencies retain primary responsibility to coordinate witness statements with all agencies directed by this SOP. Completed coordination will be indicated by identifying the coordinating agency office symbol and the agency POC (name, telephone number, and date coordinated). CACOs/AOs are responsible for coordinating witness statements with:

**a. Army Secretariat/Staff Agencies:** Appropriate Army Secretariat/Staff agencies at the senior executive service or general officer level.

**b. Army Budget Office:** All statements will be coordinated with SAFM-BUL and at least one functional ABO Office. Based on subject matter, the AO should choose the ABO functional directorate(s) having primary budget oversight of the issues. If the directorate is known, but not the particular AO, the following sub-CACOs within SAFM can provide direction and/or the required chop:

SAFM-BUC – (management and control) – 3E341 / 692-6963

SAFM-BUI – (investment) – 3C349 / 614-9507

SAFM-BUO – (operations, maintenance & military personnel) – 3B349 /

693-2681 SAFM-BUR – (business resources) – 3B349 / 692-9550

SAFM-BUL – (budget liaison) - 3E331 / 693-0379

**c. G-8 Program, Analysis and Evaluation Directorate (PAED):** (3E365), 697-6925. PAED is responsible for ensuring the accuracy and consistency of program data. Out-year budget figures and anything that impacts the current POM are the responsibility of PAED.

**d. SALL-COD:** (1D437, 697-7675). ACOMs are encouraged to coordinate their witness statements with SALL-COD prior to the witness appearing before any congressional committee.

**e. Secretary of the Army General Counsel(SAGC) and Department of the Army Judge Advocate (DAJA):** SAGC and DAJA must coordinate on all statements that contain a recommendation or a comment regarding a legal matter that is significant or controversial at the HQDA or national level or proposing statutory or executive order changes.

**f. SAGC** must coordinate on all witness statements from a principal in the Secretariat addressing matters that are significant or controversial at the HQDA or national level.

**g. SALL-P:** All statements will receive a final coordination with SALL-P.

## **5. APPROVAL:**

Once coordination has been completed, obtain the witness's approval of the prepared statement as well as any attachments such as charts, viewgraphs, handouts, etc.

**a.** The witness statement is a statement on behalf of the Administration; therefore, no witness statement may be provided to a congressional committee without approval from OMB. The Record and Reading versions of the witness statement, both unclassified and classified, including any attachments, will be cleared.

**b.** At least ten working days prior to the hearing, the action officer will prepare a clean copy of the statement which consolidates any changes and shows:

(1) The security review statement on the cover sheet.

(2) On the last page, the action officer's name, agency, and telephone number.

(3) Outside agency coordination, including coordinating AO name, office, and telephone number.

(4) The approval authority's rank, name, date, and signature.

c. Determining initial classification of information rests with the preparing agency. *Using a #2 pencil, enclose classified information in brackets [ ]*. Show the level of classification in the left margin of the page when a whole paragraph is classified and immediately above the classified portion when only small phrases or figures scattered throughout the statement are classified. The level of classification must be annotated on the cover page. If the witness statement is classified, an unclassified version may also be required by the committee. Only the unclassified version is released to the public by congressional committees. Check with your legislative liaison officer for guidance.

d. **Unclassified Statements:** Unclassified witness statements must be cleared with the following offices in the order given below:

(1) **OCPA-OSR:** (Army Public Affairs in 1E487, 697-4122) Submit the original signed and security reviewed copy, plus one copy to OCPA-OSR. OCPA-OSR is responsible for reviewing both classified and unclassified versions for public affairs implications. OCPA-OSR will place a clearance stamp with reviewing authority initials on the statement original and call the action officer for pick up. OCPA-OSR will file the other copy. This process is usually completed in one business day.

(2) **OFOISR:** (WHS, Office for Freedom of Information and Security Review), 1777 North Kent Street, Suite 12047 (Attention: (appropriate AO)), Arlington, Virginia 22209, telephone: 696-4536/3342. The email address is: [secrev@whs.mil](mailto:secrev@whs.mil). OFOISR recommends using SIPRNET and NIPRNET as much as possible. When passing security reviews over email, SIPRNET is preferred because of the potential for unintentional disclosure of classified information. It is recommended that you follow-up by telephone after sending a witness statement to OFOISR for review. Statements may also be sent by official mail, FedEx, or UPS.

- Submit the statement as far in advance as possible as OFOISR will staff it to various OSD directorates depending on subject matter. This process can take one to three or more working days.

- OFOISR will retain the OCPA-OSR original cleared copy as part of the DoD official record copy and call the action officer when the OFOISR original stamped and signed/cleared copy is ready. If the statement is classified, *OFOISR will bracket the classified portions in red.*

- Under **DD Form 1790, Prepared Testimony Review** (see *Figure* on next page) submit the OCPA-OSR cleared original plus one copy to OFOISR for OSD policy review and security clearance:

**DD Form 1790, Prepared Testimony Review. Available from WHS website at <http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd1790.pdf>**

PREPARED TESTIMONY REVIEW		
1. TO: CHIEF, OFFICE OF SECURITY REVIEW	2. DATE 20060630	
The attached document is forwarded for review in accordance with paragraph D.2.a (2), DoD Directive 5400.4.		
3. DESCRIPTION OF DOCUMENT  Written Testimony		
4. WITNESS  SMA Kenneth G. Preston		
5. COMMITTEE/SUBCOMMITTEE  HAC-Quality of Life and Veterans' Affairs		
6. HEARING DATE AND SUBJECT  29 July 2006, Quality of Life in the United States Military		
7. PAGE COUNT  20	8. THIS DOCUMENT IS FOR (if applicable term) <input type="checkbox"/> CLASSIFIED <input checked="" type="checkbox"/> UNCLASSIFIED PRESENTATION	
9. PRIOR COORDINATION		
a. NAME (Last, First, Middle Initial)	b. AGENCY	c. TELEPHONE (Include Area Code)
10. UPON COMPLETION NOTIFY		
a. NAME (Last, First, Middle Initial) Rozneski, Suzanne	b. AGENCY SALL-CAD, Room 1D437	c. TELEPHONE (Include Area Code) (703) 697-3421
11. DIRECT QUESTIONS TO		
a. NAME (Last, First, Middle Initial) Rozneski, Suzanne	b. AGENCY SALL-CAD	c. TELEPHONE (Include Area Code) (703) 697-3421
12. REQUEST CLEARANCE NO LATER THAN (YYYYMMDD) 20060721		
The attached material has department/agency approval for the purpose specified. Any portions requiring security protection have been appropriately marked.		
13. ATTACHMENT Written Statement of SMA Preston		14. SIGNATURE
DD FORM 1790, JAN 2006 PREVIOUS EDITION MAY BE USED. Form/Post/Advice Professionals 6-0		

- If OFOISR has any minor objections, they will amend the statement and return it to the action officer stamped "Cleared for Open Publication as amended." Any OFOISR amendments must be made in the statement to gain OSD clearance. If there are significant changes, OFOISR will contact the requestor to reconcile the differences. If OFOISR has no objection to the unclassified statement, OFOISR will stamp it "Cleared for Open Publication" and return it to the requestor. Classified statements (or annex) will be returned by an OFOISR memorandum.

- SALL-I&L (1E433, 697-2106) will verify proper format, coordination, clearance, and approval prior to submitting to OMB. **No Army witness may give a prepared statement at a congressional hearing unless cleared by SALL-I&L & OMB.** Again, it is important to submit the statement to SALL-I&L as far in advance as possible. [Specific OMB guidance is available from OMB Circular A-19 and OMB Memorandum No. 01-12](#) which can be found on OMB's website (<http://www.whitehouse.gov/omb>). Circular A-19 asks agencies to make every effort to give OMB a minimum of **five** working days for clearance of proposed testimony. In turn, OMB will attempt to clear all testimony within three working days of its submission for clearance.

- Deliver or fax (614-3035) a copy of the OFOISR-cleared statement to SALL-I&L for transmittal to OMB. SALL-COD will submit SA, USA, CSA, VCSA, and SMA prepared statements to OMB for clearance.

- If faxed to SALL-I&L, call 697-2106 to verify receipt. OMB will contact the action officer to either provide clearance or raise concerns. **All concerns must be resolved to OMB's satisfaction.** Otherwise, approval will not be given and the witness will not be able to testify. The process is informal and a telephone call may be the only clearance given by OMB. Therefore, be sure to note the date, name, and telephone number of the OMB official who granted the clearance.

## 6. BIOGRAPHICAL SKETCH:

When it is the first appearance of the witness before a committee, or the witness's responsibilities have significantly changed since his last appearance before the committee, the prepared statement must be accompanied by an unclassified biographical sketch of the witness. Use letter-size plain bond paper and single space narrative format. Paragraphs are indented and unnumbered. Limit the sketch to one page. The biography is placed immediately after the witness statement cover sheet.

## 7. WITNESS LIST:

Committees may request a list of witnesses appearing before the hearing (see example on next page). Prior to the hearing, the agency of the principal Army witness will provide to SALL-P (Authorization) or SAFM-BUL (Appropriations) a list of witnesses for that particular hearing. Late selection of witnesses or last-minute changes may generate additional work and/or irritation among committee staff members.

xx March 20xx

WITNESSES TO APPEAR BEFORE THE SUBCOMMITTEE ON DEFENSE COMMITTEE ON  
APPROPRIATIONS UNITED STATES SENATE

SUBJECT: POSTURE OF THE UNITED STATES ARMY  
The Honorable John M. McHugh, Secretary of the Army  
General George W. Casey, Chief of Staff, United States Army

Use Arial 12 point font;  
1.5 inch margins;  
5 indentations.

**8. DISTRIBUTION:**

a. Witness statements *will not be released* to the news media, individuals, or agencies outside the DoD before authorization by the committee for which the statements are intended. ***Witness statements are embargoed until officially released by the committee on the day and at the time the hearing is convened.***

b. After OMB clearance has been obtained, reproduce the statement using a high-quality copier, and deliver to the SALL-P (Authorization) or SAFM-BUL (Appropriations) liaison officer. Because requirements vary from one committee to another, the SALL-P or SAFM-BUL liaison officer will advise on the number of copies required. Expect to produce anywhere from 50 to 200 copies. Also provide an electronic version containing the witness statement, witness list, and any attachments for the committee.

**APPENDIX-B SECTION III  
EXAMPLE OF FORMAT AN INSERT REQUIREMENT**

1 activities to win the peace as well as to be prepared to fight  
2 and win if necessary elsewhere in the world?

3           So I would ask you that and I guess I would ask,  
4 understanding that you can never have everything you want in a  
5 world of limited resources, what would be your top unfunded  
6 requirement if in fact you feel that you received as much of  
7 your priority list as you need in the administration's budget?

8           General Schoomaker: Sir, I would have to submit that for  
9 the record. I would not like to guess at that at this stage.  
10 But I would like to say that the '04 budget with supplemental  
11 is sufficient to prepare us and to conduct the operations that  
12 we are doing today. What we have in the '05 Army budget is  
13 sufficient to prepare, equip the Army to do the day to day  
14 things to support our preparation for the war. It does not  
15 include the contingency costs of actually operating over in  
16 that theater.

17           [The information referred to follows:]

18           [COMMITTEE INSERT]

19  
20  
21  
22  
23  
24  
25



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**APPENDIX-C SECTION III**  
**EXAMPLE OF FORMAT AN INSERTION POINT**

*The proper identification for the Format A insert is Page 65, Line 18.*

HAP046.182

PAGE (40)

857           And others have been the measures you have given us to  
858 look for optional ways of supplementing child care or with  
859 family care on bases.

(The information follows) → 860           Mr. YOUNG. Mr. Chairman, thank you very much.

861           Master Chief, first I want to ask you--the services  
862 situation or--

863           Sergeant Major ESTRADA. Sir, I would say it is unique  
864 to all of us. It happens outside most of our major bases. I  
865 concur with the master chief's comments concerning the  
866 predators on our young service men.

867           Sergeant Major PRESTON. Sir, I will ~~just--you know,~~ for  
868 a lot of the installations out there, ~~you know,~~ you have got  
869 the Better Business Bureau that, ~~you know, kind of~~ watches  
870 out for that and, ~~you know,~~ where necessary those places that  
871 take advantage of soldiers that--well, you just put those  
872 places off limits, ~~you know,~~ to soldiers--but it is ongoing  
873 out there. It is outside all of our bases.

874           Chief Master Sergeant MURRAY. Sir, we recognize they  
875 are there. We recognize that they are skirting the edge of  
876 legality. We educate our airmen about their existence, where  
877 they are. If they are found to do anything illegal, we do  
878 put them off limits. Otherwise, we ensure that our airmen  
879 know about them, know what their practices are.

880           We take and do financial education in basic military  
881 training, our technical training, and specifically in our

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**APPENDIX-D SECTION III**  
**TRANSCRIPT, EDITING AND CLEARANCE GUIDANCE**  
**PROOFREADER'S MARKINGS**

⊙	Insert period	<i>rom.</i>	Roman type
↗	Insert comma	<i>caps.</i>	Caps—used in margin
:	Insert colon	≡	Caps—used in text
;	Insert semicolon	<i>C+sc</i>	Caps & small caps—used in margin
?	Insert question mark	≡	Caps & small caps—used in text
!	Insert exclamation mark	<i>l.c.</i>	Lowercase—used in margin
⇒	Insert hyphen	/	Used in text to show deletion or substitution
↓	Insert apostrophe		
↔	Insert quotation marks	⓪	Delete
—	Insert 1-en dash	⓪	Delete and close up
—	Insert 1-em dash	<i>w.f.</i>	Wrong font
#	Insert space	⊂	Close up
<i>ld</i> >	Insert ( ) points of space	⊃	Move right
<i>shll</i>	Insert shilling	⊂	Move left
∨	Superior	⊎	Move up
∧	Inferior	⊎	Move down
(/)	Parentheses		Align vertically
[/]	Brackets	=	Align horizontally
□	Indent 1 em	⊃⊂	Center horizontally
□□	Indent 2 ems	⊎⊎	Center vertically
¶	Paragraph	<i>eg.#</i>	Equalize space—used in margin
<i>no</i> ¶	No paragraph	↔↔	Equalize space—used in text
<i>tr</i>	Transpose <sup>1</sup> —used in margin	.....	Let it stand—used in text
~	Transpose <sup>2</sup> —used in text	<i>stat.</i>	Let it stand—used in margin
<i>sp</i>	Spell out	⊗	Letter(s) not clear
<i>ital</i>	Italic—used in margin	<i>run over</i>	Carry over to next line
—	Italic—used in text	<i>run back</i>	Carry back to preceding line
<i>b.f.</i>	Boldface—used in margin	<i>out, see copy</i>	Something omitted—see copy
~~~~	Boldface—used in text	<i>SI?</i>	Question to author to delete <sup>3</sup>
<i>s.c.</i>	Small caps—used in margin	^	Caret—General indicator used to mark position of error.
≡	Small caps—used in text		

<sup>1</sup>In lieu of the traditional mark "tr" used to indicate letter or number transpositions, the striking out of the incorrect letters or numbers and the placement of the correct matter in the margin of the proof is the preferred method of indicating transposition corrections.

<sup>2</sup>Corrections involving more than two characters should be marked by striking out the entire word or number and placing the correct form in the margin. This mark should be reserved to show transposition of words.

<sup>3</sup>The form of any query carried should be such that an answer may be given simply by crossing out the complete query if a negative decision is made or the right-hand (question mark) portion to indicate an affirmative answer.

- 1. Use soft black lead #2 pencil:** Do not use ink or colored pencil unless specifically requested by the committee and only if you are finalizing the transcript for return to the committee. Print changes clearly – corrections must be legible and reproducible. Handwritten corrections are permissible on all material except that which will be photographed by the printer, such as inserts for the record.
- 2. Edit only:** Army testimony, including the Army portion of multi-Service hearings. Verify that all statistical figures, numbers, and dollar amounts, are correct. If not, annotate the correct information.
- 3. Do not make “happy to glad” changes:** The goal is testimony that is factual, understandable, and grammatically correct. It is not necessary to make extemporaneous testimony read like a polished speech. Committees may not accept such changes and can return transcripts for over-editing.
- 4. Do not substantially change, expand, or alter the witness’s testimony:** Substantive changes will be made only after clearance with SALL-P or SAFM-BUL. If substantive changes are authorized, the entire portion to be changed must be typed single-spaced, on a separate sheet of paper, and attached to the appropriate page of the transcript, with a short note to the committee explaining why the change is required. If the witness’s testimony stands, but he or she wants to add further explanatory material to that testimony, it should take the form of a Format A insert for the record.
- 5. Do not change remarks or questions by committee members,** but do provide correct statistical figures, numbers, and dollar amounts pertaining to the Army only. Also, correct the member’s remarks where there is a typographical or other obvious error. If there is a misstatement of fact or some other reason that justifies making a substantive change to a member’s remarks, attach a 3”x5” note with the suggested change and supporting rationale on the page where the change should be made and include your name, office, and telephone number.
- 6. Do not use brackets [ ].** Brackets are used to enclose classified material. To make editorial deletions, draw a line through the word or phrase to be deleted and print any change above. Do not obliterate deleted words or phrases.
- 7. Do not underline headings or bold spoken testimony:** An underlined word tells the printer to set the word in italics.
- 8. Ensure proper capitalization.** Underline a letter or word three times to indicate capitalization is required. The [Government Printing Office Style Manual](#) is the governing document on capitalization. Words such as fiscal year, calendar year, etc., are not capitalized unless used as part of a title, e.g., National Defense Authorization Act for Fiscal Year 2005.

**9. Do not use the military practice of capitalizing the names of weapon systems or training exercises in all caps:** Only acronyms should be in caps (e.g., OPFOR, FCS, NTC, HMMWV, etc.). The name of a weapon system, training exercise, or operation that is not an acronym should have only the first letter capitalized (i.e., Stinger is the name of a missile; Apache and Black Hawk are names of helicopters; Operation Iraqi Freedom is the name of a military operation).

**10. Define all abbreviations or acronyms the first time they are used:** Use dashes – to offset – since parentheses are not used in spoken testimony. However, when preparing inserts for the record, the use of parentheses is appropriate.

**11. Only abbreviations that are well known in the civilian community, such as NATO, may be used without first spelling the abbreviation out:** Military abbreviations such as Bn for battalion, IN for infantry, etc., **will not be used**. Fiscal year is lower case, spelled out the first time used: fiscal year 2007 (FY 2007).

**12. Address.** Do not abbreviate Senator, Secretary, General, etc. The proper forms of address are:

<b>POSITION:</b>	<b>ADDRESSED AS</b>
<b>Member of U.S. Senate</b>	<b>Senator (last name);</b>
<b>Member of House of Representatives</b>	<b>Mr., Mrs. or Ms. (last name)</b>
<b>Secretary of the Army</b>	<b>Secretary (last name)</b>
<b>Assistant Secretaries</b>	<b>Mr., Mrs. or Ms. (last name)</b>
<b>Chief of Staff or General</b>	<b>General (last name)</b>

**13. Check the witness list** to ensure that all Army witnesses who testified are correctly listed and that the names of those who did not testify are deleted. Only the names of those actually speaking at a hearing should be included in the transcript witness list. These names can be determined from the printout at the back of the transcript showing the pages where the speaker's testimony appears. The name and title of any witness carried in the computer printout, but not included in the witness list at the beginning, should be added to that list. Conversely, any name on the witness list not appearing on the computer printout should be stricken.

**14. Conduct Security Review:**

**a. Responsibility:** Security review/verification is the responsibility of the lead staff agency. The designated security review authority will review the document IAW applicable security regulations for classified information and annotate their determination on the cover page of the transcript or by separate

memorandum. The use of the "Security Authority" title further emphasizes the security aspect of the review.

**b. Required Documentation.** The security review statement is documented on the cover page of the transcript or by separate memorandum. This review statement is for internal use only and will be removed from the final version that is distributed to the committee. The individual identified as the "Security Authority" is asked to date and both print and sign his or her name as illustrated below:

Security: (APPROPRIATE OFFICE SYMBOL) has reviewed this paper IAW applicable security regulations and has determined the information enclosed therein is (CLASSIFICATION).

Security Authority: (PRINTED NAME AND SIGNATURE) DATE: \_\_\_\_\_.

**15. Bracket [ ] classified portions in soft black lead #2 pencil**, not ink or colored pencil. The primary responsibility for determining the proper classification of information presented in any form to Congress rests with the preparing agency. **Red brackets will be added to the original transcript and inserts for return to the committee only after final clearance has been obtained from OFOISR.**

**a. Brackets:** Enclose with brackets [*the classified information only*] to be deleted. Make deletions as limited as possible, considering whether the remaining text contains clues to the information being deleted. **Bracket the specific portions of the testimony – words or phrase – that actually contain classified information.** Do not make blanket classifications. Do not bracket names and titles of witnesses, committee members, or the committee staff. Indicate classification (C) or (S) in the left margin when whole paragraphs are classified and immediately above the classified portions when only small phrases or figures are classified.

**b. Markings:** Certain information must be protected, such as a breakout of unclassified yearly funding costs, which would prejudice negotiations with a contractor or prospective contractor within the meaning of [Army Regulation 25-55, Department of the Army Freedom of Information Act Program](#). Such information should be treated as FOR OFFICIAL USE ONLY (FOUO) and marked NSE for "non-security exemption." FOUO is not a security classification, so information should be in parentheses and marked "(NSE)."

**16. Do not stamp security classification or protective markings on transcript pages.** Only OFOISR determines the final security classification.

**17. Topical Headings.** Some committees require that topical headings be added to the transcript whenever the subject changes and/or after an insert breaks the flow of testimony. If you are required to use topical headings, they

should be centered and penciled in just above the line in the transcript where the subject of the discussion changes. A heading should be annotated at least every third page. Headings should be brief, concise, and descriptive of the subject being discussed. The following is an example of a topical heading:

**18. Indexing.** Some committees may require that transcript topics be indexed.



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**APPENDIX-E SECTION III  
INSERT PREPARATION INSTRUCTIONS**

**1. Use the Proper Format:** *There are two types of inserts: Format A and Format B.* Generally, Format A inserts are responses to questions asked during a hearing that were not fully answered, and Format B inserts respond to written supplemental questions submitted by the committee after the hearing. Your CACO will provide an electronic template of the proper format with your tasking. If not, identify the proper format by using the chart below. Electronic format templates are available from SALL-COD, 697-3421.

	<b>INSERT FORMAT</b>	<b>COORDINATION FORMAT</b>
<b>COMMITTEE</b>	Appendix	Appendix III-K
<b>Authorization:</b>		
SASC	III-F	HQDA Form 5
HASC	III-G	HQDA Form 5
<b>Appropriations:</b>		
SAC	III-H	HQDA Form 5
HAC	III-I	HQDA Form 5

Correctly formatting inserts is important for quick and accurate processing. ***Inserts not provided in the correct format will be sent back.*** The incoming tasker should identify the committee and provide the corresponding insert format template. If not, call the tasking official to obtain the required information and/or template.

**2. Follow Format:** Refer to the appropriate Appendix and note the following:

**a. Page Setup:**

**(1) Font and Paper:** Use 12-point Times New Roman font, regular type – do not bold or underline text or use bullets. Use plain 8.5” x 11” bond paper.

**(2) Margins:** Vary by committee. See **Appendices III-F through III-I.**

**b. Heading:**

**(1) Committee:** Annotate the identity of the House or Senate committee, and subcommittee, if applicable, that held the hearing.

**(2) Subject or Title of Hearing:** Use the subject/title of the hearing shown on the tasker – do not substitute another subject.

**(3) Hearing Date:** Use the date the hearing was conducted — do not use any other date.

**(4) Member of Congress/Witness:** For Appropriations committee inserts, identify the member of Congress and the witness (this information will not appear in the body of the insert).

**(5) Subject of Question:** Use the subject provided in the tasking. Do not create your own subject.

**(6) Number of Question:**

- **Format A:** Use the appropriate transcript page number and line number point of insertion (see examples at **APPENDICES III-C and III-D**).

- **Format B:** Use the assigned question number.

**c. Body of Insert:**

**(1) Insert Subject:** Center the subject of the insert over the text. Subject headings are required for both Format A and Format B inserts. Use the heading provided on the tasker sheet or as given by the Member of Congress asking the question. Please do not create your own subject for the insert. Subject headings will briefly describe the insert subject, e.g., Operation Iraqi Freedom, Aviation Modernization, End Strength, Base Realignment and Closure, etc. The heading should be followed by a double space before beginning a question and answer.

**(2) Paragraphs:** Indent all paragraphs 0.5". Use single line spacing with no spaces between paragraphs. Double space only after a subsequent question and answer on the same page.

**(3) Forms of Address:** Use the following forms of address to open the question or answer, if the format requires it. Do not abbreviate Senator, Secretary, General, etc.

The Proper Format of Address are:

**POSITION:**

Member of U.S. Senate

Member of U.S. House

Secretary of the Army

Assistant Secretaries

Chief of Staff or General Officers

**ADDRESSED AS:**

Senator (last name)

Mr., Mrs., or Ms. (last name)

Secretary (last name)

Mr., Mrs., or Ms. (last name)

General (last name)-

**Not Lt. Gen., Maj. Gen., Brig Gen., or MG, LTG or BG**

**(4) Format A Insert:** Format A inserts (refer to Format A examples in **APPENDICES III-G through J**) are required when members ask questions that witnesses cannot fully answer. A witness may say, “I will provide that information for the record,” or words to that effect. You are responsible for responding for the witness only. ***Do not repeat the question in the body of the insert because it already appears in the transcript.*** The insert will be placed into the transcript following the witness’ comments (see **APPENDICES III-C and III-D** for transcript examples).

**(5) Format B Insert (QFR):** Format B inserts (refer to Format B examples in **APPENDICES III-G through J**) respond to written “questions for the record” committees submit to witnesses after hearings. They usually come in the form of a list of questions attributed to a particular member. You are responsible for repeating the entire question verbatim, including any lead-in comments, and ensuring that the response is factual, coordinated, and grammatically correct.

**(6) Responding to Questions.** Committees publish inserts so the general public can understand them. Responses must be written **in the context of the hearing date** in easily understood, plain English, colloquial (conversational) style. Inserts should not be overly technical – do not use bullets, charts, tables, etc. unless specifically requested or absolutely necessary to be fully responsive. Responses not written in this manner may be returned for rewrite.

- **Spell out all words:** Do not use military abbreviations such as M for million, Ft for Fort, bn for battalion, etc. Use \$8 million, not \$8M; 600,000, not 600K, etc. Spell out all acronyms and abbreviations the first time used. Only common, well-known acronyms such as NATO or UN may be used without first spelling them out. Use “United States” when it is used as a noun; use the abbreviation “U.S.” when it is used as an adjective modifying a noun, e.g., the United States projects its power overseas; the U.S. Army provides that power projection capability. Fiscal year will always be lower case and spelled out the first time used: fiscal year 2007 (FY 2007).

- **Capitalization:** Do not use capital letters (all caps) for names of weapons systems or training exercises. Only acronyms are in all caps. The name of a weapons system, training exercise, or operation that is not an acronym should have only the first letter capitalized – Stinger and Javelin are the names of missile systems; Apache and Black Hawk are names of helicopters; Operation Enduring Freedom is the name of a military operation, etc.

- **Parentheses:** Parentheses may be used to enclose parenthetical expressions and amplifying or explanatory word and phrases. However, do not use brackets [ ] as they indicate classified information.

**d. More than One Witness:** In order to send a consistent Army message, use a single response attributed to multiple witnesses if the same question is asked of more than one witness. Witnesses may offer differing opinions or comments to the same question during oral testimony, but written responses to post-hearing questions should be consistent.

**(1) Answering Multiple Questions for an Army-Only Hearing:** More than one question from a single Member of Congress addressed to a single witness may be answered in one insert if the questions follow in sequence. Put a space between each question/answer; do not type all of the questions first and then all of the answers. However, there may be a few exceptions where one or two questions may best be combined in a single answer.

**(2) Answering Multiple Questions for Multi-Service Hearings:** For multi-Service hearings, no more than one question and one answer may appear on an insert. This enables the committee to combine the witnesses' responses under the same question.

**e. More than One Page:** If the insert is more than one page, use the identical heading and subject title and identify the page number in the upper right hand corner with Page X of Y. This applies to all committees, regardless of format.

Page 2 of 2 Hearing Date: 16 March 2005  
Committee: SASC, Subcommittee on AirLand  
AirLand Member: Senator McCain  
Witnesses: Mr. Bolton and General Cody  
Questions # 89, 90



#### MODULARITY

Question. General Cody, I've been told the Congressional Budget Office (CBO) is finishing a study of Army modularity that concludes the end product will provide only a modest increase in combat power—on the order of five percent. CBO is reported to be skeptical that the reconnaissance, surveillance, target acquisition (RSTA) companies do not provide combat boots on the ground for security and counterinsurgency in the irregular warfare category of scenarios. What is your position on this question?

Answer. The Army's new modular formations provide a 30 percent increase in active combat power and approximately a the brigade rotational force pool. Additionally, they provide more than just sufficient boots on the ground. Our ability to rapidly collect, analyze, and disseminate critical, time-sensitive information on the battlefield provides our forces with a common operating picture, helping to better focus both our combat power and efforts where they will have the greatest

**f. Enclosures:** Do not use enclosures or attachments unless specifically requested or absolutely necessary to be fully responsive. If used, refer to the "chart below" or the "impact statement follows," etc. When published, the referenced document will be placed at the appropriate point so the text is continuous.

**g. Charts, Tables, Slide, etc:** All tables, charts, slides, etc., ***must be in black and white with the same margins as the inserts.*** The committee will not accept color charts, as the official record of the hearing is printed in black and white.

**h. Proprietary or other Sensitive Information:** Do not discuss proprietary information or any information that may not be classified but should be for official use only, such as information that affects a contract competition. The final determination of releasability will be made by OFOISR when the primary action agency clears your insert for public release.

**i. Classified Inserts: *Unclassified inserts are preferred;*** higher than “**SECRET**” will not be accepted.

- Unclassified inserts are not annotated with “**UNCLASSIFIED.**”
- Classified inserts will be marked with the highest security classification, appropriate classification authority, and declassification instructions. Stamp or type security classification and declassification instructions: “Classified by \_\_\_\_\_ / Declassify on \_\_\_\_\_” or other appropriate instructions on the bottom of the insert, away from the body of the insert. Lengthy declassification instructions may be placed vertically on the left hand side. If stamped, use black ink that is dark enough to reproduce clearly on all copies made of the original insert.

- **Do not use brackets [ ].** Brackets are used for classified material only and will be handwritten in. Do not use brackets around any other text. Refer to [\*AR 380-5, Department of the Army Information Security Program\*](#), or your security manager for specific guidance on classified document marking.

- **Number 2 Pencil.** Using a black #2 pencil on a copy of the original insert, the action officer is responsible for placing his recommended security brackets around the specific classified material only and showing the security classification **(C)/(S)** over the classified portions. The original insert will be bracketed in red pencil or excised only after security verification has been received from OFOISR by the primary action agency CACO responsible for finalizing the transcript and inserts for return to the committee.

**j. Minimal Use of Interim Response:** All inserts must be accounted for when the transcript is returned to the committee; therefore, every effort must be made to return all inserts with the transcript by the original suspense date. The Suspense date given to the committee must allow sufficient time for the final insert to be written, coordinated, reviewed, approved, and cleared

**(1) Format:** Prepare the interim response insert with the applicable format

heading and title. Do not attribute the answer to any individual. State when the information will be provided. Type the “interim answer” four or five lines down from the end of the question so it stands out from other inserts.

**(2) Example of an Interim Response Insert is shown Below:**

WHEELED VEHICLE MAINTENANCE

Question: The Army is busy developing the Army of the future – one that will feature predominately wheeled vehicles. However, your service has yet to identify a wheeled vehicle depot to maintain this new fleet. Will you consider the merits of naming Red River Army Depot a “Center for Industrial and Technical Excellence” for wheeled vehicle maintenance?

**Research into this matter is ongoing. A final response will be provided within 30 days.**

**3. Coordination Sheet Format:** The same standards and procedures that apply to coordinating and approving information papers will be followed for inserts and questions for the record. Essentially, anything that goes to Congress must be fully coordinated and approved by a general officer or SES. The standard insert coordination format is the HQDA Form 5, Army Staffing Form. An example is provided at **APPENDIX III-J**. The Form 5 will be used as the approval and coordination sheet for all committees. The following information must be contained on the Form 5, insert coordination.

**a. Heading/Title:** The heading and subject, and insert number identical to which the coordination applies will be contained in Block 5, Subject.

**b. AO:** Annotate your name as action officer, with your rank, office symbol, and telephone number.

**c. Security Review Statement:** Annotate the security review statement (see Security Review in paragraph 4 below).

**d. Coordinations:** Indicate coordinating agencies on page 2 of the Form 5 (see Coordination in paragraph 5 below).

**e. Approval Authority:** Note the name, rank, office symbol of the general officer or SES approval authority and the date approved.

**4. Security Review:**

**a. Responsibility:** Security review is the responsibility of the lead staff agency. The designated security review authority will review the document IAW applicable security regulations to ensure no classified information is contained.

The use of the "Security Authority" title further emphasizes the security aspect of the review.

**b. Required Documentation:** The security review statement is documented on the insert coordination page. This review statement is for internal use only and will not be distributed to the committee. The individual identified as the "Security Authority" will date and both print and sign his or her name as shown below:

Security: (APPROPRIATE OFFICE SYMBOL) has reviewed this paper IAW applicable security regulations and has determined the information enclosed therein is (CLASSIFICATION).

Security Authority: (PRINTED NAME AND SIGNATURE) DATE: \_\_\_\_\_.

**5. Coordination:** The AO is responsible for fully coordinating the insert to ensure it represents the Army position before the insert can be submitted to the CACO refer to the example at **APPENDIX III-J**. Completed coordination will be indicated by identifying the coordinating agency office symbol and the agency POC (name, telephone number, and date coordinated). AOs are responsible for coordinating inserts with:

**a. Appropriate Army Secretariat/Army Staff Agencies:**

**b. Army Budget Office (ABO):** All inserts will be coordinated with SAFM-BUL and at least one functional ABO office. Based on subject matter, the action officer should choose the ABO functional directorate(s) having primary budget oversight of the paper. See **APPENDIX III-B** in the **General Appendices** for information regarding the responsibilities of the ABO offices. If the directorate is known, but not the particular AO, the following contacts (sub-CACOs within SAFM) can provide direction and/or the required chop:

SAFM-BUC – (management and control) – 3E341 / 692-6963

SAFM-BUI – (investment) – 3C349 / 614-9507

SAFM-BUO – (operations maintenance & military personnel) – 3B349 /

693-2586 SAFM-BUR – (business resources) – 3B349 / 692-9550

**c. G-8 Program, Analysis and Evaluation Directorate (PAED):** G8 (PA&E) is responsible for ensuring the accuracy and consistency of program data. All inserts will be coordinated with the PAED CACO, room 3E365, telephone number 697-6925.

**d. Secretary of the Army General Counsel (SAGC) and Department of the Army Judge Advocate (DAJA):** SAGC and DAJA must chop all inserts that contain a recommendation or a comment regarding a legal matter that is significant or controversial at the HQDA or national level or proposing statutory or executive order changes.



**e. SAGC:** SAGC must chop all inserts from a principal in the Secretariat addressing matters that are significant or controversial at the HQDA or national level.

**f. SALL-COD (1D437, 697-3421):** All inserts being prepared for Army Senior Leaders should be chopped by SALL-COD.

**g. Other Agencies:** The subject matter of the insert may overlap into another Army agency's purview. If this is the case, it is highly recommended that the action officer coordinate the response with the other agency.

**h. SALL-P:** All inserts will be coordinated with SALL-P. SALL-P must have the final coordination.

**6. Approval:** Inserts will be approved at the agency directorate level – at a minimum – **by a general officer or SES-level equivalent**. The approving authority's rank and full name with original signature must be on the Form 5. There are instances when the SA or CSA may contact a staff principal concerning an insert under their purview. Therefore, the agency CACO should retain a copy of all approved inserts for the record.

**7. Required Copies.** You must provide your agency CACO the insert and original coordination sheet (Form 5), one additional paper copy of the insert, and an electronic copy. You should also retain a signed copy for your records.

**APPENDIX-F SECTION III  
SASC INSERT FORMAT**

Electronic template available by calling 697-3421 (DSN 227-3421)  
Page Format: 1.5" left-right margins; .5" indent, 12-point, Times New Roman  
Font; plain bond paper.

**FORMAT A**

DD MM YYYY (hearing date)

TITLE OF HEARING

SENATOR NAME

INSERT: (Page #, Line #)

WITNESS:

(The information follows:)

Type the body of the response here. Do not put spaces between paragraphs. Use 1.5 inch left and right margins and 1 inch top and bottom margins. Use 12 point Times New Roman font.

Use a space between inserts if you have several inserts on one page. Only type several inserts on one page if they are sequential in number. If the insert is more than one page, type "Page X of Y" in the upper right hand corner.

If an acronym is used more than once, spell it out the first time, followed by the acronym in parentheses. Use the acronym as appropriate thereafter. Use civilian dollar figures, such as \$10 million, not \$10M.

Please use Form 5 for approval and coordination.

E-mail completed inserts to the [OCLL-COD, Deputy Chief](#) and reference the insert number in subject of e-mail.

## **FORMAT B**

CHARRTS No.: SASC-03-002  
Hearing Date: February 23, 2010  
Committee: SASC  
Member: Senator Levin  
Witness: GEN Casey, Jr.  
Question: #2

### Adaptability of Higher-end Combat Units to Lower-end Missions

Question: General Casey, what risks might additional emphasis on non-conventional missions, in doctrine and training, pose for the Army's ability to conduct traditional high-end combat missions?

Answer: The nature of conflict today requires a flexible approach for anticipating force requirements. Accordingly, the Army's greatest emphasis must be on creating a versatile force. We must prepare Soldiers, units and their equipment for future missions, both conventional and non-conventional, by providing adequate time to train for full-spectrum operations and to reduce uncertainty and stress for Soldiers and their Families. We continue to assess and transform the force to meet Combatant Commanders' requirements by revising our modernization strategy, completing transformation from Cold War legacy formations to modular formations and improving business processes in order to apply resources efficiently.

Although we are focused on prevailing in current counterinsurgency operations, improving the Army's deployment to dwell time ratios will increase training opportunities across the full-spectrum of operations necessary to meet future requirements. Rebalancing the force remains an essential part of mitigating risk from unforeseen contingencies for our Army. Restoring readiness will enable the Army to prepare for and accomplish all assigned missions as a member of the Joint Force. Mitigating these risks will sustain our Army, which is the most experienced combat force in the world.

**APPENDIX-G SECTION III  
HASC INSERT FORMAT**

Electronic template available by calling 697-3421 (DSN 227-3421)  
Page Format: 1.5" l-r margins; .5" indent, 12-point, Times New Roman Font;  
plain bond paper.

**FORMAT A**

Hearing Date: Mar 16, 2010

Hearing: Hearing on Fiscal Year 2011 National Defense Authorization Budget Request for the  
Military Services' Operation and Maintenance Funding

Member: Congressman Shuster

Insert: (Page 71, Line 1636)

Witness: General Chiarelli

(The information follows):

The Army is not performing "Reset" per se in Kuwait, so it is not possible to provide a cost comparison. We are however repairing Army equipment that had been in use in Iraq, before transferring it to Afghanistan. The difference is in the scope of work -- the repairs in Kuwait are generally just enough to ensure the item of equipment is fully mission capable; on the other hand, "Reset" not only makes an item of equipment fully mission capable, but it also ensures that the item of equipment meets the Army maintenance standard laid out in AR 750-1, in accordance with the applicable technical manuals, and also includes such maintenance actions as to eliminate the effects of delayed desert damage (for example, while inspecting a tank in accordance with the technical manual, removal of the turret from the hull would not be required; however, in Reset, because we want to remove the effects of operating for a year in the fine sand and dust prevalent throughout Iraq, we remove the turret, clean and service the race ring, all to ensure that any build up of sand and debris does not come back to haunt us down the road). Although the maintenance done in theater is to a lower scope than "Reset," the repairs we make in theater help ensure that equipment provided to our forces in Afghanistan is fully mission capable, without having to bring it all the way back to CONUS for repair. Finally, only a very small amount of the total maintenance workload conducted in theater is classified as "depot level" repair, but we do ensure that the Army captures those costs in our annual 50/50 depot level maintenance report -- in some cases, that work is performed by depot (government) workers deployed forward from CONUS; in other cases, it is performed by contract . . . but in all cases, it is counted in the appropriate category for purposes of the 50/50 report.

## **QFR Example (FORMAT B)**

CHARRTS No.: HASC-09-001

House Armed Services Committee

Hearing Date: February 25, 2010

Hearing: Hearing on the Fiscal Year 2011 National Defense Authorization Budget Request from  
the Department of the Army

Member: Congressman Jones

Witness: HON McHugh

Question: #1

**Question:** The FY09 National Defense Authorization Act encourages the Army to compete its small arms requirements. Page 201 of the Army Procurement Justification Book for Weapons and Tracked Vehicles indicates that the Army requests \$15.042M to procure 11,494 M4 carbines and that the carbines will be procured from Colt Manufacturing Co., Inc. with sole source, firm fixed price contract. Is the Justification Book accurate? What are the Army's requirements for M4 carbines in Fiscal Year 2011 and how does the Army plan to complete the requirements?

**Answer:** Yes, the Justification Book is correct. The Army is pursuing a dual track strategy to provide our Soldiers the best carbine in the world. Track One is initiating continuous competitive upgrades of the M4, and Track Two is the competitive procurement of a new Joint Capabilities Integration and Development System (JCIDS) requirement for an individual carbine.

For the funding year FY11, the requested total program funding is \$20.2M. \$15.042M of that will procure 11,494 M4 Carbines equipped with the Modular Weapon System, which includes six additional magazines, the M4 Rail Assembly and the Back-up Iron Sight per weapon. The remainder of the funds procures combat optics and provides production, logistical and fielding support.

In 2008, then Secretary of the Army Pete Geren directed continued procurement of the M4 carbine until the Army Acquisition Objective (AAO) was met. Once the AAO was reached, M4 procurement would be limited to only those M4s necessary to maintain the current fleet of weapons. The procurement requirement also includes the minimum required to maintain the industrial base until the individual carbine competition is complete and in production.

A quantity of 12,000 carbines is the yearly Minimum Sustaining Rate (MSR) for Colt Defense LLC. The Army will continue to maintain Colt's operational capability, and does not plan to pursue an M4 competitive procurement. The Army will conduct M4 upgrade competitions and will compete the new JCIDS requirement for a carbine when the requirement is eventually approved by the Joint Requirements Oversight Council.

**APPENDIX-H SECTION III  
SAC INSERT FORMAT**

Electronic template available by calling 697-3421 (DSN 227-3421)  
Page Format: 1.5" l-r margins; .5" indent, 12-point, Times New Roman Font;  
plain bond paper.

**IFR FORMAT A**

Senate Appropriations Committee  
Defense Subcommittee  
Hearing Date: 03 March 2010  
Subject of Hearing: FY11 Army Budget Overview  
Member: Senator Brownback  
Witnesses: Secretary McHugh and General Casey  
Insert: Page 37 Line 20

(The information follows:)

Recapitalization of the Munson Army Health Center, Fort Leavenworth, Kansas, is in the very early phases of planning. The next planning visit is scheduled for March 22-26, 2010 to clarify requirements and determine full replacement costs or program amount. The replacement project will compete in the Department of Defense's Capital Investment Decision Making (CIDM) process for likely programming in the FY12-17 Defense Health Program Future Years Defense Plan. While the Army Medical Command and Department of Veterans Affairs (VA) have opened dialogue at the local level, the currently developed project that will be presented in this year's CIDM is a modern 175,000 gross square foot replacement Army Health Center. Collaborative efforts between the Army and the VA concerning this project are not ready for consideration in this year's CIDM process.

**QFR FORMAT B**

Senate Appropriations Committee  
Defense Subcommittee  
Hearing Date: 9 March 20XX  
Subject: Fiscal Year 20XX Army Budget  
Member: Senator McCain  
Witness: Secretary McHugh  
Question #4:

Recruiting and Retention

Question. Do you believe that enhanced enlistment bonuses, increased recruiters and other incentives for individual soldiers will be enough to overcome current recruiting difficulties for the Army?

Answer. The Army has examined the fiscal year (FY) 20xx recruiting environment and expects this environment to remain equally challenging into FY 20xx and FY 20xx. The operations in support of the Global War on Terror, Operation Iraqi Freedom and Operation Enduring Freedom are only a part of this recruiting environment.

**APPENDIX-I SECTION III  
HAC INSERT FORMAT**

**IFR FORMAT A**

House Appropriations Committee  
Defense Subcommittee  
Hearing Date: 23 March 2010  
Subject of Hearing: FY11 U.S. Army Posture  
Member: Representative {Insert Members Last Name}  
Witnesses: Secretary McHugh and General Casey  
Insert: Page #, Line #  
(The information follows:)

**QFR FORMAT B**

House Appropriations Committee  
Defense Subcommittee  
Hearing Date: 23 March 2010  
Subject of Hearing: FY11 U.S. Army Posture  
Member: Representative Dicks  
Witnesses: Secretary McHugh and General Casey  
Question 2

Tactical Wheeled Vehicles

Question. Please explain the Army's decision to include no funding for the purchase of HMMWVs in the fiscal year 2011 request.

Answer. As a result of analysis conducted over the course of the last few months, the Army has decided to accelerate its already established plans to stop High Mobility Multipurpose Wheeled Vehicle (HMMWV) procurement. This decision is based on the following operational and acquisition factors:

Current feedback from operational Commanders indicates that HMMWVs may not provide the desired level of protection for our Soldiers. Commanders prefer not to have Soldiers travel in HMMWVs and they are relying more on their fleets of Mine Resistant Ambush Protected Vehicles (MRAPs) and MRAP-All Terrain Vehicles, which provide better protection.

The Army has reached its acquisition objective for HMMWVs. The Army's current FY10 HMMWV requirement is 152,727 with 156,375 on hand. Although the average fleet age is approximately 15 years, our cost benefit analysis tells us we should recapitalize older models rather than buy new ones.



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**APPENDIX-J SECTION III  
INSERT COORDINATION FORMAT(HQDA FORM 5)**

<b>ARMY STAFFING FORM</b> For use of this form, see DA Memo 25-52; the proponent agency is AASA.		2. TODAY'S DATE (YYYYMMDD) 3. SUSPENSE DATE (YYYYMMDD) 1. TRACKING NUMBER
4. OFFICE SYMBOL		Insert for the Record - Coordination and Approval - QFR # (or IFR page & line#) 5. SUBJECT
6	ROUTING: (ECC USE ONLY) Initial Date	DIR, ECC ECC POC (Rank, Name, Phone)
	SA	COMMENTS:
	CSA	
	USA	
	VCS A	
	AAS A	
	DAS	
	SM A	
	DUS A	
	VDA S	

**1. EXECUTIVE SUMMARY / ACTION MEMORANDUM**

**Ref:** (Congressional Committee) Hearing on (subject, date, witnesses).

**Encl:** TAB A: Insert or Question for the Record from (Sen or Rep name). TAB B:

a. **Purpose:** The purpose should contain a brief statement as to why the action officer is staffing this QFR.

b. **Discussion:**

1. Summarize the information. Provide current status of issue (if applicable). The following Security Review Statement and Required Coordination must be on the Form 5 for all Army Inserts.

2. This discussion should tell the "story" on an action without "begging questions." The final authority should fully understand why this action is necessary. Notwithstanding, action officers should make every attempt to limit all information to one page.

3. Recommendation: GO/SES Approval on the enclosed Inserts/Questions for the Record.

4. Security: \_\_\_\_\_ has reviewed this paper

IAW applicable security regulations (APPROPRIATE OFFICE SYMBOL) and has determined the information enclosed therein is \_\_\_\_\_.  
(CLASSIFICATION)

**HQDA FORM 5, JUN 2006 ( )** Previous editions are obsolete.

8. LEAD AGENCY STAFF COORDINATION		TRACKING NUMBER:				
TITLE	INITIAL	TYPED OR PRINTED NAME	DATE			
ACTION OFFICER: (Name/Position/Phone Number/E-mail)						
FILE LOCATION:						
SACO's NAME: (Name/Position/Phone Number/E-mail)						
RECOMMENDATION FOR STAFF PRINCIPAL: (THE FOLLOWING COORDINATION IS REQUIRED FOR ALL QFRs/IFRs, before signature of the Staff Principal. Additional coordination may be necessary based on the subject matter.)						
9. STAFF COORDINATION						
CONCUR	NON-CONCUR	AGENCY	NAME (TITLE, LAST NAME)	PHONE (XXX)XXX-XXXX	DATE (YYYYMMDD)	REMARKS
<input type="checkbox"/>	<input type="checkbox"/>	SAFM-BUC		692-6963		
<input type="checkbox"/>	<input type="checkbox"/>	OR				
<input type="checkbox"/>	<input type="checkbox"/>	SAFM-BUI		614-9507		
<input type="checkbox"/>	<input type="checkbox"/>	OR				
<input type="checkbox"/>	<input type="checkbox"/>	SAFM-BUO		693-2586		
<input type="checkbox"/>	<input type="checkbox"/>	OR				
<input type="checkbox"/>	<input type="checkbox"/>	SAFM-BUR		692-9550		
<input type="checkbox"/>	<input type="checkbox"/>	SAFM-BUL		693-0379		
<input type="checkbox"/>	<input type="checkbox"/>	SALL-CAD		697-3421		Provides chop for EOH QFRs ONLY
<input type="checkbox"/>	<input type="checkbox"/>	G8-PAE		697-6925		
<input type="checkbox"/>	<input type="checkbox"/>	SALL-P		697-9915		Will provide FINAL chop on all QFRs/IFRs
<input type="checkbox"/>	<input type="checkbox"/>					
10. ECC REMARKS: RETURNED REQUESTING ADDITIONAL INFORMATION/CLARIFICATION						

**APPENDIX-K SECTION III  
AUTHORIZATION DOLLAR APPEAL**

Priority Department of Defense Budgetary Appeal  
**FY 2011 Defense Authorization Bill**

**Subject:** Ground Soldier System (GSS) Increment I

**Appeal Citation:** H. Rpt. 111-491 p. 54; S. Rpt. 111-201, p. 22

**Appropriation:** Other Procurement, Army

**Summary:** The Senate notes that the Army’s acquisition plan for GSS has high schedule risk and will procure over 4,500 systems ahead of the results of a 2010 limited user test and a Milestone C decision scheduled for early 2011. The Committee also notes that only 198 of over 4,500 GSS sets will actually deliver in fiscal year (FY) 2011. As a result, the Senate reduced the budget by \$28.8 million. The House reduced the budget request by \$14.5 million because of the level of perceived risk to the GSS program.

<u>Item</u>	<u>Budget Authority</u> (Dollars in Millions)			
	<u>Budget</u>	<u>House</u>	<u>Senate</u>	<u>Appeal</u>
GSS Increment I	110.5	96.0	81.7	96.0

**DoD Position/Impact:** The Department opposes any reduction to GSS production, and the impact the decrements have on rapidly providing dismounted combat leaders situational awareness (also fratricide prevention). The Department acknowledged the schedule risk as acceptable after reviewing the Technology Development Strategy (TDS) and subsequently recommended Milestone (MS) A approval to Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), which was granted on February 19, 2009. To date the program is executing within the parameters of time, cost, and performance set in the strategy. DoDI 5000.02 (Operation of the Defense Acquisition System) permits tailoring of the acquisition approach. MS B unique items such as the 2366b certification will be conducted as part of the MS C activity. GSS will be appropriately tested in a limited user test and analyzed by the Army Test and Evaluation Command prior to the MS C in 2<sup>nd</sup> Quarter FY11. Procurement of the 4,500 systems (two brigades) is planned after the MS C. No procurement of systems will occur prior to the MS C. All GSS systems will be delivered within 12 months after initial delivery in September 2011. The \$28.8 million decrement eliminates approximately one-half of a Brigade set of GSS. This lessens the operational effectiveness of Capability Sets 12/13 for which GSS is planned. Specifically, the brigade receiving half of its intended number of systems will experience a 50% degradation of command and control and situational awareness capability. The \$14.5 million decrement is less detrimental but it will eliminate a Battalion set of GSS, which impacts operational effectiveness proportionally similar.

The Department urges support of the House provision.

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## APPENDIX-L SECTION III APPROPRIATIONS DOLLAR APPEAL

Priority Department of Defense Budgetary Appeal  
FY 2011 Defense Authorization Bill

**Subject:** Deployable Force Protection Technology Integration Demonstration and Red Teaming

**Appeal Citation:** H. Rpt 111-491, p. 142; S. 3454, p. 724

**Appropriation:** Research, Development, Test and Evaluation, Army

**Summary:** The House reduced the Army request for Deployable Force Protection (DFP) Technology Integration Demonstration and Red Teaming in PE 0603734A, Military Engineering Advanced Technology, by \$10.0 million, roughly half of the \$20.5 million requested for this effort in Fiscal Year (FY) 2011. This effort is a subset of PE 0603734A, for which the total FY11 request is \$27.4 million. The House does not believe the demonstration and red teaming work described in the budget justification documents requires the requested funding level. The Senate fully funds this effort, and provides an additional \$13.0 million for four unrelated Congressional Interest Items within PE 0603734A.

Budget Authority

(Dollars in Millions)

<u>Item</u>	<u>Budget</u>	<u>House</u>	<u>Senate</u>	<u>Appeal</u>
PE 0603734A – Military Engineering Adv Dev	27.4	17.4	40.4	27.4
DFP Technology Integration Demonstration and Red Teaming (effort w/in 0603734A)	20.5	10.5	20.5	20.5

**DoD Position/Impact:** The Department strongly opposes the House cut of \$10.0 million. This effort is part of an Office of the Secretary of Defense-directed initiative to address a high-priority Secretary of Defense concern with regard to protecting smaller, expeditionary forward operating bases (FOBs). This approximately 50% reduction in funding will critically delay Research and Development (R&D) efforts necessary for providing robust force protection capabilities at remote bases lacking the logistics required to supply, operate and maintain current force protection systems. These R&D efforts include developing and maturing integrated Line-Of-Sight and Non-Line-Of-Sight sensing capabilities; developing and maturing active and passive protection systems; and developing and maturing technologies to integrate sensing capabilities and protection systems into overall force protection systems with the appropriate footprint for these expeditionary FOBs. Additionally, this cut will critically reduce the ability to rapidly transition technologies and technology enablers, delaying initiation of programs of record. These efforts are necessary to move beyond “gap filling” solutions to a robust expeditionary FOB protection capability.

The Department urges support of the Senate position.

**Internal Control Notes:**

**Appeal #:** ATL-017 P

**Submitting Component:** POC Dr. Niki Goerger/Army/703-601-1523/niki.c.goerger@us.army.mil

**Report number/Page number:** H. Rpt 111-491, p. 142; S. 3454, p. 724

**USD (C) Reviewing office/official:**

**USD (C) Recommendation/rationale:**

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**APPENDIX-M SECTION III  
AUTHORIZATION LANGUAGE APPEAL**

**Priority Department of Army Language Appeal**

**FY 2011 Defense Authorization Bill**

**Subject:** New Requirements Imposed on BRAC 2005 Recommendations.

**Appeal Citation:** H.R. 5136, sec. 2711

**Language/Provision:** Section 2711: (a) Prohibits the Secretary of the Army from taking beneficial occupancy of more than 1,000 parking spaces at the Mark Center until both of the following occurs: (1) the Secretary submits a viable transportation management plan; and (2) the Secretary certifies that construction has been completed to provide adequate ingress and egress from the business park at which the BRAC 133 project is located. To be considered viable, the transportation management plan must ensure no reduction in the level of service at specified intersections. Additionally, DoDIG is required to submit a report evaluating the sufficiency and coordination conducted in reaching a finding of no significant impact associated with the site selection of the BRAC 133 site.

The Senate bill does not contain a similar provision

**DoD Position/Impact:** The Army strongly opposes section 2711, a provision that imposes new requirements and restrictions on the BRAC recommendation to move various DoD organizations from leased space to the Mark Center in Alexandria, VA. The Administration has repeatedly opposed any legislative provision that modifies, delays, repeals, or otherwise impedes implementation of a BRAC recommendation. These restrictions are unnecessary and set an undesirable precedent on addressing challenging BRAC execution issues.

This provision prohibits the Department from accepting beneficial occupancy of more than 1,000 parking spaces at the newly constructed Mark Center (BRAC site) in Alexandria, VA. The provision also requires a transportation plan that ensures no reduction in the level of service at specified intersections -- an unprecedented and unreasonable standard so stringent that few BRAC recommendations (or any development) could possibly meet it.

The legislation is fundamentally unfair to the Army and Department of Defense. The City of Alexandria approved a Special Use Permit in 2004 for a private developer to build and operate up to 4,800 parking spaces. The Army's BRAC project would use ~1,000 fewer parking spaces than what the City had already approved. It would be unprecedented for Congress to legislate numerical restrictions on parking space allocation after a property owner had lawfully received all the necessary local permits. The Department should not be held to a radically and unreasonably higher standard when the Department's traffic impact is substantially lower than a comparable private sector development at the same site.

The Department is committed to taking steps to mitigate traffic impacts at this BRAC site and is already exploring further short and long-term improvements to facilitate mobility with VDOT, the City of Alexandria, and surrounding areas. Additionally, the Department has indicated support for DoD funding for a portion of this analysis and, if it merits consideration, the Department will review the proposals for eligibility in the Defense Access Road (DAR) Program.

The Department urges exclusion of the House provision.

**Internal Control Notes:**

**Appeal #:** ARMY-XXX P

**Submitting Component POC:** Mark Jones/ASA(I&E)/ 703-697-1155mark.jones4@us.army.mil

**Bill Version/Section Number:** H.R. 5136, sec 2711



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## APPENDIX-N SECTION III APPROPRIATIONS LANGUAGE APPEAL

### Department of Defense Appeal FY 2005 Defense Appropriation Bill

Subject: Brief Distinguishing Title\*

Language/Provision: This paragraph should describe the congressional provision and its apparent intent: "Senate section xxx would require . . . The Senate provision is intended to . . . The House included no similar provision."

DoD Position: The first sentence should summarize the Department's position and the reason for it, for example: "The Department opposes the House provision because it would arbitrarily cut the acquisition work force without regard to possible undermining of force readiness and efficient acquisition." After this first sentence, provide rationale in support of the DoD position. This should provide concise reasons for revising, removing, or supporting the language/general provision. It should focus on considerations such as the adverse consequences of the action; flaws in the reasons behind it; and misinterrelations, inconsistencies, and errors in the action. Normally, we will not appeal language that is in the committee report but not reflected in the bill in the form of a budget cut or an actual provision of law. If the appeal recommends support of a provision passed by only one house, indicate if the provision was part of the Administration's official legislative package. This will facilitate USD(C)'s and OMB's clearance of such an appeal.

**Appeals should use exact electronic copy of USD(C) format and Times New Roman, Font 11.** Appeal should not exceed one page. Spell out: percent, million, billion. Single space between paragraphs.

The final sentence, beginning a new paragraph, should state the appeal position, usually: "The Department urges exclusion of this provision."

**Comptroller Internal Control Notes:**

Submitter: Component/POC/phone (e.g., Army/LTC Jones/697-3345 or AT&L/Mr. Smith 697-2332)

Page/Section References : House Rpt-p.46 Senate Rpt p.105 House Sec.105 Senate Sec 80

Reviewing directorate/analyst: (Comptroller will fill in)

Director's recommendation/rationale: (Comptroller will fill in)

**Added Instructions:**

\*To facilitate finding an appeal in a table of contents, do not title it with common words like: Defense, Reduction, Restriction, Army, etc. Electronic file name should easily be related to this subject and begin with same letters. A good convention is to begin both the title and file name with program's abbreviation: Subject: A&AS Reporting. File name: AAS-report.doc. Then spell out the abbreviation in the Summary paragraph.

In the footer of the USD(C) format is a field that will show the date the document was last saved.

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**APPENDIX-O SECTION III  
SAMPLE LEGISLATIVE PROPOSAL**

*Letterhead*

[Office symbol]

MEMORANDUM THRU APPROPRIATE ASA

FOR OFFICE, CHIEF OF LEGISLATIVE LIAISON

SUBJECT: Legislative Proposal Regarding [subject/title of proposal]

**1. Purpose.** To initiate a legislative proposal to [describe] that will [describe beneficial impact on the Army.]

**2. Discussion:**

a. **Summary of Proposal:** Include in this section a brief summary of the legislative proposal.

b. **Problem to be Addressed.** [Describe the current problem or constraint on Army operations, to include the scale of severity. What will happen if the legislation change is not made? ]

c. **Objective of the Proposal.** [Describe in detail how the proposed legislation will address the problem. Will the proposal completely solve the problem? Is this a step in a series of required changes? ]

**3. DoD Priority Supported.** Explain how this proposal supports a DoD Legislative Objective.

**4. Army Priority.** DoD OGC requires us to identify our priorities and must-have designations. In this section, explain the level of importance of this legislative proposal (i.e., critical, convenient) and why you chose this designation. This will

beter inform the SA of where each proposal falls in the relative ranking.

**5. Stakeholders.** [List other parties who also have a direct stake in seeing the change made (other agencies; other services.)]

**6. Potential Drawbacks.** [Are there any potentially negative impacts of this proposal? If so, how will they be mitigated? Who will object? ]

**7. Legislative Framework.** [Discuss what laws or code section(s) will be amended with the new authority being sought. Will any other parts of the law be affected? ]

**8. Legislative History.** [Describe the legislative history of the section of law to be amended or addressed. Highlight recent Congressional action on the law to be modified. Discuss in detail any previous related legislative proposals and indicate the outcome. If proposal is a resubmit, explain what has been done to address any problems that surfaced during earlier consideration. ]

**9. Reason for Missed Deadline.** [If proposal is being submitted after suspense date, provide compelling circumstances or justification for not deferring until the next FY.]

#### **10. Budget Implications:**

**NOTE: All budgetary proposals must include a cost/budget template documenting all costs/savings**

Describe the funding impact for the proposal, including start-up, implementation, and sustainment costs. Indicate if any savings will be expected. If there is no funding impact explain rationale and provide data for your decision. If proposal is non budgetary state why.

**Costs/Savings must be projected for 5 years and cover all services**

**(Delete if non-budgetary and the tables are not needed)**

**(Sample Budget Implication)**

Subject to appropriation, and depending on its usage during natural disasters or events, this section would cost \$800,000 annually, for a total cost of \$4.8 million from fiscal year (FY) 2012-FY 2016. This section also would assist 400 to 425 employees and family members each year. This section would be funded from the Operation and Maintenance accounts for the Army, Navy, Air Force, and Defense-wide Activities.

This is the number of employees and family members in non-foreign areas:

NUMBER OF PERSONNEL AFFECTED							
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Appropriation To	Personnel Type (Officer, Enlisted, or Civilian)
Air Force							
Navy							
Army							
Total							

Those actually affected would depend on the location of the natural disaster; the allowance is expected to assist up to 425 employees and family members at any given time.

The estimated number of days per occurrence would be anywhere from 1 to 20 days depending on the natural disaster.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Appropriation From	Budget Activity	Dash-1 Line Item
Air Force									
Navy									
Army									
Total									

RESOURCE REQUIREMENTS (\$MILLIONS)									
(offset to fund legislative proposal and incorporated in President's budget submission)									
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Appropriation To	Budget Activity	Dash-1 Line Item
Air National Guard									
Navy Reserve									
Army National Guard									
Total									

The DoD calculated the cost of this section using the Department of State's "Extraordinary Quarters Allowance" (EQA) entitlement - 960 worksheet. The DoD based its cost on a family of four (employee, spouse, 13-year-old child, and

8-year-old child) stationed in Guam. The current per diem rate is \$215 per day (\$135 for lodging and \$80 for meals and incidental expenses). The family would be entitled to a combined, maximum lodging allowance of \$405 per day, based on spending \$150 per day for off-base lodging. Meals would cost \$48 each day (\$12 per person), based on the cost of living adjustment rate and the DSSR EQA formula. Overall, the family would receive \$1,980 in allowances (\$198 x 10 days). If the employee stayed in on-base Temporary Lodging Facilities at \$30 per night, the overall allowance would be \$780.

**10. Unified Legislative Budget (ULB) Proposal Number:** Was this proposal a ULB submission? If so, provide number and if it was approved or disapproved by the ULB or enter a N/A. If proposal was a previous ULB and disapproved during the process, provide the ULB cycle, reason for disapproval, and how the proposal has been revised to address previous objections.

**12. Resubmission Justification:** Was this proposal previously submitted? If so, state when, objections, why is it being resubmitted and any remedies taken to address previous objections or enter a N/A.

**13. Reviewing Local Resource Manager/G8:** Include name and contact info (phone and email) for the Resource Manager that reviewed and approved the budget implications and cost methodology.

**14. Reviewing Legal Counsel:** Include name and contact info (phone and email) for the legal counsel that reviewed and approved.

**15. Agency Subject Matter Expert:** Include name and contact info (phone and email) for the subject matter expert.

**16. Coordination:** This proposal has been coordinated with the following organizations:

Organization	Specific POC Info (name, telephone)	Date Coordinated	Concur/Non-concur/Comment
Stakeholders (includes other Army agencies, other Services, DoD, agencies outside DoD) <b>(Submitter)</b>			
Army G8 <b>(Sponsoring ASA)</b>			



PEG Manager <b>(Sponsoring ASA)</b>			
ASA (FM&C) <b>(Sponsoring ASA)</b>			

**NOTE: THIS IS AN EXAMPLE. ADD AS MANY COORDINATIONS AS YOU NEED.**

**MANDATORY COORDINATIONS:**

**Local JAG**

**Local RM/Local G8**

**Army G8**

**APPROPRIATE PEG**

**ASA (FM&C)**

**OTHER SERVICES (IF APPLICABLE)**

**OUTSIDE AGENCIES (IF APPLICABLE)**

**SPONSORING ASSISTANT SECRETARY**

**16. Changes to Existing Law:** Will be provided by TJAG.

[Signature block of Organization Commander or Designee]

Encl(s)

1. Proposal Checklist
2. Cost Template (if budgetary)

**APPENDIX SECTION III-O-SAMPLE #1**  
**SAMPLE LEGISLATIVE PROPOSAL FOR REQUESTING NEW**  
**LEGISLATION**

**SEC. \_\_\_\_ . DEFENSE COALITION REPAIR FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Defense Coalition Repair Fund (referred to in this section as the “Fund”), consisting of amounts credited to the Fund pursuant to subsection (d).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of Defense.

(c) OBJECTIVE.—The objective of the Fund shall be to support the sale, transfer, or distribution of defense articles to coalition partners and allied or friendly nations.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), the Secretary of Defense may authorize the Secretaries of the military departments to expend amounts from the Fund to repair, overhaul or refurbish in-stock defense articles prior to distribution to coalition partners, or allied and friendly nations, under—

(1) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(2) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(3) as otherwise authorized by law.

(e) CREDITS TO THE FUND.—The following shall be credited to the Fund:

(1) At the discretion of the Secretary of Defense, up to \$100,000,000 of operation and maintenance funds made available in the annual defense appropriations acts;

(2) Notwithstanding section 114(c) of title 10, United States Code, collections from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced and which is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961, or other law, but not to exceed the actual value thereof; and

(3) Amounts authorized and appropriated, or otherwise made available, to the Fund.

(f) TRANSFERS TO OTHER ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense appropriation used to carry out activities that will further the objective described in subsection (c). Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the same purposes and the same time period as the appropriation to which transferred.

(g) TRANSFERS FROM OTHER ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to amounts transferred under subsection (f) that all or part of such transfers are not necessary for purposes provided, such amounts may be transferred back to the Fund and remain be available for the objective of subsection (c) notwithstanding the expiration of the period of obligation.

(h) DEFINITIONS.—In this section—

(1) the term “coalition partners” means a foreign country or international organization designated by the Secretary of Defense; and

(2) the term “defense article” has the meaning given in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(i) EXPIRATION OF AUTHORITY.—The authority to expend amounts from the Fund to repair, overhaul or refurbish defense articles under this section shall expire on September 30, 2016.

### Section-by-Section Analysis

This legislative proposal would establish a Defense Coalition Repair Fund that will allow the Services to repair, overhaul, and refurbish in-stock defense articles prior to sale to coalition partners and allied or friendly nations under the Foreign Military Sales (FMS) program. Proceeds from these sales would be credited back to the repair fund.

Currently, language in the Arms Export Control Act prohibits expenditure of appropriated funds for materiel or services in anticipation of foreign military sales. As a result, any repairs needed to bring items into serviceable condition must be made after the sale of the end item, resulting in delays in delivery. This, in turn, causes a delay in meeting partner's urgent operational requirements and potential cancellation of the sale if repair lead times are excessive, forcing Army to incur further storage costs.

By allowing for the refurbishment, overhaul, and repair of defense articles prior to sale, proposal should reduce US Army storage costs and improve its ability to meet coalition partners' urgent operational requirements.

**Budget Implications:** This proposal requests authority to establish a coalition repair fund and authority to transfer funding within available appropriations; it does not request new appropriations or establish a funding mandate. Subject to appropriation, and depending on the availability of appropriate equipment in long supply, this section could result in an annual transfer of up to \$100,000,000, to be funded from the Services' operation and maintenance accounts. Any such transfers would be subject to MILDEP priorities and the availability of operation and maintenance funds for transfer. Proceeds from the sale of previously repaired Defense equipment, estimated to run at approximately \$10,000,000 annually, would be credited back to the fund. Transfers from the operation and maintenance accounts would be required only until the fund received sufficient transfers from FMS proceeds to become self-sustaining.

**Unified Legislative Budget (ULB) Proposal Number:** N/A.

**Department of Defense Priority: Prevail in Today's Wars**—This would enable the Department to better provide basic capabilities to Iraq, Afghanistan, coalition partners, and other allies quickly and inexpensively.

**Army Priority:** This proposal is number \_\_\_ of the \_\_\_ proposals submitted by the

Army this year.

**Resubmission Justification:** N/A.

**Reviewing Legal Counsel:** Mr. Larry Anderson, 703-697-1406,  
[larry.anderson9@us.army.mil](mailto:larry.anderson9@us.army.mil).

**Agency Subject Matter Expert:** Mr. Floyd Baker, 703-588-6575,  
[floyd.baker3@us.army.mil](mailto:floyd.baker3@us.army.mil).

**Changes to Existing Law:** This proposal would add the following section to the National Defense Authorization Act for Fiscal Year 2012:

**SEC. \_\_\_\_\_ . DEFENSE COALITION REPAIR FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Defense Coalition Repair Fund (referred to in this section as the “Fund”), consisting of amounts credited to the Fund pursuant to subsection (d).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of Defense.

(c) OBJECTIVE.—The objective of the Fund shall be to support the sale, transfer, or distribution of defense articles to coalition partners and allied or friendly nations.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), the Secretary of Defense may authorize the Secretaries of the military departments to expend amounts from the Fund to repair, overhaul or refurbish in-stock defense articles prior to distribution to coalition partners, or allied and friendly nations, under—

(1) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(2) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(3) as otherwise authorized by law.

(e) CREDITS TO THE FUND.—The following shall be credited to the Fund:

(1) At the discretion of the Secretary of Defense, up to \$100,000,000 of operation and maintenance funds made available in the annual defense appropriations acts;

(2) Notwithstanding section 114(c) of title 10, United States Code, collections from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced and which is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961, or other law, but not to exceed the actual value thereof; and

(3) Amounts authorized and appropriated, or otherwise made available, to the Fund.

(f) TRANSFERS TO OTHER ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense appropriation used to carry out activities that will further the objective described in subsection (c). Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the same purposes and the same time period as the appropriation to which transferred.

(g) TRANSFERS FROM OTHER ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to amounts transferred under subsection (f) that all or part of such transfers are not necessary for purposes provided, such amounts may be transferred back to the Fund and remain be available for the objective of subsection (c) notwithstanding the expiration of the period of obligation.

(h) DEFINITIONS.—In this section—

(1) the term “coalition partners” means a foreign country or international organization designated by the Secretary of Defense; and

(2) the term “defense article” has the meaning given in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(i) EXPIRATION OF AUTHORITY.—The authority to expend amounts from the Fund to repair, overhaul or refurbish defense articles under this section shall expire on September 30, 2016.

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**APPENDIX SECTION III-O-SAMPLE #2  
SAMPLE LEGISLATIVE PROPOSAL FOR MODIFICATION OF  
LEGISLATION**

**SEC. \_\_. AUTHORITY FOR MILITARY DEPARTMENTS AND DEFENSE**

**AGENCIES TO ENTER INTO MULTIYEAR REAL PROPERTY  
LEASES.**

**(a) MULTIYEAR LEASE AUTHORITY FOR MILITARY DEPARTMENTS AND DEFENSE**

AGENCIES.—Section 2661 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsections:

“(b) LEASING AUTHORITY.—

“(1) AUTHORITY.—The Secretary of Defense and the Secretary of each military department may provide for the leasing of land, buildings, and facilities (including the payment of rentals for special purpose space at the seat of Government) upon such terms as will promote the national defense or be in the public interest. Rental payments for any such lease may be paid in advance.

“(2) COMPETITIVE PROCEDURES—In entering into a lease under this subsection, the Secretary may use the competitive procedure or combination of competitive procedures that is best suited under the circumstances and in accordance with accepted real estate practices.

“(3) TERM OF LEASE.—A lease under this subsection may be for not more than five years and may be entered into as a commitment for a part or the entire term, subject to the availability of funds for that purpose.



“(4) LEASE CANCELLATIONS.—The Secretary may include in a lease under this subsection cancellation or termination provisions to the extent that such provisions are necessary and in the best interests of the United States. If the lease is cancelled or terminated, the costs of such cancellation or termination may be paid from—

“(A) appropriations originally available for the performance of the lease concerned;

“(B) appropriations currently available for acquisition of the type of property concerned, and not otherwise obligated; or

“(C) funds appropriated for those payments.

“(5) RENTAL PAYMENTS. —A rental payment for a lease under this subsection may be paid from any appropriation available to the Secretary for obligation for the year in which the rental payment is due.

“(c) ROAD MAINTENANCE AUTHORITY.—The Secretary of Defense and the Secretary of each military department may provide for the maintenance of defense access roads which are certified to the Secretary of Transportation as important to the national defense under the provisions of section 210 of title 23.”.

(b) MULTIYEAR LEASE AUTHORITY FOR RESERVE COMPONENT FACILITIES.—Section 18233(d) of such title is amended to read as follows:

“(d) LEASING AUTHORITY.—

“(1) AUTHORITY.—The Secretary of Defense may provide for the lease of land, buildings, and facilities (including the payment of rentals for special purpose space at the seat of Government) under subsection (a)(1) upon such terms as will promote the national

defense or be in the public interest. Rental payments for any such lease may be paid in advance.

“(2) COMPETITIVE PROCEDURES.— In entering into a lease under this subsection, the Secretary may use the competitive procedure or combination of competitive procedures that is best suited under the circumstances and in accordance with accepted real estate practices.

“(3) TERM OF LEASE.—A lease under this subsection may be for not more than five years and may be entered into as a commitment for a part or the entire term, subject to the availability of funds for that purpose.

“(4) LEASE CANCELLATIONS.—The Secretary may include in a lease under this subsection cancellation or termination provisions to the extent that such provisions are necessary and in the best interests of the United States. If the lease is cancelled or terminated, the costs of such cancellation or termination may be paid from—

“(A) appropriations originally available for the performance of the lease concerned;

“(B) appropriations currently available for acquisition of the type of property concerned, and not otherwise obligated; or

“(C) funds appropriated for those payments.

“(5) RENTAL PAYMENTS.—A rental payment for a lease under this subsection may be paid from any appropriation available to the Secretary for obligation for the year in which the rental payment is due.”.

## Section-by-Section Analysis

This legislative proposal would amend 10 U.S.C. 2661 and 10 U.S.C. 18233, to authorize the Army to commit to firm term, multiyear leases up to a term of five years using annual appropriations in response to military requirements and procedures under the oversight of the Armed Services Committees. This would consolidate leasing authority and enable the leveraging of lease terms.

Two statutes, the Adequacy of Appropriations Act (41 U.S.C. 11) and the Anti-Deficiency Act (31 U.S.C. 1341), generally prohibit agencies from entering into firm term, multiyear leases using annual appropriations. Moreover, if agencies enter into such leases “subject to the availability of funds,” the Supreme Court case of Leiter v. United States, 271 U.S. 204 (1926), states that such leases are binding on the Government only for one fiscal year. These constraints apply to all Army-executed leases, except for housing (10 U.S.C. 2828) and leases overseas (10 U.S.C. 2675).

In 1993, the General Services Administration (GSA) authorized federal agencies, including the Department of the Army (DA), to execute leases for multiyear firm term periods with one-year funds using GSA’s rules and procedures. GSA delegated additional leasing authority to Federal agencies in 1996 related to three types of delegation classifications: categorical, special purpose, and general (cases by case) space delegations. Categorical and special purpose delegations are standing delegations of authority, and are further delineated by type of space and/or by Department. DA executes leases using a categorical authority for recruiting leases, for example, which is limited to a five-year lease term. However, in November 2007, GSA issued Federal Management Regulation (FMR) Bulletin 2008-B1 to emphasize and modify the conditions, restrictions, and reporting requirements that are associated with the use of a delegation of general purpose, categorical, and special purpose lease authority. This bulletin established more restrictive requirements for agencies requesting authorization to use the general purpose and special purpose delegation authority and established revised reporting requirements. The revised GSA delegation also included provisions that any lease action executed under these delegations must be below the threshold applicable to GSA’s submission of a lease prospectus to its congressional oversight committees under 40 U.S.C. 3307.

Military requirements emphasize location, security, function, and other use requirements. It is important to note that the Department of Defense (DoD) security requirements are more stringent than and differ from GSA standards. Also, mission and transformation requirements often require a fast turnaround. Per FMR Bulletin 2008-B1, GSA requires notice of no less than 18 months prior to lease expiration of an agency’s continuing need for space and its wish to use the delegation again; otherwise, the agency would incur delays pending a determination from GSA on the use of delegated authority. Military actions are not always GSA’s first priority. Reporting and referrals to GSA can add an additional year or more to leasing actions. Despite

complying with the requirements of the FMR listed above, DoD has been subjected to holdover tenancy and substantial cost increases as a result of delayed performance in acquisition of leased space. In some instances the time from notification of requirement to GSA to award of a lease has exceeded four years. In order to better address these differences and be more responsive to military requirements, we are proposing Title 10 amendments to authorize the Army to commit to firm term, multiyear leases up to a term of five years.

Leases in support of continental United States and overseas military requirements are more appropriate under Title 10. DoD currently has authority to lease facilities overseas (10 U.S.C. 2675) for firm terms of up to 10 years and for 15 years in Korea. The proposed amendments to 10 U.S.C. 2661 and 10 U.S.C. 18233 would provide consistency with these authorities and allow for more flexibility and lease savings with landlords by being able to leverage lease terms with better rental rates. Oversight would remain with the Armed Services Committees and would allow better support for the military missions by allowing action without dependence on variable delegations from GSA and changing legal interpretations. Allowing the Army to enter into multiyear leases up to a term of five years would alleviate current issues.

**Budget Implications:** This proposal would be budget neutral. The ability to enter into multiyear leases would provide the Secretary of Defense and the Secretaries of each military department with the ability to leverage lease terms for better rental rates.

**Unified Legislation and Budgeting (ULB) Proposal Number:** Not applicable.

**Department of Defense Priority:** *Preserve and Enhance the Force*—This proposal would allow the Secretary and the Secretaries of the military departments to execute leases more efficiently and reduce costs to support the warfighting efforts, which is our first priority, while accommodating fluctuating requirements. Title 10 authorities would be more efficient overall because we would have the flexibility to respond to changing requirements without requiring a minimum of 18 months lead time with differing rules and interpretations.

**Army Priority:** This proposal is a must have for this legislative cycle. This proposal is number two of eleven Army proposals.

**Resubmission Justification:** This proposal is being submits for the first time.

**Reviewing Legal Counsel:** Mark J. Connor, 703-695-3306, [Mark.Connor@conus.army.mil](mailto:Mark.Connor@conus.army.mil).

**Agency Subject Matter Expert:** Brenda Johnson-Turner, 202-761-5222, [Brenda.M.Johnson-Turner@usace.army.mil](mailto:Brenda.M.Johnson-Turner@usace.army.mil).

**Changes to Existing Law:** This proposal would amend sections 2661 and 18233 of title 10, United States Code, as follows:

#### **§ 2661. Miscellaneous administrative provisions relating to real property**

(a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Appropriations for operation and maintenance of the active forces shall be available for the following:

(1) The repair of facilities.

(2) The installation of equipment in public and private plants.

(b) LEASING ~~AND ROAD MAINTENANCE~~ AUTHORITY.—

(1) The Secretary of Defense and the Secretary of each military department may provide for the following: (1) The leasing of land, buildings, and facilities (including the payment of rentals for special purpose space at the seat of Government) upon such terms as will promote the national defense or be in the public interest. Rental payments for any such leases may be paid in advance. in connection with—

~~(A) the conduct of field exercises and maneuvers; and~~

~~(B) the administration of the Act of July 9, 1942 (43 U.S.C. 315q).~~

(2) COMPETITIVE PROCEDURES—In entering into a lease under this subsection, the Secretary may use the competitive procedure or combination of competitive procedures that is best suited under the circumstances and in accordance with accepted real estate practices.

(3) TERM OF LEASE.—A lease under this subsection may be for not more than five years and may be entered into as a commitment for a part or the entire term, subject to the availability of funds for that purpose.

(4) LEASE CANCELLATIONS.—The Secretary may include in a lease under this subsection cancellation or termination provisions to the extent that such provisions are necessary and in the best interests of the United States. If the lease is cancelled or terminated, the costs of such cancellation or termination may be paid from—

(A) appropriations originally available for the performance of the lease concerned;

(B) appropriations currently available for acquisition of the type of property concerned, and not otherwise obligated; or

(C) funds appropriated for those payments.

(5) RENTAL PAYMENTS. —A rental payment for a lease under this subsection may be paid from any appropriation available to the Secretary for obligation for the year in which the rental payment is due.

(2c) ROAD MAINTENANCE AUTHORITY.—The maintenance of defense access roads which are certified to the Secretary of Transportation as important to the national defense under the provisions of section 210 of title 23.

(d) \*\*\*

### **§ 18233. Acquisition**

(a) Subject to sections 18233a, 18234, 18235, 18236, and 18238 of this title and to subsection (c), the Secretary of Defense may—

(1) acquire by purchase, lease, or transfer, and construct, expand, rehabilitate, or convert and equip, such facilities as are authorized by law to carry out the purposes of this chapter;

(2) contribute to any State such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it or by the United States for use jointly by units of two or more reserve components of the armed forces or to acquire or construct facilities for such use;

(3) contribute to any State such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it (or to acquire, construct, expand, rehabilitate, or convert additional facilities) made necessary by the conversion, redesignation, or reorganization of units of the Army National Guard of the United States or the Air National Guard of the United States authorized by the Secretary of the military department concerned;

(4) contribute to any State such amounts for the acquisition, construction, expansion, rehabilitation, or conversion by it of additional facilities as he determines to be required by any increase in the strength of the Army National Guard of the United States or the Air National Guard of the United States;

(5) contribute to any State amounts for the acquisition, construction, expansion, rehabilitation, and conversion by such State of such additional facilities as the Secretary determines to be required because of the failure of existing facilities to meet the purposes of this chapter; and

(6) contribute to any State such amounts for the construction, alteration, or rehabilitation of critical portions of facilities as the Secretary determines to be required to meet a change in Department of Defense construction criteria or standards related to the execution of the Federal military mission assigned to the unit using the facility.

(b) Title to property acquired by the United States under subsection (a)(1) vests in the United States. Such property may be transferred to any State incident to the expansion, rehabilitation, or conversion of such property under subsection (a)(2) so long as the transfer of such property does not result in the creation of an enclave owned by a State within a Federal installation.

(c) The Secretary of Defense may delegate any of his authority or functions under this chapter to any department, agency, or officer of the Department of Defense.

~~(d) The expenses of leasing property under subsection (a)(1) may be paid from appropriations available for the payment of rent.~~

(d) LEASING AUTHORITY.—

(1) AUTHORITY.—The Secretary of Defense may provide for the lease of buildings and facilities (including the payment of rentals for special purpose space at the seat of Government) under section (a)(1) upon such terms as will promote the national defense or be in the public interest. Rental payments for any such lease may be paid in advance.

(2) COMPETITIVE PROCEDURES.— In entering into a lease under this subsection, the Secretary may use the competitive procedure or combination of competitive procedures that is best suited to leasing of structures or real property relating to structures under the circumstances and in accordance with accepted real estate practices.

(3) TERM OF LEASE.—A lease under this subsection may be for not more than five years and may be entered into as a commitment for a part or the entire term, subject to the availability of funds for that purpose.

(4) LEASE CANCELLATIONS.—The Secretary may include in a lease under this subsection cancellation or termination provisions to the extent that such provisions are necessary and in the best interests of the United States. If the lease is cancelled or terminated, the costs of such cancellation or termination may be paid from—

\_\_\_\_\_ (A) appropriations originally available for the performance of the lease concerned;

\_\_\_\_\_ (B) appropriations currently available for acquisition of the type of property concerned, and not otherwise obligated; or

\_\_\_\_\_ (C) funds appropriated for those payments.

(5) RENTAL PAYMENTS.—A rental payment for a lease under this subsection may be paid from any appropriation available to the Secretary for obligation for the year in which the rental payment is due.

(e) The Secretary of Defense may procure, or contribute to any State such amounts as the Secretary determines to be necessary to procure, architectural and engineering services and construction design in connection with facilities to be established or developed under this chapter which are not otherwise authorized by law.

(f)(1) Authority provided by law to construct, expand, rehabilitate, convert, or equip any facility under this section includes authority to expend funds for surveys, administration, overhead, planning, design, and supervision incident to any such activity.

(2) Authority to acquire real property under this section includes authority to make surveys and to acquire interests in land (including temporary interests) by purchase or gift.



**APPENDIX-P SECTION III  
SAMPLE PROPOSAL CHECKLIST**

**LEGISLATIVE PROPOSAL CHECKLIST**

Name of Proposal: \_\_\_\_\_

Budgetary: YES NO If yes, Total Annual Cost: \_\_\_\_\_

Sponsoring Assistant Secretary of Army: \_\_\_\_\_

ITEM	SME	CACO	OCLL
Is this proposal needed and designed to meet a specific requirement or goal that cannot be remedied through existing regulations or other administrative fixes? (Your local TJAG should be able to determine)			
Is proposal <b>PERSONNEL</b> related? ( <b>STOP</b> ) (If so, proposal should be submitted through the ULB, contact ASA (M&RA) for assistance) or provide justification why this proposal cannot wait for the next ULB cycle			
Does this proposal limit the authority of the Secretary of Defense or the Secretary of the Army? (If so, it should be written so that it does not limit their authority)			
Verify that this proposal does not create new reporting requirements			
Have you completed the Submission Memorandum for signature by GO/SES forwarding the proposal for consideration thru the sponsoring ASA to OCLL? [NOTE: TJAG uses this memo to draft legislative language and sectional analysis] <b>Must use Submission Memorandum template which</b>			

<b>includes:</b>			
1.) Purpose of the proposal			
2.) Discussion:			
a. Summary of Proposal			
b.) Problem that is being addressed (Current problem or constraint on Army operations, to include severity. What happens if the legislative change is not made?)			
c.) Objective of proposal (Describe in detail how the proposal addresses the problem. Does the proposal completely solve the problem or is this a step in a series of required changes?)			
3.) DoD Priority? (Explain how this proposal supports a SecDef priority. Address how critical the proposal is to achieving the objective/priority and why it should be included in the legislative program this year)			
4.) Stakeholders: Identify all stakeholders and coordinate with any other parties who have a direct stake in seeing the change made. Remember to consider interested Army parties, other Services, and outside agencies such as; IRS, State, etc. <b>NOTE: Provide name, agency, contact info, and comments from stakeholders in item 15..</b>			
5.) Potential Drawbacks. (Are there any potential negative impacts to this proposal? If so, how will they be mitigated? Who will object?)			
6.) Legislative Framework. (Discuss what laws or code section(s) will be amended with the new authority. Will any other parts of the law be affected by this change?)			
7.) Legislative History. (Discuss any recent Congressional action on the law to be modified. Have there been any previous related legislative proposals? If so, what was the outcome?)			
8.) Reason for Missed Deadline. Is this proposal being submitted on time? (If not, provide compelling circumstances or valid justification for			

inclusion in the current FY legislative program)			
9.) If Budgetary, budget implications and cost methodology (see guidance memo, para 3c. If proposal is not budgetary state why it is not budgetary.			
10.) Unified Legislative Budget (ULB) Proposal Number (was this previously submitted thru the ULB? If so, what was the outcome. If resubmission after denial by ULB, see item 13 for resubmission justification.			
11.) Resubmission Justification (see guidance memo, para 4c.			
12.) Reviewing Resource Manager/G8. Provide name and contact info (phone and email) for the RM that reviewed and approved the budget implications and cost methodology.			
13.) Reviewing Legal Counsel: Provide name and contact info (phone and email) for the legal counsel that reviewed and approved.			
14.) Agency Subject Matter Expert: Provide name and contact info (phone and email) for the subject matter expert.			
15.) Coordination: Identify all stakeholders, Army G8, PEG Manager, ASA (FM&C), etc.			
16.) Changes to Existing Law with a line-in/line-out to (Will be finalized by TJAG in drafting process)			
<b>COST WORKSHET: NOTE: ENCL 2 TO MEMO if budgetary proposal All budgetary proposals must include the cost worksheet verifying all costs and analysis for budget implications and cost methodology.</b>			

**FOR USE BY OCLL:**

OCLL ASSIGNED NUMBER: \_\_\_\_\_

LOADED IN I&L INTERNET SYSTEM ON: \_\_\_\_\_

FORWARDED TO TJAG FOR DRAFTING ON: \_\_\_\_\_

DATE SUBMITTED FOR COORDINATION WITH HQDA: \_\_\_\_\_

DATE SUBMITTED TO EOH FOR CONSIDERATION: \_\_\_\_\_

DATE FORWARDED TO OSD: \_\_\_\_\_

OLC ASSIGNED NUMBER: \_\_\_\_\_

DATE FORWARDED TO OMB: \_\_\_\_\_

DATE FORWARDED TO CONGRESS: \_\_\_\_\_

**APPENDIX-Q SECTION III  
SAMPLE VIEWS LETTER**

**DRAFT**

The Honorable Carl Levin  
Chairman  
Senate Armed Services Committee  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

The Department of Defense opposes S. 3887, a bill, “to provide for a continuation and expansion of the Wounded Warrior Careers Demonstration program.” The bill would require the Army to enter into a Memorandum of Understanding (MOU) with a specific non-Federal entity, the National Organization on Disability, to provide services to Wounded Warriors.

The Department is determined to make Veterans and their Families aware of all available career, education, and training options. To support this effort the Department believes it would be more beneficial to rely on the services and assistance that is available from numerous organizations. This is preferable to reliance on one organization, the National Organization on Disability.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter for the consideration of the committee.

Sincerely,

(OLC will insert name for final signature)

cc: The Honorable John McCain  
Ranking Member

The Department of Defense opposes S.3887, a bill “to provide for a continuation and expansion of the Wounded Warrior Careers Demonstration program and for other purposes” for the following reasons:

- S. 3887 would require the Army to enter into a Memorandum of Understanding (MOU) with one specific non-Federal entity, the National Organization on Disability (NOD), and would favor NOD over other worthy non-federal entities. There are numerous organizations that can provide assistance to help Veterans and their Families explore career options, education, and training to ensure they have every chance to become a successful member of society. The Warrior Transition Center is determined to make Veterans and Families aware of all such available services to offer them a wider choice of options.
- S. 3887 would dictate an exclusive relationship between NOD and the Army, even though the Army previously determined that such a relationship was sufficiently restrictive to be contrary to the Comprehensive Transition Plan process whereby the Army draws upon resources from a myriad of organizations to tailor a way ahead for each Warrior in Transition, AW2 Soldier and Veteran, and their Families utilizing information that best fits each individual’s situation and requirements. S. 3887 would effectively limit the resources available to the Department to help Veterans and their Families transition to a future outside the armed forces.
- Although the Army previously entered into an MOU with NOD, we terminated the agreement when we were advised that we lacked the statutory authority to give NOD preferential treatment. The MOU between NOD and the U.S. Army Wounded Warrior Program and the termination letter dated 20 July 2010 are attached. As with any other organization, the Army can provide Soldiers with information regarding NOD’s services and Soldiers can determine whether to take advantage of the offered opportunity.
- S. 3887 does not address funding, and the Army previously opposed funding sought by NOD to expand its activities from 12 to 15 sites at a cost to the Army of between \$4.6M and \$5.8M per year. If enacted, presumably NOD would seek similar funding from the Army.









<b>SECTION IV OTHER CONGRESSIONAL ACTIONS</b>
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## **SECTION IV OTHER CONGRESSIONAL ACTIONS**

Every day the Army's Congressional liaison offices work hundreds of actions to provide information to Members of Congress. These actions come in many forms, including congressionally required reports, surveys and investigative studies, Information for Members of Congress (IMCs), telephonic or written inquiries, and Army information papers providing critical information about Army programs.

Before providing any information through your congressional liaison officer in response to a request for information from a Member of Congress or congressional staffer, you must know and adhere to the rules, regulations, and laws governing the release of information.

**CHAPTER 1 provides the general rules for releasing information to Members of Congress.** This chapter discusses the Department of the Army policy and rights of Members and Committees to information. For additional information, contact the Congressional Inquiry Division (CID).

**CHAPTER 2 discusses requests for Army documents.** This chapter discusses actions upon receipt of a request and receipt of tasking for documents of information, policies applicable to review of responsive documents, document collection and review by tasked organizations, and SALL-I&L, and rules for transmitting documents. For additional information, contact the Congressional Inquiry Division (CID).

**CHAPTER 3 discusses surveys and investigations.** For additional information, contact Army Budget Liaison (SAFM-BUL).

**CHAPTER 4 discusses procedures for providing notifications to Congress (to include the IMC clearance process).** For additional information, contact the Programs Division.

**CHAPTER 5 provides guidance on Responses to Congressional Inquiries.** For additional information, contact the Congressional Inquiry Division (CID).

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## Section IV – Other Congressional Actions

<p style="text-align: center;"><b>CHAPTER 1</b> <b>GENERAL RULES FOR RELEASING INFORMATION TO MEMBERS OF CONGRESS</b></p>
-------------------------------------------------------------------------------------------------------------------------------

1. DEPARTMENT OF THE ARMY POLICY
2. RIGHTS OF MEMBERS OR COMMITTEES TO INFORMATION

### 1. DEPARTMENT OF ARMY POLICY:

Department of the Army (DA) policy is to make documents and information available to Members of Congress and congressional committees and their staffs as promptly and as cooperatively as possible. The DA provides documents and information to the Congress in accordance with applicable laws, regulations, and policies. Army Regulation-**AR 1-20, LEGISLATIVE LIAISON** is the governing regulation. DA policy on making information promptly available to members, committees, and their staffs may be limited by regulations and directives relating to security, laws protecting individual privacy, and guidance applicable to the Executive Agencies. All material being provided to Congress will be consistent with HQDA operational security procedures and controls as outlined in **AR 1-20** and **AR 380-5, DEPARTMENT OF ARMY INFORMATION SECURITY PROGRAM**. Extreme care should be exercised when releasing sensitive, classified, and predecisional information outside of the Department of the Army.

### 2. RIGHTS OF MEMBERS OR COMMITTEES TO INFORMATION:

a. The Army has an obligation to furnish information to Members and committees of Congress in a timely and responsive manner. Inherent in this obligation is the responsibility to ensure that a particular member or committee that requests specific information, receives it before or simultaneous with release to other members, committees, the press, or the public.

**(1) Premature Release:** Information prepared in response to a specific congressional inquiry should not be released prior to delivery of that information to the Member of Congress.

**(2) Member Access to Information:** Requests for information from individual Members of Congress acting on behalf of their constituents should be treated as if the information were being released to the constituent, i.e., in compliance with regulations controlling public access to government information.

**(3) Other Inquiries:** Correspondence to Members of Congress shall not

be released to other Members or constituents. Members of Congress normally forward the Army's responses directly to constituents. A copy of correspondence addressed to someone else is not appropriate to enclose in a response to a Member of Congress.

**(4) Public Release:** Copies of responses to congressional inquiries shall not be released to the media or the public without coordinating with SALL-I&L. This does not imply that such materials are exempt from disclosure under the Freedom of Information Act (FOIA). No general exemption from disclosure exists for responses given to Members of Congress. However, all FOIA requests for such materials should be coordinated with SALL-I&L. In appropriate cases, the substance of replies to Members of Congress may be made available after coordination with SALL-I&L.

**b. Attribution:**

**(1) Reference to Senior Leaders:** Responses to Congressional inquiries shall not refer to the President, the Vice President, or the Department of Defense Senior Leaders in any manner which implies a personal connection with a specific policy or official action.

**(2) Quoting Sources:** Communications quoting the source of authority for policies or actions, should not reference an individual by name but shall be attributed to the office or position from which the authority derives, i.e., the Secretary of Defense or Assistant Secretary, etc.

**(3) Attribution:** Attribution of statements or views to the SA, CSA, USA, or VCSA shall not be made unless the statements have received their personal review and approval.

**(4) Army Position:** The phrase, "Army position" should only be used when that position has been approved by the SA or other appropriate final approving authority. "Army Secretariat/Army Staff recommendations" will be referred to strictly as such until final HQDA approval has been given.

**c. Budget Information:**

The nature and amounts of the President's decisions are confidential and will not be released until the budget is formally transmitted to Congress. The Executive Branch communications that led to the budget will not be disclosed either by the agencies or by those who have prepared the budget. In furnishing information on appropriations and budgetary matters, representatives of agencies should be aware of the limitations on such communications, including the limitation that an officer or employee of an agency may submit to Congress or a committee of Congress an appropriations estimate or request, a request for an increase in that estimate or request, or a recommendation on

meeting the financial needs of the government only when requested by either House of Congress (31 U.S.C. 1108(c)). Furthermore, agency representatives should be aware of restrictions upon communications to influence legislation that are not conducted through proper official channels (18 U.S.C. 1913).

Detailed information is available from OMB Circular No. A-11, Preparation, Submission, and Execution of the Budget at: <http://www.whitehouse.gov/omb/circulars> a11\_current\_year\_a11\_toc. Section 22 refers specifically to Communications with Congress and the Public and Clearance Requirements.

**d. Classified Information:**

**(1) Members' Rights:** Every Member of Congress by virtue of assuming office is authorized access to Top Secret information when acting in an official capacity. Personal and professional committee staff members may not be cleared for classified. They have access to classified information based on their level of clearance and on a "need to know" basis only.

**(2) Handling:** Senate regulations require that all classified material intended for delivery to any Senator, staff member, committee, or other Senate office be delivered to the Office of Senate Security (OSS), Room S-407, The Capitol, Washington, DC 20510-7114; telephone (202) 224-5632. Only the Appropriations, Armed Services, Foreign Relations, and Intelligence Committees are authorized to receive classified material directly from outside sources, provided such material is delivered by official U.S. government courier to the committee's authorized recipient. If the committee's authorized recipient is not available at the time delivery is attempted, classified material must be delivered to OSS. All deliveries should be double-wrapped, with the inner envelope addressed to the intended recipient. Any classified material sent by means other than U.S. government courier, including registered mail, must be sent to the OSS, even if intended for one of the four committees cited above. Notify the congressional office when the classified material will be, or has been, sent. OSS will advise the congressional office to pick up the document if they have safekeeping facilities or to come to the OSS to read it.

**(3)** The House is much different from the Senate. Each committee handles its own classified material. The single point of contact that can be coordinated with to get the security POC at each committee is the Director of House Security, William P. McFarland, 202-225-1141, [William.McFarland@mail.house.gov](mailto:William.McFarland@mail.house.gov)



**e. Privacy Act of 1974:** Furnishing information outside DoD will be in accordance with the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a). The Privacy Act applies to the release of information maintained in a system of records and retrieved by an individual's name or some identifying number or symbol. There are exceptions to the Privacy Act's general rule that information will not be released without consent from the subject individual.

**(1) Exception:** One such exception is when the information is requested by either Congress as a whole, or by a congressional committee or subcommittee with jurisdiction in the area in which the information is requested. Requests from individual Members of Congress are not covered by this exception.

**(2) Release:** Information subject to the Privacy Act may be released to individual Members of Congress if such disclosure would be required by FOIA. **ARMY REGULATION 25-55, DEPARTMENT OF THE ARMY FREEDOM OF INFORMATION ACT PROGRAM**, should be consulted in this regard. In addition, in certain limited instances, the applicable Privacy Act system notices may provide for disclosure to the individual Member of Congress as a routine use exception.

**f. Personnel Records:** When the personnel records of Presidential nominees requiring Senate confirmation are involved, SALL-I&L will inform the nominated individual and offer copies of the records being given to Congress. In other cases, individuals whose records have been requested will be notified, if reasonably practicable, that their records are being furnished to Congress.

**g. General Accounting Office (GAO) and DoD Inspector General Reports:** The Inspector General (SAIG-PA) will be notified immediately when an inquiry is received from a member or committee of the Congress concerning issues raised by a GAO report. Written comments, statements of views, or proposed action on a GAO report will not be submitted by HQDA directly to a congressional committee until the proposed statement or comments have been approved within OSD. If the comments conform to a statement on the GAO report previously approved within OSD, the comments may be released to the committee. In these instances, furnish a copy of the reply to the committee to SAIG-PA and three copies to the DoD Inspector General, Attention: Assistant Inspector General for Analysis and Follow-up. The same procedures should be followed when inquiries are received on DoD Inspector General Audit reports.

**Army Audit Agency (AAA) Reports:** All congressional inquiries on AAA reports are the responsibility of AAA. Refer all inquiries to AAA for staffing and response.

## Section IV – Other Congressional Actions

<h3>CHAPTER 2</h3> <h3>REQUEST FOR ARMY DOCUMENTS</h3>
--------------------------------------------------------

1. SCOPE OF RESPONSIBILITIES
2. ACTIONS UPON RECEIPT OF A REQUEST FOR DOCUMENTS OR INFORMATION
3. TASKING FOR DOCUMENTS OR INFORMATION
4. ACTIONS UPON RECEIPT OF TASKING FOR DOCUMENTS OR INFORMATION
5. POLICIES APPLICABLE TO REVIEW OF RESPONSIVE DOCUMENTS
6. DOCUMENT COLLECTION AND REVIEW BY TASKED ORGANIZATIONS
7. DOCUMENT RECEIPT AND REVIEW BY SALL-I&L

Members of Congress and Committees may request documents from the Army. This chapter outlines OCLL actions for congressional requests for Army documents.

#### 1. SCOPE OF RESPONSIBILITIES:

a. **SALL-I&L:** SALL-I&L facilitates the proper and expeditious collection, review, and transmittal of documents and information to the Congress, consistent with **DoD and Department of the Army policies and this SOP (Reference SECARMY memo, 23 Apr 07; subject: Facilitating Congressional Oversight)**. The Congressional Responsive Team (CRT) within the SALL-I&L has been established to work all Congressional requests for documents. The CRT is responsible for the tasking, tracking, coordination, and submission of Army Congressional requests for documents.

b. **The ASA (FM&C) and the ASA (CW)** with their respective committees of functional jurisdiction: ASA(FM&C) and ASA(CW) are encouraged to coordinate with OCLL and with the CRT, and to employ this SOP as a guide in responding to requests from Members of Congress and congressional committees and their staffs for DA documents and information.

**2. ACTIONS UPON RECEIPT OF A REQUEST FOR DOCUMENTS OR INFORMATION:** Upon receipt of any request from the Congress for documents or information (including requests by a Member of Congress on behalf of a constituent that require production of documents), whether received by SALL-I&L from the Executive Correspondence Cell (ECC), directly from a Member of Congress or a congressional committee, tasked to DA by OSD, or forwarded to OCLL from another Army organization, **SALL-I&L** shall:

- a.** Ensure the request is documented in the HQDA Tracking System.
- b.** Assign an action officer with responsibility for managing all aspects of the request and the Army response thereto; documenting and updating the status of the request and the response in the Tracking System; and serving as the central point of contact for the Congress, for DoD, and within the Department of the Army for all matters associated with the request.
- c.** Provide copies of the request to the Army Staff or organization point of contact with purview over the substantive matters involved in the congressional request, OGC, and the DAS.
- d.** In consultation with the OGC, consider the need to issue immediate written guidance to HQDA or to other organizations of the DA directing the preservation of responsive documents and information; a request that HQDA or other Army organizations conduct a preliminary search to identify the scope and number of potentially responsive documents and report the results of that search to SALL-I&L; or take other precautionary/preliminary steps. In particular, requests for documents or information maintained by electronic mail may warrant the CIO/G-6, the OAA (Information Technology Agency), and OGC providing required guidance or direction.
- e.** Contact the congressional requestor and ask for clarification if it is unclear whether a particular request for documents or information has been made on behalf of a congressional committee.
- f.** Provide written or telephonic acknowledgment of the written request to the congressional requestor or appropriate staff and provide the name and contact information of the SALL-I&L action officer. As appropriate, the SALL-I&L will consult further with Congressional staff for guidance or clarification, and may initiate consultation with committee staff to scope the request to maximize responsiveness to the Congress while properly scaling the demands on DA personnel and resources associated with document search and production efforts. The substance of any contact by the DA or an Army official with a Member of Congress or congressional committee or their staffs, and any agreements or understandings reached or issues reserved in that contact, will be documented in writing by SALL-I&L.
- g.** Develop a document search and tasking plan. Depending on the subject of the request, the requirement to search for and produce documents may be tasked Army-wide, to HQDA organizations only, or to specific organizations which, in the judgment of SALL-I&L, are likely to have created or maintained responsive documents.
- h.** Update the status of the action in the HQDA and CRT tracking systems. notify the Army senior leadership of a pending request as appropriate.

### **3. TASKING FOR DOCUMENTS OR INFORMATION:**

**SALL-I&L** will update the HQDA tracking system to reflect the DA organizations tasked to respond to each Congressional request. The HQDA tracking system will contain copies of the original Congressional request, any specific information that further expands, limits, or explains the scope of the request and any other pertinent communications with the congressional staff. All tasking documents and guidance will be maintained in SALL-I&L files. SALL-I&L shall transmit a tasking directing production of documents and information responsive to a Congressional request to the commander or director of the tasked organization via the organization's designated liaison(s). Depending on the scope of the tasking and the organizations to be tasked, SALL-I&L may relay the tasking to HQDA or other DA organizations through the Army message system, tasking memoranda, or electronic mail. All taskings shall be in writing. The tasking will include or reference:

a. A copy of the original request from Congress, together with any specific information that further expands, limits, or explains the scope of the request (preferably the written documentation of Congressional staff coordination).

b. Any special instructions regarding the requestor's preferences about organization and presentation of responsive documents and information. To the extent feasible, responding DA organizations will comply with committee preferences.

c. The name and contact information of the SALL-I&L action officer.

d. Any applicable substantive guidance.

e. Established suspense dates.

f. A listing of other DoD components or DA organizations tasked to respond to the same request.

g. SALL-I&L will coordinate between tasked organizations to facilitate the development of a common and consistent approach to a tasking.

### **4. ACTIONS UPON RECEIPT OF TASKING FOR DOCUMENTS OR INFORMATION:**

a. Unless otherwise directed by SALL-I&L, tasked organizations are required to task subordinate commands/activities (those that may have created or maintained documents responsive to the Congressional request) to collect, review, and forward responsive documents through the tasked organization/higher headquarters, to SALL-I&L. Tasked organizations are

responsible for ensuring that the documents produced by subordinate commands/activities comport with Congressional, DoD, DA, and CRT requirements.

**b.** Upon receipt of a tasking, organizations will provide SALL-I&L with an estimate of the number of pages of documents under its control (and under the control of its subordinate command/activities) that is likely to be responsive to the Congressional request. In particular, tasked organizations will notify SALL-I&L as soon as possible after determining that production in excess of 10,000 pages is likely, that classified information or documents, in any quantity, may be responsive, or that documents subject to a privilege or a restriction on release are responsive. This will ensure SALL-I&L has storage space for large document productions and to plan for surge staff to process them. Further, notice that the production will include classified or privileged information will permit SALL-I&L to obtain appropriately accredited classified information storage space or to ensure proper coordination as appropriate.

**c.** Tasked organizations are encouraged to address emergent issues through consultation with SALL-I&L as soon as concerns and issues are identified. Consultation should continue throughout the document collection, review, and production process. Tasked organizations will inform SALL-I&L as soon as it appears that established suspense dates cannot or may not be met or that the document production effort should be tasked to, or expanded to include, another Executive Branch agency, DoD organization, or organization or activity within DA.

**d.** SALL-I&L may, at any time, negotiate further with the Congress to modify the scope of document collection, review, and release or may proffer suitable alternatives, such as a briefing in lieu of document production. To ensure communications on these matters are consistent with policy and appropriately coordinated, only SALL-I&L personnel will engage in direct contact with Members of Congress, congressional committees, and their staffs.

**e.** SALL-I&L will ensure that the status of document collection, review, and production is updated periodically in the HQDA tracking system. SALL-I&L shall consult with and transmit updates on key developments and issues related to a document production to the HQDA functional proponent of the information at issue, OGC, the DAS, and to other Army leaders, as appropriate.

## **5. POLICIES APPLICABLE TO REVIEW OF RESPONSIVE DOCUMENTS:**

**a.** Neither FOIA, the Privacy Act, nor HIPAA authorize the withholding of documents or information requested by a congressional committee with jurisdiction over the subject matter of the request. A tasked organization should

consult with SALL-I&L immediately should it believe a law restricts the release of responsive documents or information to a congressional committee.

**b.** With few exceptions, information for a Committee of Congress with jurisdiction over the matter in question may be redacted from responsive documents only when expressly authorized by a requesting congressional committee. It is DA policy to redact information expressly authorized by the requesting committee when such redactions would tend to preserve the privacy of Army personnel or otherwise further the interests of the Department. As a matter of standard practice, and given such privacy concerns, SSNs, home and personal telephone numbers, home addresses, and personal electronic mail addresses will be redacted; all proposed redactions will be staffed with OGC.

**c.** Tasked organizations will identify documents or excerpts thereof that may raise a substantial question of Executive Privilege. Tasked organizations will annotate/identify on a privilege log each document potentially subject to Executive Privilege (**APPENDIX IV-H**). Original documents should not be marked. The Privilege Log will be forwarded by the tasked organization to the SALL-I&L with the completed document production package.

**d.** Executive Privilege is grounded in the constitutional doctrine of separation of powers. The invocation of Executive Privilege may exempt the President of the United States and or Executive Branch officials, departments, and agencies from the disclosure of information to Congress when such exemption is necessary to the discharge of highly important executive responsibilities involved in maintaining governmental operations. Executive Privilege may extend not only to military and diplomatic secrets, but also to documents integral to an appropriate exercise of the Executive's domestic decisional and policy-making functions, such as documents or information reflecting the frank expression necessary in intra-governmental advisory and deliberative communications. Invocation of Executive Privilege must be authorized by the President of the United States. Elements of information that potentially may be categorized as falling within the scope of Executive Privilege may include:

**(1)** State Secrets and National Security information: This information, if disclosed, would harm the nation's defense capabilities, reveal intelligence gathering methods, or disrupt diplomatic relations with foreign governments. This privilege may be invoked to protect both classified and unclassified information, but that documents or information are classified does not, per se, implicate Executive Privilege.

**(2)** Presidential communications, including communications to and from the President in the performance of the responsibilities of his office and in shaping policies and making decisions. The Presidential communications

privilege applies to documents and information in their entirety (not just to deliberative portions) and to final decisions and post-decisional documents, not to pre-decisional documents only.

**(3) Pre-Decisional/Deliberative Process information:** This is a category of Executive Privilege that protects information or documents generated by, provided to, or exchanged with Executive Branch officials as part of the process of formulating or refining policy. Pre-decisional information refers to the advice, preliminary positions, and recommendations generated before the adoption of a policy; deliberative information is that reflecting the give and take of the consultative process. This privilege serves the purposes of promoting candid discussions within the Executive Branch or a department or agency thereof; preventing confusion likely to result from premature disclosure of agency opinions, recommendations, and advice on a matter before a final decision is made or a final policy established; and protecting the integrity of agency decisions. If disclosed, such information might tend to inhibit the frank and candid discussion necessary for effective government. This privilege is most commonly associated with the decisions and deliberations of Senior officials of the Executive Branch (e.g., members of the President's staff, the National Security Council, or Cabinet officials), or of an Executive Branch agency (e.g., the Secretary of Defense and his senior aides) but it may be applied to personnel of any Executive Branch department or agency, without regard to rank or position (ex.: budget proposals and passbacks between DA and the OMB).

**(4) Open Law Enforcement Investigations and Matters in Litigation,** to include case files, witness statements, and prosecution and declination memoranda. Congressional inquiries during the pendency of such matters may pose an inherent threat to the integrity, impartiality, and fairness of the Department's law enforcement and litigation functions, particularly as they relate to the independent administration of the UCMJ. Such inquiries into matters under active investigation may create the risk that the public and the courts will perceive undue political pressure and congressional influence over law enforcement, litigation, and disciplinary decisions. In addition, at stake are potential damage to proper law enforcement activities caused by the revelation of sensitive techniques; the safety of confidential informants; the potential chilling effect on other sources of information; and the rights and reputations of individuals who may be identified in law enforcement files but against whom no prosecutorial or other legal action is warranted.

**(5) Attorney-client communications and attorney work product.** This category of Executive Privilege may protect legal advice, legal opinions, and the communications between attorneys and their clients at any level across the Executive Branch, as well as products prepared by attorneys in anticipation of litigation.

**e.** Proprietary and commercial information and processes, trade secrets, scientific assessments, cost and risk assessments.

**f.** Department of Defense policies exempt the following from release; exceptions to these DoD policies require the approval of ASD-LA: Law enforcement investigations, to include investigations conducted by the Military Criminal Investigative organizations. In certain cases, “law enforcement investigations” may include investigations conducted by the IG, administrative investigations (such as Army Regulation 15-6), audits, counter-intelligence investigations, equal employment opportunity, sexual harassment, commander’s inquiries, and otherwise confidential investigative matters (such as safety investigations). DoD has determined that medical quality assurance investigations are not law enforcement investigations for purposes of this policy.

**(1)** “Open” law enforcement investigations will not be released to a Member of Congress or congressional committee. Investigations may be considered “open” for so long as the investigation is ongoing; for so long as an appeal to any adverse action (e.g., judicial, non-judicial, administrative) based on the investigation remains pending; or for so long as a period authorized for appeal has not lapsed, whether or not an appeal has been filed or submitted. The CRT will be notified in the event that an investigation requested by a committee is “open.” Such notification will include a written memorandum explaining the factors pursuant to which it has been determined the case is “open” and the date on which the investigation is expected to be closed. In some cases, the requesting committee may be invited to view “open” investigations at the Pentagon.

**(2)** Members of Congress requesting access to an investigation on behalf of a constituent may only be provided a redacted version of the investigation. Legal reviews and coordination with the CRT will precede any release to ensure the proper Army information is released in response to appropriate requests. “Closed” law enforcement investigations may be produced to the Committee. Subject to consultation with the OLC, certain information may be considered for withholding -- the names of victims and confidential informants; statements of these categories of persons; investigative tactics, techniques, and procedures, prosecutorial recommendations and declinations.

**g.** Production of committee-requested witnesses for hearings and briefers for other meetings and interviews will be coordinated with the OLC. The DoD has a strong interest in ensuring that appropriate senior-level personnel answer Congressional questions about Department actions and decisions. By making



senior officials, and ultimately, the Department's Senate-confirmed leadership available to testify before Congress, DoD ensures that Congress is provided with the best information possible relevant to its exercise of oversight.

## **6. DOCUMENT COLLECTION AND REVIEW BY TASKED ORGANIZATIONS:**

a. Upon receipt of a tasking from SALL-I&L, the tasked organization and its subordinate commands/activities shall:

(1) Conduct a complete and thorough search for all responsive documents tasked organizations should inform SALL-I&L immediately upon discovery that responsive documents may reside in the custody of another Executive Branch agency, DoD organization, or organization or activity within the Department of the Army.

(2) Collect all responsive documents. If delays in completing the collection efforts are anticipated, immediately notify the SALL-I&L and obtain guidance whether to seek an extension of the production suspense or whether a rolling release may be feasible and appropriate.

(3) Review responsive documents and information in accordance with Committee, DoD, DA, and CRT guidance:

- Create a log to indentify all documents or information potentially subject to executive or other privilege.
- Identify any information that is not further releasable by a congressional committee to the public (such as information protected by FOIA; the Privacy Act; the Trade Secrets Act or HIPAA, other specific statutory prohibitions, such as medical quality assurance documents under 10 USC 1102, and specific regulatory proscriptions, such as that against public dissemination of safety investigations). Documents or information should be labeled For Committee Use Only if they contain information that may be withheld from the public for one or more of the reasons cited in FOIA exemptions 2 through 9. No material shall be marked FOUO.
- Identify any documents or parts thereof containing classified information and ensure that these are properly marked to reflect the appropriate classification and/or caveats. To ensure accountability and appropriate storage and transmission of classified information, create a classified document accountability index.
- Organize and index the document production package in accordance with Committee, DoD, DA, and CRT guidance.

b. The tasked organization will prepare the following allied papers for transmission to SALL-I&L with the document:

(1) An EXSUM (see sample format at **APPENDIX IV-I**) summarizing the documents, to include documents provided by subordinate commands/activities through the tasked organization, and highlighting significant issues, including the following:

- media-worthy information;
- information with a known or likely Congressional impact;
- important policy issues of interest to Army leaders;
- recommended resolution of any issues identified.

(2) A certification by the organization's senior reviewing official General Officer or member of the Senior Executive Service (**APPENDIX IV-J**) covering all document production packages forwarded through the tasked organization by subordinate commands/activities and confirming that:

- The search for requested documents and information has been conducted in accordance with the Committee request, DoD, Department of the Army, and this chapter.

- The organization has made a good faith effort to search using methods that could reasonably be expected to produce the requested documents and information. All responsive documents have been/will be collected, reviewed, and produced. (The certification will recite the organizations and commands/activities participating in the search and describe the scope of the search. If production is rolling, certification should so state and indicate the estimated number of documents to be reviewed and produced and the date on which the next production will occur).

- The tasked organization's functional proponent has completed a substantive review of all documents. Provide the name and contact information of the reviewing official/organization.

- An appropriate security review has been conducted. Provide the name and contact information of the reviewing security officer. Further certify that documents determined to be classified have been properly marked, identified on a classified document accountability log, and prepared for transmission to SALL-I&L as provided by law and regulation governing the protection of classified information. Classified documents may be electronically scanned and forwarded to the SALL-I&L via classified email through the

SIPRNet. If no classified documents or information are included in a document production package, the certification should so state.

- A legal review has been conducted. Provide the name and contact information of the reviewing attorney.
- Confirm whether any of the forwarded documents were/are subject to completed or outstanding FOIA/PA requests, and, if so, the status of such request(s). FOIA/PA requests include those from members of the public, the media, and from individual Members of Congress.

(3) A written opinion documenting the servicing attorney's legal review of the document production package. At minimum, the legal review will:

- Affirm all documents and information provided are responsive and, subject to any subsequent decision to invoke Executive Privilege or other concerns, are releasable to Congress in the form provided to the CRT.

- Affirm all redactions accord with Committee, OCLL, Department of the Army, and DoD guidance and, unless otherwise directed by SALL-I&L, all redactions specifically authorized by the congressional committee have been effected, and any redactions or withholding of documents and information mandated by DoD or Department of the Army policy have been effected. In the alternative, a request for exception to any redaction policy, with the appropriate justifications, is submitted with the document production package.

- Specifically identify for further SALL-I&L review any documents whose responsiveness the tasking organization cannot determine or any proposed redactions whose legality and propriety cannot be finally ascertained.

- State whether an Executive Privilege Log has been created to identify with specificity all documents or information potentially subject to the invocation of Executive Privilege and other concerns, and that such documents and information have been marked for review by CRT and OGC.

- Recommend whether the documents and information should be provided to the Committee on a For Committee Use Only basis or whether the Committee is free to release the documents publicly. Note: documents or information should be labeled For Committee Use Only if they contain unclassified information that may be exempt from disclosure to the public pursuant to the FOIA. The legal review should identify the broad categories of information exempted or excepted from public release and the law, regulation, and or policy (e.g., FOIA exemptions; PA exceptions; HIPAA exemptions; specific statutory provisions prohibiting the release of documents, such as that related to medical quality assurance documents at 10 USC 1102; and specific

regulatory proscriptions, such as that against the public dissemination of safety investigations). This information will be used by the SALL-I&L to craft the transmittal memorandum that covers the document production package.

(4) Document man-hours expended and pages produced. For each document production package, the tasked organization will document the man-hours expended by organization personnel and personnel of subordinate commands/agencies in searching, collecting, organizing, reviewing, or contributing in any other way to the document production effort. The organization will further document the total number of pages produced (see **APPENDIX IV-K**).

(5) The tasked organization/document custodian shall reproduce the document production package in the required number of copies and formats (e.g., hard copy, diskettes), organized as prescribed by the Committee, DoD, the Department of the Army, and the CRT, and transmit the package and allied papers to the CRT. Where redactions are proposed, the tasked organization will produce two sets of electronic, searchable documents: one unmarked, unredacted copy and one copy redacted as proposed for delivery to the Congress.

## **7. DOCUMENT RECEIPT AND REVIEW BY SALL-I&L:**

a. **SALL-I&L:** Upon receipt of the document production package and allied papers from tasked organizations, SALL-I&L shall:

(1) Review the document production package(s) for responsiveness to the Congressional request and for substantive and procedural compliance with Committee, DoD, and Department of the Army requirements and with this CARSOP. Should SALL-I&L elect to modify the document production package submitted by the tasked organization, SALL-I&L will so advise and consult with the tasked organization's liaison(s) and/or servicing attorney.

(2) Collate and organize the document production package(s) for HQDA coordination, identifying any documents or information that may require special review by the HQDA functional proponent; the Deputy Chief of Staff, G-2 (in cases involving classified information or operational security concerns); OGC; and the Army leadership.

(3) Prepare an HQDA Form 5 to chart the planned HQDA coordination effort and to document approval by Army leaders to release the document package to the Congress. The Form 5 will, in all cases, mandate coordination by the HQDA functional proponent of the information at issue and by OGC. Army leadership review will occur in those cases labeled RED TOP actions, in which the request is made to the Secretary of Defense (SECDEF) or the Secretary of the Army (SECARMY) and tasked to the Chief, Office of

Legislative Liaison (OCLL). The RED TOP document production package will be referred through the Executive Correspondence Cell (ECC) for staffing through the senior Army staff to the Secretary of the Army signature for approval. In all other cases, the document production package will be coordinated with OGC, OCPA, OSD Legislative Counsel, and functional proponents.

**(4)** This coordination will be the notice to Army leaders (including the HQDA functional official, the OGC, the ECC/DAS for RED TOP, and CPA and Department of Defense Legislative Counsel (DoD LC), as appropriate) of the Congressional request after receipt of responsive documents.

**(5)** Prepare a draft of the transmittal letter to the Congressional requestor or a transmittal memorandum to OSD where it is the tasking authority. The transmittal document will identify the request, describe the responsive documents, and advise the Congressional requestor whether the document production is publicly releasable. If the release is to be marked For Committee Use Only, the transmittal letter will recite the broad categories of information exempted or excepted from public release and the law, regulation, and or policy underlying the exemption or exception.

**b.** Review and update the draft EXSUM, as appropriate.

**c.** If appropriate, draft a proposed IMC about the document production package. An IMC will be considered when the document(s) being produced are likely to generate significant media interest or addresses areas of interest to multiple Members of Congress or congressional committees.

**(1)** For document releases likely to generate significant media or Congressional interest, SALL-I&L shall, in consultation with appropriate Army leadership, OGC, OSD LC, and OCPA, develop a Congressional engagement and/or media plan associated with the delivery of the document production package to Congress. Such plan(s) may include:

- Meetings with or briefings to Army and OSD principal officials and leaders.
- Meetings with or briefings to Members of Congress, Congressional leaders, and staffers informing them of the delivery of the document production package.
- Public release or publication of documents on the Army home page or in the Army FOIA electronic reading room.
- Press briefings and releases.

d. SALL-I&L shall coordinate the document production package and allied papers submitted by tasked organizations, the HQDA Form 5, the draft transmittal letter, draft EXSUM, and any draft IMC (including any proposed press release) with appropriate HQDA organizations. At minimum, HQDA coordination shall include:

(1) Security review by the Deputy Chief of Staff, G-2, if the document production package includes classified information, or presents a potential operational security issue.

(2) Legal and Executive Privilege review by OGC.

e. Review by other HQDA organizations deemed necessary by SALL-I&L.

4. All HQDA organizations participating in the coordination of a document production package will report to SALL-I&L the number of man-hours expended and the total number of pages reviewed (see sample format at **APPENDIX IV-K**). SALL-I&L shall forward the proposed document production package, the draft transmittal letter, the EXSUM, and the IMC or press release, if any, to ASD-LA and OLC for review and coordination.

a. SALL-I&L shall staff the coordinated document production package, the HQDA Form 5, the draft transmittal letter, EXSUM, and the draft IMC, if any, with the Army leadership. Staffing normally includes the DAS, and the Secretary of the Army through the ECC for RED TOP actions and OGC, OCPA and DoD LC for all other document production packages.

b. The transmittal letter shall be subject to the approval of the Secretary of the Army for RED TOP actions, unless delegated for signature by the CLL, and shall otherwise be subject to the CLL's approval.

c. Upon completion of coordination and approvals, SALL-I&L shall prepare the final document production package, the transmittal memorandum, and the IMC for delivery to Congress, ensuring that all documents and information are organized and presented in accordance with the Committee's specifications, and with DoD, Department of the Army, and SALL-I&L instructions. SALL-I&L shall update the status of the document production effort in the HQDA tracking system.

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## Section IV – Other Congressional Actions

<h3>CHAPTER 3 SURVEYS AND INVESTIGATIONS</h3>
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1. ROLES AND RESPONSIBILITIES
2. ACCESS TO FACILITIES AND INFORMATION

#### 1. ROLES AND RESPONSIBILITIES:

**a. HAC S&I Staff:** Public Law authorizes the House Appropriations Committee (HAC) to appoint a Surveys and Investigations (S&I) staff to conduct studies and examinations of the organization and operation of any executive agency. The S&I staff is a subordinate element of the HAC and represents it during the course of any study or investigation. The S&I teams are sub-elements of the S&I staff but temporarily formed for specific investigations. Team members may remain on the staff for several investigations or return to their parent organization after a particular inquiry.

**b. DoD:** The Under Secretary of Defense (Comptroller) (OUSD(C)) will appoint a representative to serve as the OSD staff coordinator. However, on certain S&I multi-Service studies, the OUSD(C) will appoint an OSD Functional Monitor (FM) and ask that DoD component points of contact (POC) be identified. In these instances, the Army POC will also be the Army FM and the OSD FM will be the OSD staff coordinator. An OSD staff coordinator functions as the principal coordinator between the S&I staff and DoD for the conduct of that particular inquiry.

#### **c. Army:**

**(1) SAFM-BUL:** SAFM-BUL acts as the principal Army liaison with the OUSD(C) on matters pertaining to the S&I staff and all S&I inquiries. SAFM-BUL will maintain a central file of all reports submitted by the FMs and final S&I investigation reports, as available. This file will be retained for five years and then may be destroyed.

**(2) Functional Monitor (FM):** When requested by SAFM-BUL through the agency CACO, the Army Secretariat or Army staff agency will appoint a FM. The FM is the Army POC and representative to the S&I team for a specific investigation. The FM stays current with S&I team activities related to the assigned study, reports on the progress of the team and the study, and analyzes the conduct of the investigation to project anticipated results. If the FM determines that a significant amount of budget related questions and tasks will evolve, the FM may request SAFM-BUL to assign a budget monitor. The



FM will provide a written report to SAFM-BUL not later than seven days after significant S&I activity occurs. The report will include a brief narrative covering the salient points of the investigation with emphasis on problem areas discovered or anticipated; a list of agencies, commands, or field activities visited by the S&I team to include the dates of the visit; and a brief listing or narrative, as required, of planned or anticipated S&I team activities relating to the investigation. The FM will prepare and submit to SAFM-BUL a concise final report when the investigation is complete. The report will contain a brief narrative covering the salient points of the investigation with emphasis on anticipated problem areas, probable findings developed during the course of the investigation and potential lines of questioning resulting from the investigation.

## **2. ACCESS TO FACILITIES AND INFORMATION:**

**a. Access to facilities:** S&I team members will be given the same degree of courtesy and cooperation as that afforded members of the HAC. After proper identification and security clearances are ascertained, S&I team members will be admitted to all facilities commensurate with their security clearances. The S&I team normally will not require a trip escort when conducting field visits. Messages to the field announcing S&I team visits will usually contain data as to escort requirements. If not involved as an escort, the FM should arrange for ACOM escorts at the installations to be visited.

**b. Access to Information:** Budget estimates and supporting materials for any given fiscal year will not be provided before transmittal of the President's Budget for that year to Congress. Thereafter, any material provided to the Appropriations Committees may be furnished to S&I staff members. Information releasable under the Freedom of Information Act (FOIA) should be provided to the S&I staff without hesitation. Information that could be denied under the provisions of the FOIA should not be automatically denied to the S&I staff. Information, which is recognized by law as privileged, will not be released. Refer all requests for information that cannot be satisfied to SAFM-BUL for final disposition.

## **Section IV – Other Congressional Actions**

### **CHAPTER 4 NOTIFICATIONS TO CONGRESS**

- 1. RESPONSIBILITIES**
- 2. POLICY**
- 3. INFORMATION PROVIDED TO CONGRESS**
- 4. NOTIFICATION PLAN**
- 5. INFORMATION FOR MEMBERS OF CONGRESS (IMC) CLEARANCE PROCEDURES**
- 6. INFORMATION FOR MEMBERS OF CONGRESS (IMCs) CONCERNING COMMERCIAL ACTIVITIES**

#### **OVERVIEW:**

The Army's policy is to take the initiative in providing Members of Congress and committees with timely information on significant activities and approved plans of the Army. Particular emphasis is given to matters affecting committee responsibilities and individual constituencies. This section provides procedures and guidance for the provision of written information Members of Congress, congressional committees, and staff members by persons assigned to or employed in OCLL, and other Army personnel working in coordination with them. These procedures do not apply to written information that is prepared, coordinated, and forwarded to Congress in accordance with existing guidance, including:

- a.** Legislative proposals, executive orders or proclamations originating within DoD.
- b.** Information requested by Members of Congress on behalf of and for their constituents.
- c.** Information formally requested by a committee of Congress in connection with nominations, investigations, and oversight.
- d.** Testimony, prepared statements, and insertions to the record in connection with a congressional hearing.
- e.** Budget justification books, budget displays, information papers, other budget and budget appeal submissions, and other Planning, Programming, Budgeting and Execution System documents.

f. Reports, studies, notifications, evaluations, plans, analyses, etc., required by Congress in a committee report, floor action, bill, act, or other formal congressional action.

## **1. RESPONSIBILITIES:**

### **a. Secretariat, Staff Agencies, and ACOMs will:**

**(1) Consider:** Consider each significant Army action for congressional implications.

**(2) Coordinate:** When actions develop that could affect a Member of Congress, coordinate with SALL to determine congressional implications and necessity to inform Congress.

**(3) Develop:** When deemed necessary by SALL, develop and prepare a congressional notification plan.

**(4) Report:** Report approved changes in local missions or operating levels through channels to SALL before public announcement or implementation. These reports will include recommendations on the content and release date of the information to be provided to Congress.

**(5) Furnish:** When required and in coordination with SALL, prepare information paper or furnish briefings to Congress.

**(6) Prepare:** Prepare, coordinate, perform a security review, clear with OFOISR, and obtain agency head approval for any notifications and information papers, including IMCs. Formats for IMCs and the fact sheets are shown in Army Regulation 5-10, Stationing, Chapter 5, paragraph 3, and discussed in paragraph below.

### **b. SALL will:**

**(1) Review:** Review the action for congressional implications and determine the need for a congressional notification plan.

**(2) Coordinate:** Coordinate with OCPA.

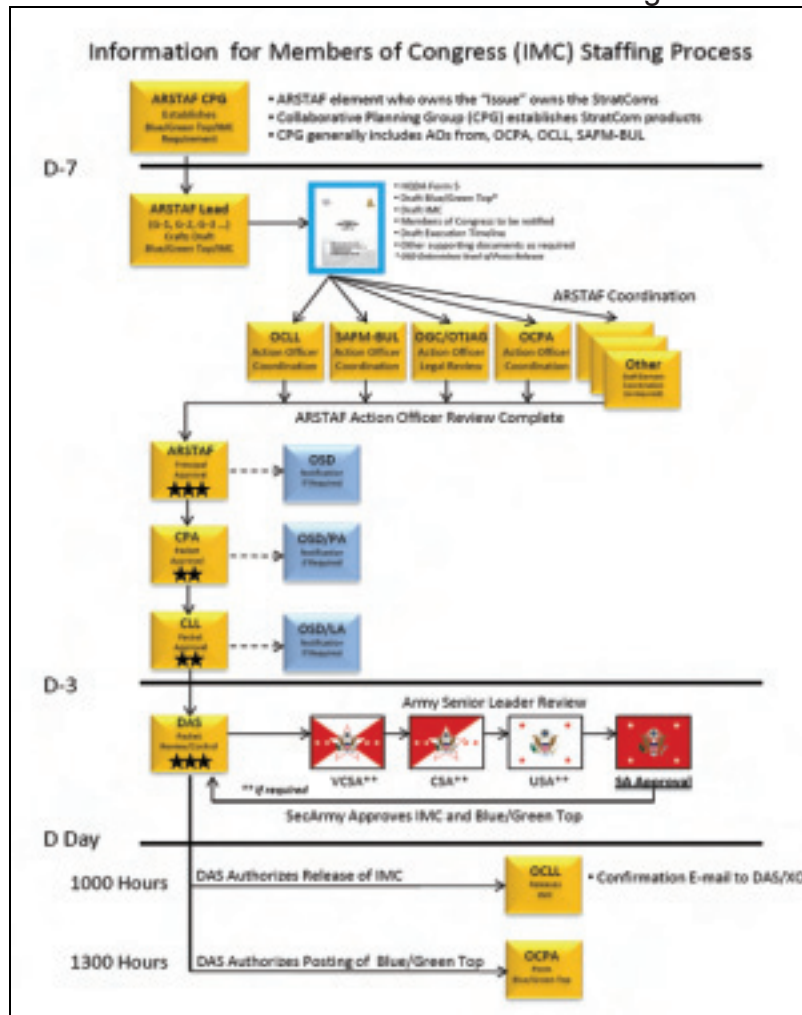
**(3) Distribute:** Distribute necessary informational material to appropriate elements of Congress. This distribution also applies to informing appropriate congressional offices of contract awards and terminations.

**2. POLICY:** The Department of the Army's policy is to make information promptly available to Members of Congress and congressional committees and their staffs. Release of all information to Congress will be in accordance with all applicable policies and regulations of the Executive Office of the President, DoD, and the Army, particularly regulations and directives relating to security and protection of individual privacy, and to official information that requires protection in the public interest. This type of unsolicited information may be in the form of briefings, written materials, or data especially compiled for the convenience of Congress.

**3. INFORMATION PROVIDED TO CONGRESS:**

a. An IMC will be used to inform Members of Congress and committees on broad Army plans, operations, and activities. This includes reductions-in-force, base closures or realignments, major restructuring issues, or other significant issues that may be of interest to a number of Members of Congress.

The IMC will be staffed in accordance with Figure below:



**b. Other Information Provided to Congress:**

**(1)** Information that supports Army programs, policies, or interests may be provided to committees, state delegations, coalitions, caucuses, or individual Members of Congress when such information will affect local constituencies or be of interest to the congressional recipient.

**(2)** Liaison officers may release factual data, reports, articles, or other information that is readily available or compiled or integrated from existing sources concerning Army programs, policies, or interests if requested by a Member of Congress, committee, or staff member, provided the information is within the officer's liaison responsibility and release otherwise complies with all applicable restrictions on release of information contained in AR 1-20 and this CARSOP.

**(3)** Division chiefs may approve the unsolicited provision of factual data, reports, articles, or other information readily available from existing sources concerning Army programs, policies, or interests to one or more member, committee, or staff member, when release is consistent with a congressional strategy or notification plan approved by the CLL.

**(4)** The CLL will approve the release of any other information to Congress, in coordination with other elements of the Army Staff and Secretariat and the Office of the Secretary of Defense when appropriate. This includes, but is not limited to, documents that advocate or defend an Army program, policy, or interest. The CLL and the Deputy Assistant Secretary of the Army for Budget will approve the release of information originating in SAFM-BUL or through the Planning, Programming, Budgeting, and Execution System.

**(5) Procedures:**

- Working documents not approved or otherwise ready for release will be labeled DRAFT. Care will be taken to minimize the circulation of working documents during the coordination process.

- The Legislative Liaison Point of Contact will be named on any original document prepared pursuant to this SOP.

- A Form 5 requiring approval of a division chief or the CLL will be used.

- Any document requiring CLL approval will be acted on by the CLL personally. The Principal Deputy or Deputy Chief of Legislative Liaison may act when the CLL is not reasonably available.

#### 4. NOTIFICATION PLAN:

**a. General:** A congressional notification plan will be included as part of the Army plan when deemed necessary by the CLL. The plan will use news releases prepared by OCPA, information papers, and briefings for Congress. When briefings are proposed, specific elements of Congress to be briefed will be noted.

**b. Army Wide Activities:** Information to be provided the Congress on broad Army plans, operations, and activities will be prepared, coordinated, and cleared by the HQDA Staff at the request of the CLL. SALL will distribute the material to appropriate members or committees of Congress.

**c. Activities within Constituencies:** Members of Congress and interested Congressional committees will be informed concerning unclassified changes in missions or operating levels of Army installations, including government-owned, contractor-operated facilities that will have a significant impact on local constituencies. The CLL will make the determination of when Congress should be notified. Thus, the CLL must be informed of all changes before public release or implementation at the local level.

**d. Realignment/Reductions-in-Force:** The procedures outlined in Army Regulation 690-351-1, Reduction in Force, will be followed when providing information on realignments and reductions affecting civilian employees of installations or separate activities.

#### **e. Notifications:**

**(1) Contract Awards:** In accordance with Federal and the Department Of Defense Federal Acquisition Regulation (FAR), Army contracts that exceed \$6.5 million are announced to Members of Congress. All announcements are kept close-hold until 5 o'clock p.m. - Washington, D.C.'s time of the designated date of announcement. Contract information is provided to those Members of Congress in whose state or district the contractor is located, as well as where the work is to be performed.

**(2) Contract Terminations:** Contracting officers will report proposed significant contract terminations through ASA (ALT) to OCLL as called for in Defense FAR Supplement 249.7002. OCLL may furnish reported information to Congress depending on the significance of the termination.

**(3) Casualty Notification:** Casualty announcements are provided for Members of Congress and Governors for operational casualties. Those Members of Congress and Governors notified represent the Soldier's unit, the primary next of kin, and the secondary next of kin.

**(4) Valorous Award Notification:** Valorous award announcements are provided to Members of Congress when a Soldier is decorated for acts of gallantry or valor, specifically, the Silver Star, Distinguished Service Cross and Medal of Honor. Those Members notified represent the Soldier's home of record. Additional information involving the specifics of the citation or incident surrounding the award may only be provided after an appropriate security screening has been accomplished.

## **5. INFORMATION FOR MEMBERS OF CONGRESS (IMC) CLEARANCE PROCEDURES:**

**a. General:** The following guidelines were developed by the senior Army leadership with the intent to standardize and simplify the clearance procedures. These procedures are to be followed for all actions which involve reductions-in-force, base closure or realignments, major restructuring issues, or any significant Army-level item that may be of interest to Members of Congress.

**b. Preparation and Coordination:** As necessary, SALL-P or SAFM-BUL may task CACOs for IMCs. Preparation and coordination of the IMC packet is the responsibility of the functionally responsible HQDA agency action officer. IMC packets should include the IMC, congressional interest list, and HQDA Form 5, as well as supporting documents such as the green top, public affairs guidance, briefings, or information papers. In certain special cases requiring action by or notification of the Office of the Secretary of Defense, an action memorandum may be required.

**(1) Information to Members of Congress (IMC):** This document will be prepared by the functionally responsible HQDA agency consistent with the format in **APPENDIX IV-A**, Sample IMC.

- **Congressional Interest List:** The Congressional interest list will be prepared by the responsible OCLL or SAFM-BUL action officer and included with the packet before coordination. The staff agency action officer is responsible for contacting the OCLL or SAFM-BUL liaison officer and ensuring this list is prepared and included in the IMC packet. The Congressional Interest List will be developed and provided by OCLL/SAFM-BUL consistent with **APPENDIX IV-B**, Congressional Interest List for the IMC.

- **HQDA Form 5:** The HQDA Form 5 will be prepared by the functionally responsible HQDA agency for coordination and concurrence of the ASL. See **APPENDIX IV-C**, HQDA Form 5 for the IMC.

- **Action Memorandum:** This memorandum will be prepared by the

functionally responsible HQDA agency for the signature of the SA addressed to the Special Assistant to the Secretary and Deputy Secretary of Defense requesting concurrence. See **APPENDIX IV-C**, HQDA Form 5 for the IMC.

- **Required Coordination:** All IMCs will receive coordination from the following HQDA elements: OTJAG, OCPA, G8 (PAED), SAFM-BUL(C, I, R or U (see the General Appendices for guidance)), OGC, SAFM-BUL, and OCLL Programs (SALL-P). Coordinate the IMC with other HQDA staff elements, OSD, and sister-Services as required based on the subject matter. Once coordination is complete, the action officer will bring the IMC packet to the tasking SALL or SAFM-BUL liaison officer, who will submit it to the OCLL for approval.

- **Approval:** Once OCLL approval is obtained, the staff proponent action officer will forward the IMC packet (hard copy and electrons) to the Executive Communications and Control (ECC), Room 3D548, telephone number (703) 695-6410, who will forward the packet to the SA for approval. Upon SA approval, the proponent action officer will provide the IMC to SALL or SAFM-BUL who will, in turn, release the IMC to the concerned Members of Congress and staff.

## **6. IMCs CONCERNING COMMERCIAL ACTIVITIES:**

On IMCs concerning commercial activities, OCLL will ensure that the Army senior leadership is alerted by memo of the impending IMC release. This memo will note that the SA has approved the IMC for release.



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## Section IV – Other Congressional Actions

<h3>CHAPTER 5</h3> <h3>RESPONSES TO CONGRESSIONAL INQUIRIES</h3>
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1. CONGRESSIONAL INQUIRY POLICY
2. REDTOPS
3. PREPARING A WRITTEN RESPONSE TO A CONGRESSIONAL INQUIRY
4. TELEPHONIC AND E-MAIL INQUIRIES

#### 1. CONGRESSIONAL INQUIRY POLICY:

**a. Critical Guidance:** Army Secretariat/Staff, ACOMs, Field Agencies and OCLL personnel will comply fully with the guidance contained in the **CARSOP and AR 1-20. AR 1-20, Chapter 6-1b, Communications with Congress**, states “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 (P.L. 100-456 (10 USC 1034)).”

**b. Coordination with OCLL-Inquiry Division (OCLL-ID):** SALL-CID is the Army’s designated lead for correspondence between Members of Congress and the Army. While OCLL receives most inquiries, there are instances when the inquiry may be directed to the Secretariat/Staff offices, ACOMs, or installations. It is critical to coordinate any proposed response that pertains to Army policies or programs (i.e., military construction, weapons systems, acquisition, real estate, environmental, etc.). All requests for coordination must be provided to SALL-CID within two working days of receipt of the inquiry. Responses to individual constituent concerns, unless they affect policy, may be handled by the receiving agency. In all cases, copies of Congressional correspondence and responses will be provided to SALL-CID for repository purposes.

**c. Requests for Congressional Correspondence/Information:** Any request for copies of Congressional correspondence will be handled by the receiving agency in accordance with the Freedom of Information Act. Should the requester ask for Department of the Army records, those requests should be forwarded to the **Department of the Army, Freedom of Information Act Office, 7701 Telegraph Road, Alexandria, Virginia 22315**, for processing. All media requests for information will be handled by the local Public Affairs Office and in coordination with the Army Chief of Public Affairs.

**d. Signature Levels:** When a Congressional inquiry is addressed to a field or staff agency, or has been tasked to that agency for direct reply, the reply will be signed by the individual who heads the organization or activity responsible for the action (or designated representative) and sent directly to the Member of Congress. The agency will furnish to SALL-CID a copy of the Member's letter and the agency's response. ACOMs will designate signature authorities within their areas of responsibility. When replies to such inquiries involve sensitive issues, SALL-CID will be advised immediately. In all other cases, SALL-CID will prepare the reply for the appropriate signature. These responses are being sent on behalf of the Secretary of the Army and reflect the official Army's position and shall be signed at a level commensurate with the subject matter being addressed. All Congressional correspondence is subject to intense media-scrutiny and the signature authority will be held accountable for any misrepresentation of the Department of the Army.

**2. RED TOPS:** RED TOP actions are Congressional correspondence addressed to the SA, CSA, USA, and VCSA.

**a.** Executive Communications and Control (ECC) assigns RED TOP actions directly to the appropriate Army Secretariat and Army staff agencies using two methods:

**(1) Method 1 (Draft Reply)** - Lead staff agency prepares a final response for SA, CSA, USA or VCSA signature. Suspense timeline for Draft Reply method is eight (8) working days.

**(2) Method 2 (Direct Reply)** - Lead staff agency respond by Direct Reply with a signature level no lower than General Officer or SES. Suspense timeline for a Direct Reply is ten (10) working days.

**b. SALL-CID** meets daily with representatives from the SA, CSA, USA, VCSA, DAS, ECC, Army Staff and Secretariat to discuss the status of open cases.

**c. The ECC** maintains a report of all open, closed, and follow-up RED TOP actions. This information is provided on a recurring basis to the SA, USA, CSA, VCSA, and DAS offices.

**d. SALL-CID** coordinates all RED TOP actions with the appropriate Legislative Assistant assigned to the senior leadership. A written Congressional inquiry is any communication from a Member's office which can be in the form of a letter, fax cover sheet, email communication, or correspondence signed by a Staff Member on behalf of the Member(s) of Congress. These letters often raise issues from constituents and some are

written to express concerns, request information from the Army, or inquiring about a specific issue.

**e. SALL-CID** normally receives inquiries from Members of Congress; however, anyone in the Army may receive a Congressional inquiry.

**f. SALL-CID** Action Officers will take the following actions:

(1) Determine what information is needed to respond. Task the appropriate Army organization. Prepare fully coordinated, timely, and factual reply. Dispatch written reply to the Member(s) of Congress. Retain a copy of the incoming correspondence and the reply for two (2) years.

(2) Coordinate on proposed written responses to Members of Congress prepared by Army and external organizations. If a subject area falls within the purview of another SALL division, SALL-CID will obtain the required internal coordination.

(3) Advise the CLL, the Army leadership, and appropriate Army staff elements about constituent inquiry trends.

**g.** Army Secretariat/Staff, ACOMs, and Field Agencies are responsible for:

(1) Prepare responses that fully address all requested information and questions.

(2) Coordinate each reply with the appropriate organizations to ensure it reflects the Army's position.

(3) Ensure suspenses are met. Written responses should be provided within 5 days. If the final reply cannot be provided by the assigned suspense date, a substantive interim reply to include a target date for completion of the inquiry must be provided. If necessary, interim replies will be provided at 15-day intervals. Special attention will be given to inquiries of a time-sensitive or compassionate nature such as death, injury or sickness, or other grave circumstances relating to service personnel or Family members. Processing for such cases will be expedited by telephone, email, facsimile or electronic fax. Cases assigned from the Office of the Secretary of Defense have firm suspense dates which must be met unless sufficient justification can be provided to extend the suspense.

(4) Ensure 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. The names of other Members of Congress who have also written regarding the issue will not be referenced when responding to

constituent inquiries. 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 it is considered appropriate or essential to provide this information in the interest of clarity or to ensure a complete understanding of all circumstances involved.

**(5)** Ensure that Members of Congress are advised of the outcome of constituent matters before any other inquiring individuals 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)** Provide copies of all inquiries received directly from Congress and the responses to SALL-CID. Inquiries concerning civil works should be provided to the ASA (CW).

### **3. PREPARING A WRITTEN RESPONSE TO A CONGRESSIONAL INQUIRY:**

See the example at **APPENDIX IV-G**, which discusses the philosophy for preparing a good response. The following general guidance should be followed:

**a. Self-contained:** The Member of Congress should be able to read the response and understand the issues without referring back to the constituent's letter.

**b. Describe the Basis for the Response:** Fully explain the background, the rationale for Army actions or decisions, and what recourse, appeals, or alternative steps might be available. If the Army is unable to grant the request cite to the applicable basis, such as the applicable regulation/policy or Law.

**c. Has a Courteous Tone:** Congressional inquiry responses should not be defensive or negative in tone.

**d. Concise and Straightforward:** Address all of the concerns raised in a direct and concise manner.

**e. Understandable to a Nonmilitary Audience:** Avoid the use of military jargon, acronyms, and abbreviations. Use civilian time and date format. Write in complete sentences and avoid bullets, charts, and tables.

**f. Content:**

**(1)** Replies to Congressional inquiries will fully address all issues raised

in the inquiry. Clearly identify any issues that are not addressed and explain why. When identical written inquiries are received from several members, use an identical reply to each.

**(2)** Write the constituent's complete name and, if military, the Soldier's rank, as well as the subject of the inquiry in the first sentence of the response. For example: "This replies to your inquiry on behalf of Private First Class John Q. Smith, concerning his desire for a hardship discharge." Thereafter, use only parts of the individual's grade and name; e.g., "Private Smith...." Use personal pronouns where appropriate, instead of "the Soldier..."

**(3)** In replies involving personnel actions or pay problems, indicate that responsible officials have interviewed and informed the individual of the necessary procedures to remedy the situation. When a request is denied, include in the reply the basis for the request, the reason(s) for denial, and a statement indicating how the Army assisted the constituent in understanding the decision rendered.

**g. Addresses and Salutation:** The response will be addressed to the Member of Congress making the inquiry in accordance with **APPENDIX F** in the General Appendices.

**NOTE:** When sending letters to chairmen of committees or subcommittees, address the letter to the committee chairman with a courtesy copy to the ranking minority member (two lines below signature block):

cc: Honorable (full name)  
Ranking Member

**h. Text:** Use 12-point Arial font with 1.25 inch margins, indent paragraphs .38 inch using single spacing with double spacing between paragraphs.

**i. Closing and Signature Block:** Begin "Sincerely," two lines below the body of the letter and with the "S" on the centerline of the page. Begin the signature block on the fifth line below "Sincerely."

**j. Coordination:** Ensure that the reply is coordinated with the appropriate organizations as determined by the subject matter. The goal is to provide a response that represents the Army's position.

**k. Follow-up:** When circumstances change significantly after an initial response has been provided, provide a follow-up response to the Member of Congress. Coordinate with SALL-CID to determine the best course of action for communicating the change.

#### **4. TELEPHONIC AND E-MAIL INQUIRIES:**

**a.** Congressional staff often call directly to the Army requesting information about issues. These are often about sensitive matters regarding Soldiers and are usually made to the Hill Divisions, SALL-SLD and SALL-HLD. SALL-CID, SALL-SLD, or SALL-HLD may task an Army organization to provide information directly to a Congressional office. Both the tasking and the response to these inquiries will be made by telephone. SALL-CID must be informed of any personal telephonic inquiries from a Member of Congress. Congressional staff may request information from the Army via e-mail request. CACOs receiving e-mail requests should forward the request to SALL-CID for guidance on how to respond. In most cases, SALL-CID will respond to the e-mail requests on behalf of the Army. In some cases, SALL-CID may direct an Army staff element to respond.

**b.** SALL Action Officers are responsible for responding rapidly, tactfully, and factually to telephonic and e-mail inquiries from Members of Congress, committees, and their staffs. Upon receipt of a telephonic inquiry, the SALL action officer will take the following actions:

**(1)** Identify the Congressional office making the inquiry and the name and telephone number of the Congressional staff member to whom the telephonic reply should be provided. Determine what information is specifically needed. In sensitive, complex, or detailed situations, suggest to the Congressional office that the inquiry would be better handled in writing.

**(2)** Verify that the Congressional office has obtained a Privacy Act release from the individual about whom the inquiry is being made.

**(3)** Task the appropriate Army agency/ACOM to obtain the required information.

**c.** Army Secretariat/Staff, ACOMs, and Field Agencies are responsible for taking the following actions upon receiving telephonic and email Congressional inquiries:

**(1)** Ensure that information is provided in a timely manner; generally within two working days. The response should fully and factually address every concern raised. Responses to similar requests should include identical information.

**(2)** If the call is received directly from a Member of Congress, coordinate the response with SALL-CID.

(3) Accept the assurance of a Member of Congress and/or staff that they have a written Privacy Act release, or has spoken to the individual about whom the inquiry is being made, and that the conversation can be construed as the individual's willingness to release the information. If necessary, obtain written authorization (Privacy Act release) or Health Insurance Portability and Accountability Act (HIPAA) release, from the individual to whom the inquiry is about. Medical releases should be made on [DD Form 2870, Authorization for Disclosure of Medical or Dental Information](#).

(4) Ensure coordination with SALL-CID before telephonically closing any inquiry directly with a member's office that was originally tasked for a draft or direct reply.



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## Section IV – Other Congressional Actions

<p style="text-align: center;"><b>CHAPTER 6</b> <b>RESPONSES TO CONGRESSIONAL REPORTING</b> <b>REQUIREMENTS</b></p>
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1. TYPES OF REPORTING REQUIREMENTS
2. TRANSMITTAL TO CONGRESS
3. GENERAL RESPONSIBILITIES
4. MONITORY RESPONSIBILITIES
5. REPORTS AND BUDGET DISPLAYS
6. ADDRESSES AND SALUTATIONS
7. PROVIDING THE SAME INFORMATION TO OTHER COMMITTEES

### OVERVIEW:

Each year, the Assistant Secretary of Defense (Legislative Affairs) (ASD(LA)) reviews all Defense-related committee reports from the authorization and appropriations committees in the House of Representatives and the Senate, including conference committee reports, to identify reporting requirements. OASD(LA) then publishes a list of the identified reporting requirements and a brief description of each. OASD(LA) designates an Office of Primary Responsibility (OPR) from the military Services or other DoD agencies for each requirement. SAFM-BUL is the Army's OPR and is responsible for responding to congressional reporting requirements assigned to them. Responses may be in the form of a report or budget display.

### 1. TYPES OF REPORTING REQUIREMENTS:

**a. Reports:** This category covers any reports, studies, notifications, evaluations, plans, analyses, certifications, waivers, etc., officially required by Congress in a committee report, floor action, bill, or act. Requirements are generally accompanied by a specific due date or periodic schedule. Once a report requirement has been established by a House or Senate action, it is not superseded by a Conference Report except when explicitly canceled by subsequent language.

**b. Budge Display:** Similar to congressionally required reports, these comprise any budget justifications in the form of reports or single displays required by Congress as part of, or accompanying, the annual President's Budget submission.

### 2. TRANSMITTAL TO CONGRESS:

All appropriations and authorization committee report and budget display requirements are to be transmitted through SAFM-BUL. SAFM-BUL will receive the report or budget display package and deliver it to the requesting appropriations committee, SALL-P, and OSD(LA) for reports OSD is preparing for Congress.

When reports are required as part of the President's budget request, the requirement will be completed when the specific justification material has been received in Congress and a copy is on file in SAFM-BUL.

### **3. GENERAL RESPONSIBILITIES:**

#### **a. Office of the Assistant Secretary of Defense (Legislative Affairs):**

The Office of the Assistant Secretary of Defense for Legislative Affairs (OASD(LA)) is responsible for:

**(1) Review:** Reviewing all DoD-related authorization and appropriations documents and identifying congressional language requiring a report.

**(2)Task:** Tasking the OPR (the military Service, OSD agency, and/or OCJS) for action, as appropriate.

**(3) Monitor:** Monitoring the OPR's compliance in providing reports to Congress.

**b. SAFM-BUL:** As the Army OPR, SAFM-BUL is responsible for all congressional report and budget display requirements assigned to the Army, regardless of whether they are from authorization or appropriations committees. Specifically, SAFM-BUL will:

**(1) Tasking Authority:** Identify, assign, and task a lead Army Secretariat/Army Staff agency CACO for preparation of the report or budget display and assist agency CACOs when coordination across functional areas of responsibility is required. Subsequent subtaskings are the responsibility of the single or lead CACO who will include details of the subtaskings in a periodic status update report to SAFM-BUL.

**(2) Conflict Resolution:** Resolve interagency tasking conflicts to assure CACO lead and assisting roles are clearly defined and resolved.

**(3)Technical Expertise:** Provide technical assistance to the CACOs to assure timely and full compliance with the Army-assigned congressional requirements.

**(4)Evaluation:** Evaluate draft reports and budget displays for sufficiency in meeting congressional requirements.

**(5) Clarification:** Communicate with Congress, SALL-P, and legal counsel to provide clarification on congressional intent, when reporting language is vague or unclear.

**(6) Coordination:** Coordinate with SAFM's Management and Control office (SAFM-BUC) to ensure that all required budget displays are provided and clearly identified among budget justification materials.

**(7) Delivery:** Deliver all reports directly to the tasking appropriations committee, SALL-P or to OASD(LA) for compilation of multi-Service tasking and delivery to Congress. Provide both electronic and hard copies of the reports.

**(8) Historical Files:** Maintain a file copy of all transmittal letters, reports and budget displays for congressionally required reports assigned to the Army for action.

**(9) Tracking:** Maintain a tracking system for Army-assigned congressional actions reporting requirements and periodic status reports to OASD(LA) and the Army leadership.

**c. SALL-P:** Will deliver all other committee requirements (except appropriations) that are to be transmitted directly to Congress.

**d. CACOs:** CACOs will:

**(1) Receive:** Receive taskers from SAFM-BUL and promptly determine if taskings have been accurately assigned and provide to SAFM-BUL the HQDA Tracking System number and the name, rank/title, office symbol, and telephone number of the agency POC designated to respond to all correctly assigned actions, or the correct agency or office (if known) for incorrectly assigned actions.

**(2) Task:** Task their agency POC for preparation of the required report or budget display.

**(3) Monitor:** Monitor their agency POCs to assure timely and full compliance with tasking requirements.

**(4) Coordination:** Ensure coordination with appropriate agencies below to ensure a mutually supported effort. Lead agencies retain primary responsibility to coordinate papers with all agencies identified by SALL-P and SAFM-BUL, other relevant agencies affected by the issue, and agencies directed by this SOP. Coordination will be indicated by identifying the coordinating agency office symbol and POC name, telephone number, and date coordinated.

**e. G-8 Program, Analysis and Evaluation Directorate (PAED):**

G8 (PAED) is responsible for ensuring the accuracy and consistency of program data. All papers with direct or indirect congressional implications will be coordinated with the PAED CACO, room 3E365, telephone number 697-6925.

**f. Army Budget Office (ABO):** The Army Budget Office (ABO) of the Assistant Secretary of the Army for Financial Management and Comptroller (SAFM) is responsible for ensuring the accuracy and consistency of current year and budget year data.

The ABO consists of four functional directorates and a Congressional Budget Liaison Office (SAFM-BUL). All papers that directly or indirectly have Congressional implications will be coordinated with SAFM-BUL, room 3E331, 693-0379. All reports should be chopped by at least one functional ABO office in addition to SAFM-BUL. Based on subject matter, the AO should choose one of the ABO functional directorate(s) having budget oversight of the subject matter. If the appropriate ABO action officer to provide the chop is known, go directly to him/her. See **APPENDIX B** in the General Appendices for additional information regarding the responsibilities of the ABO offices. If the directorate is known, but not the particular AO, the following contacts (sub-CACOs within SAFM) can provide direction and/or the required chop:

SAFM-BUC – (management and control) – 3D349 / 692-6209

SAFM-BUI – (investment) – 3C349 / 614-9507

SAFM-BUO – (operations and maintenance & military personnel) – 3B349 / 693-2422

SAFM-BUR – (business resources) – 3B349 / 692-2254

**g. SALL-P:** (1E385). All reports will be coordinated with the appropriate SALL-P liaison officer.

**(1) Copy Requirements:** Provide SAFM-BUL with the original and two copies of the signed and dated letters and report; completed HQDA Form 5 with coordination. The original document will be provided to Congress. The photo copies will serve as SAFM-BUL office copies. Reports must be furnished in electronic format.

**(2) Status Report:** Monitor and provide periodic status reports to SAFM-BUL on assigned Army reporting requirements and other DoD component reporting requirements having Army senior management interest.

#### **4. MONITORING RESPONSIBILITIES:**

**a. SAFM-BUL:** SAFM-BUL will task CACOs to provide status updates of each congressional requirement.

**b. CACOs:** CACOs are responsible for updating SAFM-BUL with the current status of each Army-assigned action item by the suspense date. CACOs should specifically address what is being done to satisfy the congressional requirement as written in the appropriate committee report. Updates should be as specific as possible to avoid generating further questions. Details such as the current status (i.e. draft, coordination, GO approval, etc.) signature authority, target completion date, what impact is expected, etc. should be included in the update. The content of the report and other peripheral information on the same subject should not be provided or should be minimized.

**c. Action Officers will:**

**(1) Knowledge:** Remain current on events affecting their assigned reporting requirements.

**(2) Notification:** Notify the senior Army leadership, as appropriate, of significant trends or decisions which are of interest to the Army, or which will affect Army policy and be available for Army Secretariat and Army Staff questions on their assigned reporting requirements.

**(3) Coordination Requirements:** Obtain coordination with appropriate Army Secretariat and Staff agencies.

**5. REPORTS AND BUDGET DISPLAYS:**

**a. Format:** The format for congressional requirements is at the discretion of the proponent agency, i.e., by letter or report format accompanied by a letter of transmittal. **(See Section IV, Chapter 5, Responses to Congressional Inquiries, for the proper format and coordination for sending letters to Congress.)** All replies should cite the report heading, report number, and the page number where the requirement is found (or use one of the examples below as a guideline). This citation should be in the first paragraph of the transmittal.

**(1)** "... section 9006 of the Department of Defense Appropriations Act, 2005-Public Law 108-287).";

**(2)** "... section 722 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 108-888) ...";

**(3)** "The Senate (or House) Report 108-555, page 231, accompanying the National Defense Authorization Act for Fiscal Year 2006 directs ...";

**(4)** "The Department of Defense Appropriations, 2006, Conference Report 108-777, page 86, ..."; and

**(5)** "Section 196 of title 10, United States Code, ...".

**b. Approval:** Unless congressional language dictates otherwise, in accordance with [DoD Directive 5545.2](#) and [Army General Order Number 3](#), congressional reports may be signed by the Secretary of the Army, the Under Secretary of the Army, and an Assistant Secretary of the Army. Signature authority waivers shall be made by SAFM-BUL. Consideration should be given to the nature of the report, the Secretary of the Army's objectives and priorities, and high congressional interest. All interim replies may be approved at the Army Secretariat level.

**c. Senior Army Leadership Approval:** Army ECC directs that all Congressional Reports that require Senior Army Leadership approval must be submitted to ECC one month prior to the Congressional suspense date. (i.e. suspense to Congress: 30 May, Suspense to ECC: 30 Apr)

**d. Interim Replies:** When the suspense for a report cannot be met, the Army Staff lead must prepare an interim response to Congress. Reports not having final approval no later than two weeks prior to the suspense date will require an interim response. Reports that do not meet ECC's submission directive of month prior to the congressional suspense date will require an interim response. The interim reply will advise the appropriate committee(s) of the status of the report or budget display and the target completion date, including the new date for delivery of the material to the committee. Interim replies will be forwarded to SAFM-BUL in time to ensure receipt by Congress prior to the committee's suspense date.

**e. Briefings:** A briefing may be provided as an acceptable alternative in lieu of a written report if the requesting committee agrees. Briefings should be coordinated with the appropriate legislative liaison officer in SAFM-BUL or SALL-P. Following the briefing, provide to SAFM-BUL the details of the briefing and if possible, a copy of the briefing.

**f. Copy Requirements:** Provide SAFM-BUL with the original and two copies of the signed and dated letters and report and completed HQDA Form 5 with coordination. The original document will be provided to Congress. The photo copies will serve as SAFM-BUL office copies. Reports must be furnished in electronic format.

## **6. ADDRESSES and SALUTATIONS:**

**a. Addresses:** Although report and budget display requirements are assigned by a single committee, subcommittee, or joint committee (SASC, HASC, SAC-D, HAC-D, SAC-M, HAC-M, Authorization Conference, or Appropriations Conference), consideration should be given to at least the four defense oversight committee chairmen (SASC, HASC, SAC-D, HAC-D), with a separate letter to the ranking member.

(1) When the report language requires a report **to Congress**, address letters to:

- President of the Senate
- Speaker of the House
- Chairman and Ranking Member, Senate Appropriations Committee
- Chairman and Ranking Member, Senate Appropriations Committee/Defense Subcommittee
- Chairman and Ranking Member, House Appropriations Committee
- Chairman and Ranking Member, House Appropriations Committee/Defense Subcommittee
- Chairman and Ranking Member, Senate Armed Services Committee
- Chairman and Ranking Member, House Armed Services Committee

(2) When report language requires a report **to the congressional defense committees**, address letters to:

- **Defense Authorization Bill:**
  - Chairman and Ranking Member, Senate Appropriations Committee
  - Chairman and Ranking Member, House Appropriation Committee
  - Chairman and Ranking Member Senate Armed Services Committee
  - Chairman and Ranking Member, House Armed Services Committee
  - **Optional:**
    - Chairman and Ranking Member, Senate Appropriations Committee/Defense Subcommittee



- Chairman and Ranking Member, House Appropriations Committee/Defense Subcommittee

- **Appropriations Subcommittee on Defense Bill:**

- Chairman and Ranking Member, Senate Appropriations Committee/Defense Subcommittee

- Chairman and Ranking Member, House Appropriations Committee/Defense Subcommittee

- Chairman and Ranking Member, Senate Armed Services Committee

- Chairman and Ranking Member, House Armed Services Committee

- **Appropriation Subcommittee on Military Construction:**

- Chairman and Ranking Member, Senate Appropriations Committee /Military Construction Subcommittee

- Chairman and Ranking Member, House Appropriations Committee / Military Construction Subcommittee

- **Optional:**

- Chairman and Ranking Member, Senate Armed Services Committee

- Chairman and Ranking Member, House Armed Services Committee

(3) When report language **does not identify to whom the report should be submitted**, address letters to:

- From a Defense **Authorization** or **Appropriation** Subcommittee on Defense Bill:

- Chairman and Ranking Member, Senate Appropriations Committee/Defense Subcommittee

- Chairman and Ranking Member, House Appropriations Committee/Defense Subcommittee

- Chairman and Ranking Member, Senate Armed Services Committee

- Chairman and Ranking Member, House Armed Services Committee
- **Optional:**
  - Chairman and Ranking Member, Senate Appropriations Committee
  - Chairman and Ranking Member, House Appropriations Committee
- From an **Appropriation** Subcommittee on **Military Construction:**
  - Chairman and Ranking Member, Senate Appropriations Committee/Military Construction Subcommittee
  - Chairman and Ranking Member, House Appropriations Committee/Military Construction Subcommittee
  - **Optional:**
    - Chairman and Ranking Member, Senate Armed Services Committee
    - Chairman and Ranking Member, House Armed Services Committee
    - Chairman and Ranking Member, Senate Appropriations Committee
    - Chairman and Ranking Member, House Appropriations Committee

**b. Salutations:** See **APPENDIX-F in General Appendices.**

## **7. PROVIDING THE SAME INFORMATION TO OTHER COMMITTEES.**

Although report and budget display requirements are assigned by a single committee, subcommittee, or joint committee, consideration should be given to providing the information to at least the four oversight committee chairmen (SASC, HASC, SAC-D, HAC-D), with a copy to the ranking minority member.







## SECTION IV APPENDICES

APPENDIX	TITLE	PAGE
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IV-C	SAMPLE HQDA FORM 5 FOR THE IMC.....	IV-234
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**APPENDIX-A SECTION IV**  
**SAMPLE OF INFORMATION FOR MEMBERS OF CONGRESS (IMC)**

**DRAFT**

**DEPARTMENT OF THE ARMY**  
WASHINGTON, DC

**DATE**

**INFORMATION FOR MEMBERS OF CONGRESS**

**SUBJECT: Designation of the Assistant Secretary of the Army for Installations, Energy and the Environment (ASA(IE&E))**

The Secretary of the Army made a decision to redesignate the Assistant Secretary of the Army for Installations and the Environment to the Assistant Secretary of the Army for Installations, Energy and the Environment. This action is taken to emphasize the Army's mission to make energy a consideration for all Army activities and create a culture of energy accountability while sustaining or enhancing operational capabilities.

The ASA(IE&E) will continue to work toward achieving the Army's Energy Security Goals of reduced energy consumption, increased energy efficiency across platforms and facilities, increased use of renewable and alternative energy, assured access to sufficient energy supplies and reduced adverse impacts on the environment.

The effective date of implementation of the name change is 1 October, 2010.

Point of contact for this notification is Mr. Andy Napoli at (703) 697-9690, Office of the Chief of Legislative Liaison.

**FURNISHED BY**  
**OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON**  
**OFFICE OF THE SECRETARY OF THE ARMY**



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**APPENDIX-B SECTION IV - SAMPLE OF INFORMATION FOR MEMBERS  
OF CONGRESS (IMC) INTEREST LIST**

DOCUMENT PRODUCTION EFFORT: \_\_\_\_\_

**Administrative Information**

Tasked Organization Reporting: \_\_\_\_\_

Subordinate Command/Activities whose statistics are included in this report:

\_\_\_\_\_  
\_\_\_\_\_

Is this package part of a rolling production effort?  YES  NO

If YES, how many prior releases have you made to the Congressional Response Team in response to this same Congressional request? \_\_\_\_\_

Date(s) on which prior releases were made: \_\_\_\_\_

**Effort Expended**

**Totals for this document production package only. DO NOT include prior packages, even if this is a rolling production effort.**

Total Man-hours Expended: \_\_\_\_\_ Attorney Man-hours Expended: \_\_\_\_\_

Total Pages Produced: \_\_\_\_\_ Non-Attorney Man-hours Expended: \_\_\_\_\_

**Distribution of effort for this document production package only. DO NOT include prior packages, even if this is a rolling production effort.**

GS-13 – GS-15/LTC – COL: \_\_\_\_\_

GS-09 – GS-11/CPT – MAJ: \_\_\_\_\_

GS-05 – GS-07/NCO – 1LT: \_\_\_\_\_

Contractor: \_\_\_\_\_

**Note:** For each document production package, document the man-hours expended by personnel of your organization and of subordinate commands/agencies, as appropriate, in searching, collecting, organizing, reviewing, or contributing, in any way, to the document production effort.

\_\_\_\_\_  
**Signature, grade, and duty position of individual  
preparing report**

Date: \_\_\_\_\_

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**APPENDIX C- SECTION IV**  
**SAMPLE OF HQDA FORM 5 FOR THE IMC PAGE 2 of 2**

( FOUO )

5. LEAD AGENCY STAFF COORDINATION			TRACKING NUMBER			
TITLE	INITIAL	TYPE OR POST NAME			DATE (YYYYMMDD)	
DIV CH						
CRA		CHIEF OF PUBLIC AFFAIRS				
CLL		CHIEF LEGISLATIVE LIAISON				
ACTION OFFICER (Name/Title/Phone Number/Email)						
FILE LOCATION						
SACD's NAME (Name/Title/Phone Number/Email)						
RECOMMENDATION FOR STAFF RESPONSE						
6. STAFF COORDINATION						
CONCUR	NON-CONCUR	AGENCY	NAME (TITLE LAST NAME)	PHONE	DATE (YYYYMMDD)	REMARKS
<input type="checkbox"/>	<input type="checkbox"/>	OCRA				
<input type="checkbox"/>	<input type="checkbox"/>	OCLL				
<input type="checkbox"/>	<input type="checkbox"/>	SAPM-BLL				
<input type="checkbox"/>	<input type="checkbox"/>	OGC/MG				
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>					
7. REMARKS BY EOC:      RETURNED REQUESTING AGENCY FOR INFORMATION/CLARIFICATION						

HQDA FORM 5, JAN 2011

( FOUO )

Page 2 of 2  
 APR 97 07-0

# APPENDIX-D SECTION IV

## SAMPLE ARMY INFORMATION PAPER TO CONGRESS

### INFORMATION PAPER

SALL-P  
23 February 2010

SUBJECT: Utility Rotary Wing Modernization Plan for the ARNG

1. Purpose. Army National Guard (ARNG) Utility Fleet modernization strategy
2. Facts.

a. The ARNG Utility Fleet modernization plan is a multi-tiered strategy which modernizes their current Black Hawk Fleet through new production HH/UH-60M aircraft, recapitalizes their UH-60A fleet through the UH-60 A to A to L Recapitalization Program, and through fielding of new production Light Utility Helicopter (LUH) UH-72A aircraft.

b. Black Hawk: The Army will procure 1227 UH-60M aircraft. This will result in a Black Hawk fleet size of 2135, which includes UH/HH-60A/L/Ms. The Army's Black Hawk Modernization strategy is a near simultaneous modernization of AC and RC units synchronized with the Army's Force Generation cycle.

1. ARNG Black Hawk requirement is 849 HH/UH-60A/L/Ms. Our newest version of the Blackhawk is the UH/HH-60M. Based on demand, the first and second units in the Army to receive the HH-60M MEDEVAC aircraft were the VT/MA ARNG (C/3-126 MEDEVAC) and FL/GA ANRG (C/1-111 MEDEVAC). Each of these units received 12 HH-60M aircraft. Additionally, the second Assault Helicopter Battalion in the Army to receive 30 new UH-60Ms was the W/MI ARNG (1-147<sup>th</sup> AHB).

2. The UH60A to A to L Recapitalization Program recapitalizes 212 UH-60A ARNG UH-60A model Black Hawk helicopters between FY10 and FY15 (approximately thirty-eight (38) aircraft per year). The UH-60A to A to L Recapitalization Program is a significant modernization initiative for the ARNG and its ability to execute its mission. The recapitalization process takes about 300 days per aircraft and occurs at Corpus Christi Army Depot. The program is a complete depot level overhaul which includes structural enhancement/repair and 100% replacement/overhaul of dynamic components.

c. LUH (UH-72A Lakota): The Army will procure 345 UH-72A aircraft. Currently, 50 of a total of 210 UH-72As have been delivered to the ARNG. The ARNG is the primary user of the LUH and this program was developed predominantly with ARNG needs in mind. These aircraft conduct missions in support of homeland security such as civil search and rescue, medical evacuation, and counter-drug operations and represent a significant modernization investment by the Army.

Prepared by: CW4 John Smith/SALL-P/697-XXXX  
Approved by: LTC Paul Harvey/SALL-P/697-XXXX

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**APPENDIX-E SECTION IV SAMPLE OF HQDA FORM 5 FOR THE  
ARMY INFORMATION PAPER Page 1 of 2**

<b>ARMY STAFFING FORM</b> For use of this form, see DA Memo 25-52; the proponent agency is AASA.		1. TRACKING NUMBER	2. TODAY'S DATE (YYYYMMDD)
4. OFFICE SYMBOL		Army Information Paper -(Subject) 5. SUBJECT	
6	ROUTING: (ECC USE ONLY) Initial Date	ECC POC	(Rank, Name, Phone)
		COMMENTS:	
SA			
CSA			
USA			
VCS A			
AAS A			
DAS			
SM A			

7. F

- Ensure the request is addressed concisely and factually. Do not provide more information than necessary to be responsive.
- In most cases, papers should not exceed one page.

**Ref:** A clear statement addressing the issue covered by the Army Information paper. It should include specifically state what information is requested and by whom. **Encl:** TAB A: Info Paper on (Subject) TAB B: (supporting documents can be listed in subsequent Tabs)

- 1. Purpose:**  
Army Info papers are a means to provide responses to requests for information from Members of Congressor their staff. As external documents, they should have no office symbols, action officer names, or telephone numbers. Info papers should be written in such a way that the reader can easily locate needed information.
- 2. Discussion:**
- Include sufficient facts, supported by necessary historical and technical information, to provide a basic understanding of the subject. Do not repeat key points, but the background may expand on them. Do not assume the reader knows all key historical factors, players, or events which significantly affect the issue.
  - Army Information papers will be typed with a 12 point Times New Roman font on letter-size bond paper. Use 1 inch top, bottom, left, and right margins.
  - See next page for coordination requirements.

**3. Recommendation:**  
Army Information Papers will be approved locally at the agency directorate level.



**APPENDIX-E SECTION IV SAMPLE OF HQDA FORM 5 FOR THE  
ARMY INFORMATION PAPER Page 2 of 2**

<b>ARMY STAFFING FORM</b> For use of this form, see DA Memo 25-52; the proponent agency is AASA.		1. TRACKING NUMBER	2. TODAY'S DATE (YYYYMMDD)
4. OFFICE SYMBOL		Army Information Paper -(Subject) 5. SUBJECT	
6	ROUTING: (ECC USE ONLY) Initial Date	ECC POC	(Rank, Name, Phone)
		COMMENTS:	
	SA		
	CSA		
	USA		
	VCS A		
	AAS A		
	DAS		
	SM A		
	DUS A VDA S		
8. LEAD AGENCY STAFF COORDINATION			TRACKING NUMBER:
TITLE	INITIAL	TYPED OR PRINTED NAME	
ACTION OFFICER: (Name/Position/Phone Number/E-mail)			
FILE LOCATION:			
SACO's NAME: (Name/Position/Phone Number/E-mail)			
RECOMMENDATION FOR STAFF PRINCIPAL: (THE FOLLOWING COORDINATION IS REQUIRED FOR ALL Army Info Papers. Additio based on the subject matter.)			

**APPENDIX–F SECTION IV SAC-D FORMAT FOR INFORMATION  
PAPERS OR CAPABILITY (IMPACT) STATEMENTS**

ARMY INFORMATION PAPER

Date:

Service/agency:  
Appropriation account:  
Budget activity:  
Subject:

1. Question or request: (Restate the subcommittee's query).
2. Response: (Brief, factual, pertinent statements).
3. Recommendation: (Only when requested).

CAPABILITY STATEMENT

Date:

Service/agency: Budget  
activity/program:  
Proposed amendment:

1. Current program: (Cover current fiscal year).
2. Budget program: (Cover pending budget).
3. Capability: (Discuss how the proposed funding change could be implemented or why it could not be implemented).
4. Feasibility: (Provide a more subjective commentary on whether the proposed funding changes are considered to be practical or wise and the program impact is good or bad).
5. Outlay effect: (The increase or decrease from budgeted outlays for the budget year).

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## APPENDIX-G SECTION IV NONMILITARY LETTER TO A MEMBER OF CONGRESS



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON  
1600 ARMY PENTAGON  
WASHINGTON DC 20310-1600

July 31, 2008

The Honorable John Doe  
United States House of Representatives  
Washington, D.C. 20515

Dear Representative Doe:

This replies to your letter on behalf of Mr. William R. Smith requesting guidance on how to respond in writing to a Congressional inquiry.

Written responses should be sufficiently self-contained so as not to require the member of Congress to reread the constituent's original request. Do this by ensuring that the introductory paragraph summarizes the issues raised in adequate detail. The opening sentence should always include the constituent's complete name and, if military, the Soldier's rank. An example would be, "This replies to your inquiry on behalf of Private First Class John J. Smith concerning his request for a hardship discharge." Thereafter, use only parts of the individual's grade and name, i.e., "Private Smith." For variety, use personal pronouns "he or she" where appropriate instead of "the Soldier."

Although the substance of a response is important, a significant factor in all written correspondence is the style and tone used. A cardinal rule is to direct your response to the member of Congress, not the constituent. "Civilianize" your letter as much as possible. Avoid being bureaucratic, using military jargon and acronyms, or being unnecessarily evaluative. If a layman cannot fully understand the letter, it needs improvement. There is no excuse for rude or curt replies. Remember, it is a Soldier's right to petition a member of Congress.

Address all issues – both implied and specifically stated. Accurately discuss the facts and include the office and/or individual that reviewed the case. At a minimum, the review should be conducted by appropriate officials at least one level of command higher than that involved in the allegation. If the Army was in error, do not hedge on the facts. Explain the corrective action taken and respond quickly. Regardless of who reviewed or conducted the investigation, the response implies the concurrence of the senior official in the chain of command. Ensure delegation of authority is at the appropriate level.

When a personnel request is denied, explain the reason for disapproval. Cases involving the application of Army policy require special attention. In addition to summarizing the policies affecting the case, detailing their impact on the constituent, and describing avenues of appeal or other alternatives available, it is often appropriate to provide additional rationale on why such a policy is required. The inclusion of one or two extra sentences explaining why the Army needs such a policy enhances the Army's image as a people-oriented organization. If appropriate, include copies of the forms to use and the address to contact for redress.

In summary, a professional response is complete, accurate, well-worded, self-contained, and polite. A reply that the chain of command would endorse for the signature of the Secretary of the Army to a member of Congress is the required standard.

Sincerely,

Harry B. Williams  
Chief  
Congressional Inquiry Division

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## APPENDIX-H SECTION IV SAMPLE OF EXECUTIVE PRIVILEGE LOG

*SAMPLE*

### EXECUTIVE PRIVILEGE LOG

PAGE 1 OF 1

Item No. <sup>1</sup>	Location (page, para, line no.)	Document Originator or Author <sup>2</sup>	Document Recipient or Addressee <sup>3</sup>	Document/Information Description <sup>4</sup>	Type of Privilege Claimed <sup>5</sup>	How Disclosure Would Result in Substantial Harm to Gov't Interest
1	All pages (1-5)	Mary Smith, SCS, AS/ANCA	Christopher Rinn, AS/ANCA	May 8, 2007 Memorandum analyzing options for new pay-setting rules	For Information Disclosure Access	disclosure would hinder candid discussion and cause confusion amongst prior discussion of accommodations prior to final decision.
2	Page 1 of 1	John Jones, Investigating Officer, WAC	N/A	May 1, 2007, witness statement re open investigation of conduct bond.	Open Law Enforcement Investigation	Target unaware of investigation; ability to fight and reputation of target
3	Page 1 of 2, paras 2-3	Col Richard Lee, AS/ANCA	Mr Vincent Wagon, OIA	May 7, 2007 E-mail seeking legal advice on ethics issue.	Attorney-Client Communication	Protect legal advice.

<sup>1</sup> Number each document or excerpt thereof, continuing in serial from one page to another.

<sup>2</sup> Include name, title, and/or duty position. Describe with sufficient specificity so as to establish certain elements of the privilege, such as the relationship between the document originator and the recipient, or their respective employing agencies.

<sup>3</sup> Include name(s), title(s), and/or duty position(s). Describe with sufficient specificity so as to establish certain elements of the privilege, such as the relationship between the document originator and the recipient, or their respective employing agencies. If there are multiple recipients or addressees, list each separately to the extent they bear on the privilege analysis and so indicate.

<sup>4</sup> At minimum, set forth the date of the document and the general subject matter. In the case of the proposed invocation of Executive Privilege to protect State Secrets; Open Law Enforcement Investigations and Matters in Litigation; Attorney Client Communications, and Attorney Work Product a detailed description of each document is unnecessary because it could reveal too much and jeopardize the very secrets the privilege is designed to protect. In other cases, the privilege log description should be as specific as possible without disclosing the information requiring protection.

<sup>5</sup> Set forth the rationale or basis underlying the potential invocation of Executive Privilege.

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# APPENDIX-I SECTION IV SAMPLE NOTIONAL EXECUTIVE SUMMARY

## NOTIONAL EXECUTIVE SUMMARY

15 May 2007

**SUBJECT: Final Release of Documents to the XXXXX Committee (Release #4)**

On or about 15 May 2007, the U.S. Army will release approximately 9,000 pages of documents and information from Fort XXXX, the DA Inspector General (DAIG), the U.S. Army Corps of Engineers (USACE), U.S. Army Criminal Investigation Command (USACIDC) Reports of Investigation (ROI), AR 15-6 investigations, non-judicial punishment records, counseling statements, and other correspondence.

OCLL will deliver copies of the documents to Congress. There are no photographs associated with this release.

This release is the final release of documents to the XXXXX Committee, pursuant to the Committee's request of March 12, 2007. Releases #1, #2, and #3 were provided to the Committee on March 25, 2007, May 3, 2007, and May 9, 2007, respectively.

**Documents Contained in Release #4:**

- Memoranda, briefings, electronic mail messages, and other documents from Fort XXXX, dated between November 2001 and May 2007.
- Fifteen CID ROI involving alleged positive results for marijuana derived from a June 2005 urinalysis at HHC, Fort XXXX. Only one of the cases was founded by CID. Five others were referred to NCIS for action because the alleged offenders were sailors on temporary duty at the installation for training.

**Documents of Interest:**

- The Fort XXXX documents contain many items related to lax application of contracting policies, procurement fraud, and embezzlement by military and DA civilian personnel involved in the contracting process. Specific documents and information that will likely generate interest include:
  - A February 2003 Fort XXXX CID SIGACT report that mentions coordination with OCLL and Congressman XXXXXX's office to obtain the name of a constituent that approached Congressman XXXXXX to report what she believed to be a conspiracy to commit contract fraud at Fort XXXX.
  - An April 15, 2003 information paper from HQ, USACIDC, detailing the dates that Army leadership was notified of alleged incidents of procurement fraud at Fort XXXX.

**According to OCLL:** OCLL will disseminate an IMC to all members of Congress and personally notify staff of the SASC and HASC about the details of the pending release to the XXXXX Committee. OCLL will deliver the document production package to the XXXXX Committee.

**According to OCPA:** The information contained in this release has been previously reported but could generate interest from media and military comptroller organizations because of documents that they will argue validate many of the claims these organizations have made for the past several years regarding lax accounting and fraud deterrence processes in the military departments.

The OCPA SME is positioned to respond to all media queries relating to the release of these documents.

**OSD Coordination:** DoDGC, OSD(LA), and OSD (PA) coordination was completed with no additional comments/input.

---

**Take Away Points:**

- A substantial portion of the release demonstrates the Army's rapid and robust response after receiving initial reports of widespread contract fraud at Fort XXXX in early 2003. Any media engagement strategy should focus on the "baseline" nature of the documents in this production package and the extensive nature of Army efforts over the past four years to "leave no stone unturned" in investigating and supporting the prosecutions of persons believed to be accountable for contract fraud at Fort XXXX.

MAJ XXXXXX/69X-XXXX/CRT  
MG XXXXXXX, XXX



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**APPENDIX-J SECTION IV  
SAMPLE SENIOR REVIEWING OFFICIAL CERTIFICATION**

Office Symbol

MEMORANDUM FOR Office of the Chief, Legislative Liaison, Attention: Congressional Response Team, Headquarters, Department of the Army, XXX Army Pentagon, Washington, DC 20XXX

SUBJECT: Document Production Package No. 2, House Oversight and Government Reform Committee Requests for Documents Relating to Walter Reed Army Medical Center

This is the second in a series of rolling document production packages submitted in response to requests of the House Oversight and Government Reform Committee, dated February 26, March 5, and March 8, 2007, for all documents and information relating to conditions and care at Walter Reed Army Medical Center from January 1, 2002 to February 17, 2007.

This document production package comprises XXX pages and includes documents and information forwarded by U.S. Army Medical Treatment Facilities at Fort Lewis, Washington; Fort Bliss, Texas; and Fort Lee, Virginia.

I hereby certify that the U.S. Army Medical Command and its subordinate commands/activities referenced above have conducted a good faith search for all documents responsive to the Committee's requests, in accordance with Committee, Department of Defense, Department of the Army, and Congressional Response Team (CRT) guidance. [Describe scope of search with particularity]. To the best of my knowledge and belief, all Medical Quality Assurance investigation documents from the named organizations have been collected and are included in this document production package. [Note any searches or production efforts still ongoing]

The U.S. Army Medical Command has completed a functional review of all documents comprising this document production package. With the exception of documents specifically identified for further review by Headquarters, Department of the Army. Further redactions have been effected in accordance with Department of Defense, Department of the Army, and CRT guidance. My point of contact for this functional review is Ms. XXXXXXXX, at telephone number XXX.XXX.XXXX, or by electronic mail XXXXXXXX. [XXXXXX@us.army.mil](mailto:XXXXXX@us.army.mil).

[No classified documents or information are included in this document production package.] [An appropriate security review has been conducted. This document production package includes 100 pages of documents properly classified at the SECRET//NOFORN level of classification. These documents have been marked appropriately, recorded on the enclosed Classified Document Accountability Log, scanned electronically, and forwarded to your office via the Secure Internet Protocol Router Network (SIPRNet).] My point of contact for this security review is Mr. XXXXXXXX, at telephone number XXX.XXX.XXXX, or by electronic mail XXXXXXXX. [XXXXXX@us.army.mil](mailto:XXXXXX@us.army.mil).

My servicing Command/Staff Judge Advocate has conducted a legal review of this document production package in accordance with the CRT Operating Protocol. A copy of the legal opinion documenting that review is enclosed for your use.

My Freedom of Information Officer has determined that documents or information produced in this package are subject to three ongoing Freedom of Information Act requests, to include . . . XXXXXXXXXXXX.

[Explain any delays in the submission of this document production package]. This production has been delayed by the extensive effort associated with the redaction of information authorized to protect the privacy of patients and their families and because of the large number of documents responsive to the request. It is expected that the third in the series of rolling document production packages will be forwarded to the CRT on or about June XX, 2007. I expect that the fourth and final document production, in full satisfaction of this command's and its subordinate organizations/activities response to the Committee's request, will be forwarded to the CRT on or about July XX, 2007.

My CRT liaison and point of contact for this document production package is XXXXXXXX, at telephone number XXX.XXX.XXXX, or by electronic mail at [XXXXXX.XXXXXX@us.army.mil](mailto:XXXXXX.XXXXXX@us.army.mil).

Encls  
as

XXXXX XXXXXXXXX  
MG, U.S. Army  
Commanding

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IV-APPENDIX-J-249

**APPENDIX-K SECTION IV  
DOCUMENT PRODUCTION EFFORT**

DOCUMENT PRODUCTION EFFORT: \_\_\_\_\_

**Administrative Information**

Tasked Organization Reporting: \_\_\_\_\_

Subordinate Command/Activities whose statistics are included in this report:

\_\_\_\_\_  
\_\_\_\_\_

Is this package part of a rolling production effort?  YES  NO

If YES, how many prior releases have you made to the Congressional Response Team in response to this same Congressional request? \_\_\_\_\_

Date(s) on which prior releases were made: \_\_\_\_\_

**Effort Expended**

**Totals for this document production package only. DO NOT include prior packages, even if this is a rolling production effort.**

Total Man-hours Expended: \_\_\_\_\_ Attorney Man-hours Expended: \_\_\_\_\_

Total Pages Produced: \_\_\_\_\_ Non-Attorney Man-hours Expended: \_\_\_\_\_

**Distribution of effort for this document production package only. DO NOT include prior packages, even if this is a rolling production effort.**

GS-13 – GS-15/LTC – COL: \_\_\_\_\_

GS-09 – GS-11/CPT – MAJ: \_\_\_\_\_

GS-05 – GS-07/NCO – 1LT: \_\_\_\_\_

Contractor: \_\_\_\_\_

**Note:** For each document production package, document the man-hours expended by personnel of your organization and of subordinate commands/agencies, as appropriate, in searching, collecting, organizing, reviewing, or contributing, in any way, to the document production effort.

\_\_\_\_\_  
**Signature, grade, and duty position of individual preparing report**      Date: \_\_\_\_\_

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# GENERAL APPENDICES

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## GENERAL APPENDIX A- ACRONYMS

AAA	Army Audit Agency
ABO	Army Budget Office
ACOM	Army Command
APS	Army Posture Statement
ASA	Assistant Secretary of the Army
ASA(CW)	Assistant Secretary of the Army (Civil Works)
ASA(FM&C)	Assistant Secretary of the Army (Financial Management and Comptroller)
ASCC	Army Service Component Command
CACO	Congressional Affairs Contact Officer
CBC	Congressional Briefing Conference
CBO	Congressional Budget Office
CIO	Chief Information Officer
CJCS	Chairman, Joint Chiefs of Staff
CKMS	Congressional Knowledge Management System
CLL	Chief of Legislative Liaison
CRT	Congressional Response Team
CSA	Chief of Staff, Army
CSB	Congressional Study Book
DAAR	Office of the Chief of Army Reserve
DACS	Office of the Chief of Staff, Army
DAEN	Office of the Chief of Engineers
DAIM	Office of the Assistant Chief of Staff for Installation Management
DAJA	Office of The Judge Advocate General
DAS	Director of the Army Staff
DepSecDef	Deputy Secretary of Defense
DM	Director of Management
DRU	Direct Reporting Unit
EOH	Executive Office of HQDA
EOH SG	Executive Office of HQDA Staff Group
ECC	Executive Communications and Control
FM	Functional Monitor
FOIA	Freedom of Information Act
G-1	Deputy Chief of Staff, G-1 (Personnel)
G-2	Deputy Chief of Staff, G-2 (Intelligence)
G-3/5/7	Deputy Chief of Staff, G-3/5/7 (Operations and Plans)
G-4	Deputy Chief of Staff, G-4 (Logistics)
G-6	Deputy Chief of Staff, G-6 (Information)
G-8	Deputy Chief of Staff, G-8 (Programs)
G-8 (PAED)	G-8 Program, Analysis, and Evaluation Directorate
GAO	General Accounting Office
GPO	Government Printing Office
HAC	House Appropriations Committee
HAC-MIL/QOL	House Appropriations Committee, Military Quality of Life and Veterans' Affairs Subcommittee
HAC-D	House Appropriations Committee, Defense Subcommittee
HASC	House Armed Services Committee
HIPAA	Health Insurance Portability and Accountability Act of 1996
HQDA TS	Headquarters, Department of the Army Tracking System
IFR	Insert for the Record
IMC	Information for Members of Congress
MACOM	Major Army Command
MILCON	Military Construction
NGB	National Guard Bureau
OASD(LA)	Office of the Assistant Secretary of Defense (Legislative Affairs)
OASD(PA)	Office of the Assistant Secretary of Defense (Public Affairs)

OCLL	Office of the Chief of Legislative Liaison (or Office, Secretary of the Army, Legislative Liaison – SALL)
OCSA	Office of the Chief of Staff, Army
OGC	Office of General Counsel
OFOISR	(Washington Headquarters Services) Office of Freedom of Information and Security Review
OLC	Office of Legal Counsel
OPSEC	Operational Security
OSS	Office of Senate Security, United States Senate
OJCS	Officer/Organization of the Joint Chiefs of Staff
OMB	Office of Management and Budget
OPR	Office of Primary Responsibility
OUSD(C)	Office of the Under Secretary of Defense (Comptroller)
OSA	Office of the Secretary of the Army
OSD	Office of the Secretary of Defense
PB	President's Budget
POM	Program Objective Memorandum
QFR	Question for the Record
S&I	Surveys and Investigations
SA	Secretary of the Army
SAAA	Office of the Administrative Assistant to the Secretary of the Army
SAAL	Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology)
SAC	Senate Appropriations Committee
SAC-MILCON	Senate Appropriations Committee, Military Construction Subcommittee
SAC-D	Senate Appropriations Committee, Defense Subcommittee
SACW	Office of the Assistant Secretary of the Army (Civil Works)
SAFM	Office of the Assistant Secretary of the Army (Financial Management)
SAFM-BUC	SAFM (Management and Control Directorate)
SAFM-BUI	SAFM (Investment Directorate)
SAFM-BUL	SAFM (Budget Liaison Office)
SAFM-BUO	SAFM (Operations and Maintenance and Military Personnel Directorate)
SAFM-BUR	SAFM (Business Resources Directorate)
SAGC	Office of The General Counsel
SAIG	Office of the Secretary of the Army, Inspector General
SAIE	Office of the Assistant Secretary of the Army (Installations and Environment)
SALL	Office of the Secretary of the Army, Legislative Liaison (or Office of the Chief of Legislative Liaison – OCLL)
SALL-CAD	SALL (Congressional Activities Division)
SALL-CID	SALL (Congressional Inquiry Division)
SALL-HLD	SALL (House Liaison Division)
SALL-I&L	SALL (Investigations and Legislative Division)
SALL-P	SALL (Programs Division)
SALL-SLD	SALL (Senate Liaison Division)
SALL-SOD	SALL (Support Operations Division)
SAMR	Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs)
SAPA	Office of the Chief of Public Affairs
SASC	Senate Armed Services Committee
SecDef	Secretary of Defense
SMA	Sergeant Major of the Army
USA	Under Secretary of the Army
VCSA	Vice Chief of Staff, Army
WHS	Washington Headquarters Services

## GENERAL APPENDIX B – THE FUNCTIONS OF THE ARMY BUDGET OFFICE

### SAFM Coordination Guide

#### **BUC – The Management Control Directorate**

BUC (Management Control Directorate) is responsible for cross-cutting integration and management of the Budget Formulation and Budget Execution processes. BUC also has responsibility on matters of Army-wide, multi-appropriation budgetary policy and fiscal controls and oversees financial management of contingency operations, including Operation Enduring Freedom and Operation New Dawn, disaster relief, and Army executive agent appropriations.

- Serves as the integrator of budget information
- Consists of Formulation, Integration, and Execution Divisions
- Chop with BUC if the paper:
  - Is multi-appropriation in content
  - Is policy oriented in nature
  - Deals with force structure, TOA, or inflation
  - Deals with reprogramming, contingencies, foreign currency, BRAC, or counter narcotics
  - Deals with Reserve Components of Special Operations Forces

#### **BUI – The Investment Directorate**

BUI (Investment Directorate) is responsible for budgetary policies and issues involving Army investment resources (including procurement, research and development, military construction, family housing, and base realignment).

- Manages (executes) the budget for all of the Army's Procurement (APA, PAA, MiPA, WTCV, OPA), RDTE, and MILCON accounts
- Consists of Other Procurement, Weapon Systems, Acquisition and Integration, and Facilities Divisions
- Chop with BUI if the paper:
  - Deals with research, development, engineering or automation equipment
  - Deals with purchasing Army items of systems
  - Deals with military contracting or family housing

## **BUO – The Operations and Maintenance and Military Personnel Directorate**

BUO (Operations and Support Directorate) is responsible for formulation, submission, and execution of the Army's Operations and Maintenance (O&M) and Military Personnel (MILPERS) appropriations, appropriated at over \$100 billion.

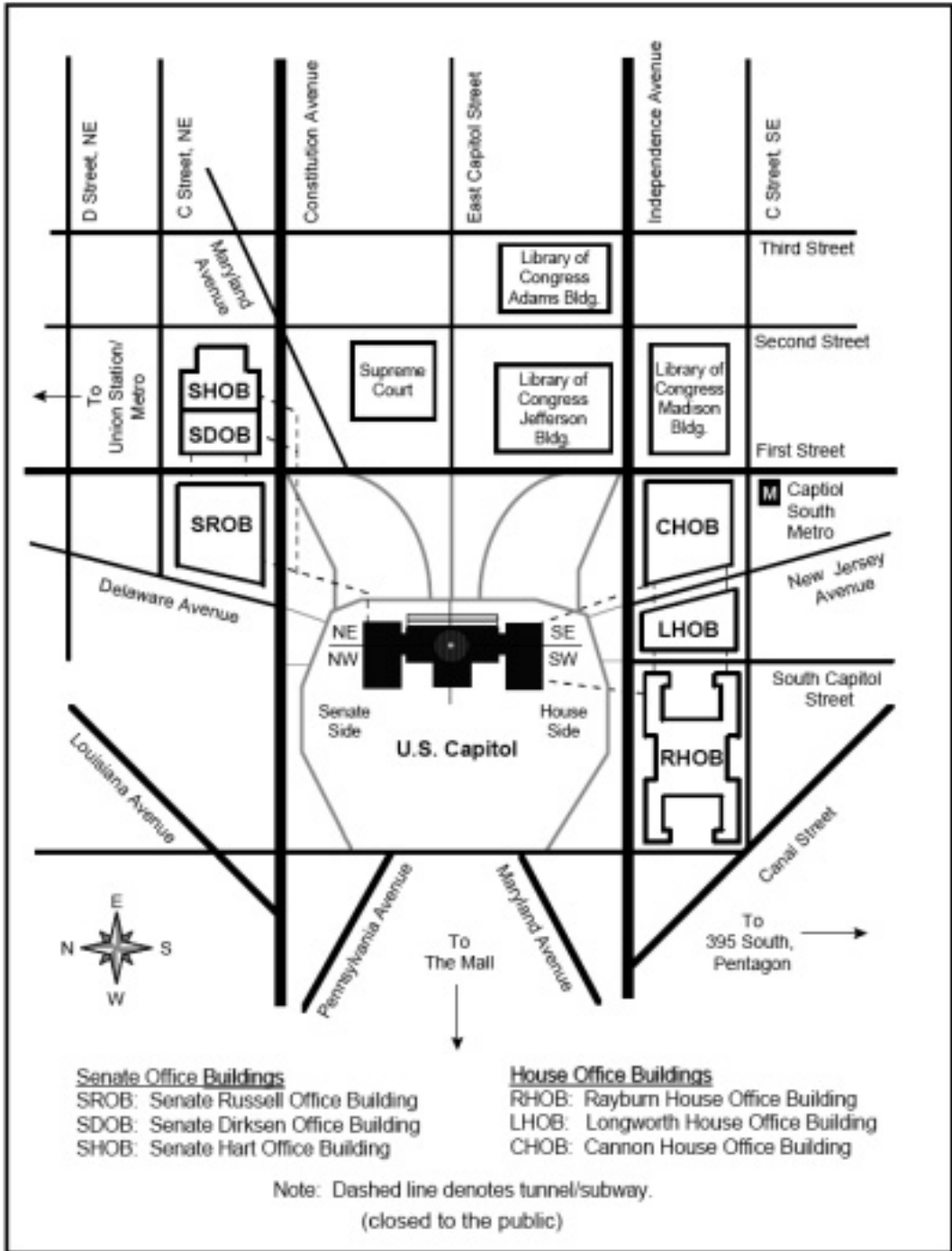
- Consists of operational forces; Management Control & Integration; and Military Personnel Divisions
- Chop with BUO if the paper:
  - Is logistical or maintenance oriented
  - Is military or civilian personnel oriented
  - Is BASOPS or base support reimbursement oriented
  - Concerns real property maintenance or mobilization
  - Concerns training, recruiting or readiness
  - Concerns command, administrative, or service-wide activities

## **BUR – The Business Resources Division**

BUR (Business Resources Directorate) is the resource manager for the Army Working Capital Fund account.

- Serves as resource manager for Army's Working Capital Funds
- Chop with BUR if the paper:
  - Is Working Capital Fund oriented
  - Deals with Foreign Military Sales

**GENERAL APPENDIX C – MAP OF CAPITOL HILL**



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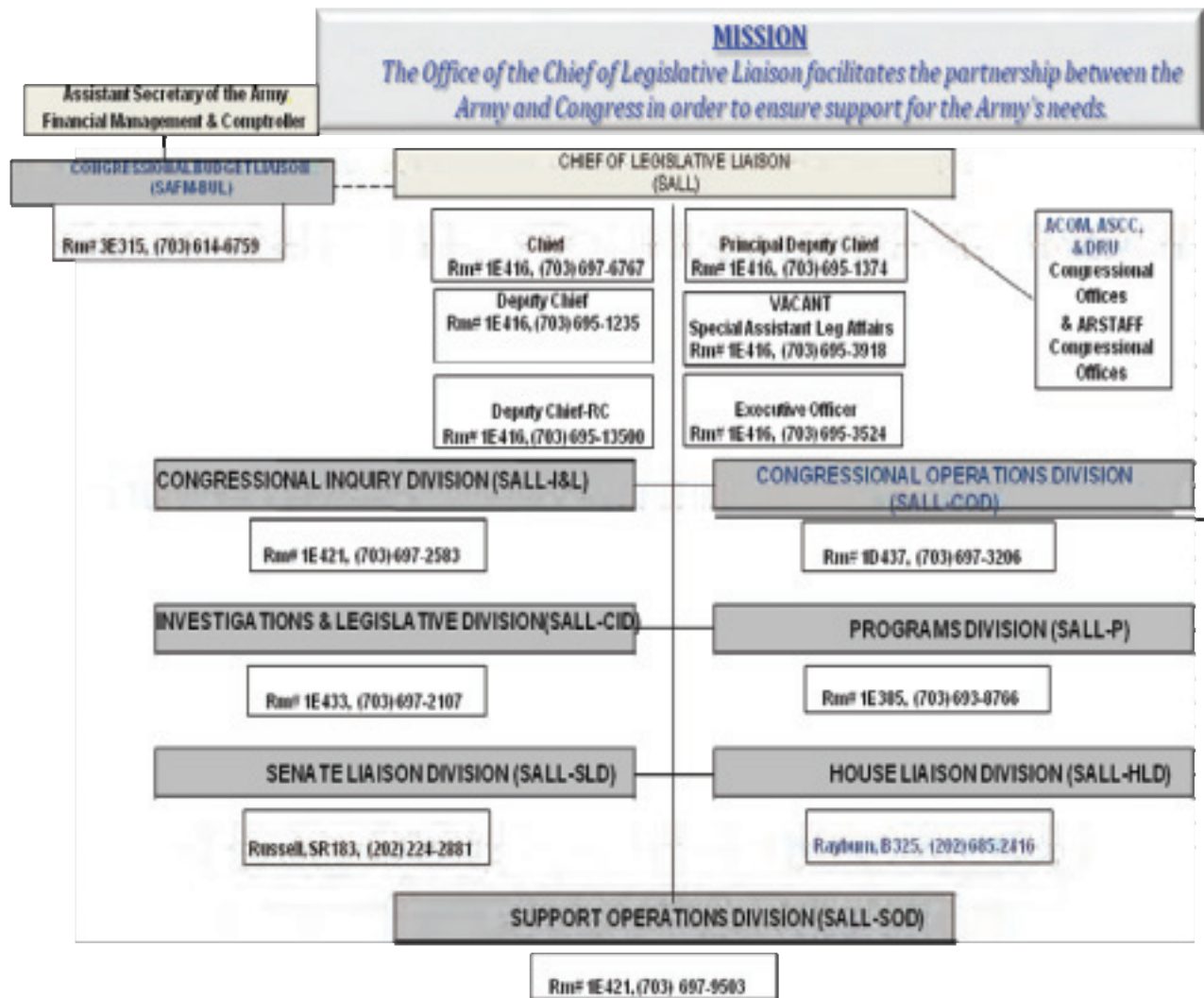
<b>GENERAL APPENDIX-D- KEY OFFICES AND OCLL ORGANIZATION CHART</b>
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**ALL NUMBERS ARE COMMERCIAL, AREA CODE 703 (unless specified)**

<u>Office</u>	<u>Room Number</u>	<u>Phone Number</u>	<u>FAX Number</u>
SALL	1E416	697-6767	614-7599
SALL-COD	1D437	697-7675	695-6385
SALL-CID	1E423	697-8381	697-0690/3847
SALL-I&L	1E433	697-0276	614-3035
SALL-P	1E385	697-9915	693-0393/7550
SAFM-BUL	3E331	693-0379	614-2276
SAFM (BUC)	3E341	692-6963	
SAFM (BUI)	3C332	614-9507	
SAFM (BUO)	3B349	693-2681	
SAFM (BUR)	3B349	692-9760	
SALL-SLD	SR183 Russell Bldg	202-224-2881	202-685-2570
SALL-HLD	B325 Rayburn Bldg	202-685-2676	202-685-2674



# OCLL Organization



## GENERAL APPENDIX-E – SELECTED CONGRESSIONAL WEBSITES

The following sites are major sources for many aspects of helpful legislative information.

### **THOMAS: Legislative information on the Internet** (Library of Congress)

<http://thomas.loc.gov>

Includes bill text, bill summaries and status, public laws, vetoed bills, Congressional Record, calendars, committee reports, roll call votes, explanations of the legislative process, historic Congressional documents, etc.

### **United States House of Representatives**

<http://www.house.gov>

Official website of the United States House of Representatives

#### **Office of the Majority Whip**

<http://www.majoritywhip.house.gov>

Official website of the Majority Whip; provides the House of Representatives' daily schedule

#### **Office of the Clerk**

<http://clerk.house.gov/index.html>

Provides administrative information about the House of Representatives.  
Contains printer friendly labels for Members of Congress

### **United States Senate**

<http://www.senate.gov>

Official website of the United States Senate. Contains helpful links for the floor schedule and upcoming Senate votes

### **Media Websites**

#### **C-SPAN** (Cable Satellite Public Affairs Network)

<http://www.cspan.org>

Provides coverage of congressional and other public affairs programming

#### **Congressional Quarterly (CQ)**

<http://www.cq.com>

In-depth information and insight on government and politics

**Roll Call**

<http://www.rollcall.com>

**Politico**

<http://www.politico.com>

**The Hill**

<http://www.thehill.com>

**Real Clear Politics**

<http://www.realclearpolitics.com>

**Other helpful sites:****Congress.org**

<http://www.congress.org>

A private, non-partisan site that specializes in facilitating civic participation. Includes member director and biographical information.

**The Dirksen Congressional Center**

<http://www.congresslink.org>

Provides information about how Congress works its members and leaders, and the public policy it produces.

**Federal Network, Inc**

<http://www.fednet.net>

Specializes in Real player broadcasts of floor debates, selected hearings, press conferences, and joint sessions of Congress

**Federal News Service**

<http://www.fsng.com>

A subscription service with some federal legislative information at no cost, e.g, House and Senate daybooks, committee hearings and witness-prepared statements searchable by keyword.

**Government Printing Office**

<http://www.gpoaccess.gov/index.html>

**GPO Style Manual 2000**

<http://www.gpoaccess.gov/stylemanual/browse.html>

The GPO Style Manual is the federal government's writing and editing guidebook. It is widely recognized both within and outside the federal government as an authoritative editorial resource.

**Government Accountability Office (GAO)**

<http://www.gao.gov>

**Maps by Congressional District**

<http://www.nationalatlas.gov/printable/congress.html#list>

**Pentagon Library Legislative Affairs**

<http://www.whs.mil/library/legal.htm>

**Cornell University Law School**

<http://www.law.cornell.edu/>

**Office of Management and Budget (OMB)**

<http://www.whitehouse.gov/omb>

Official website of the Office of Management and Budget

**Supreme Court of the United States**

<http://www.supremecourtus.gov>

Official website of the Supreme Court of the United States

**The White House**

<http://www.whitehouse.gov>

Official website of the White House

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## GENERAL APPENDIX F – WRITTEN CORRESPONDENCE TO MEMBERS OF CONGRESS

**Table D-2**  
**The Congress and legislative agencies (see note)**

Addressee	Address on letter and envelope	Salutation and complimentary close
President pro Tempore of the Senate	Honorable (full name) President pro Tempore of the Senate United States Senate (Street) Washington, DC (ZIP+4 Code)	Dear Senator (surname): Sincerely,
Committee Chairman, US Senate	Honorable (full name) Chairman, Committee on (name) United States Senate Washington, DC (ZIP+4 Code)	Dear Mr./Madam Chairman/Madam Chairwoman: Sincerely,
Chairman of a Joint Committee	Honorable (full name) Chairman, Joint Committee on (name) Congress of the United States (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Madam Chairman/Madam Chairwoman: Sincerely,
Subcommittee Chairman, US Senate	Honorable (full name) Chairman, Subcommittee on (name) United States Senate Washington, DC (ZIP+4 Code)	Dear Senator (surname): Sincerely,
Senator (Washington, DC office)	Honorable (full name) United States Senate (Street) Washington, DC (ZIP+4 Code)	Dear Senator (surname): Sincerely,
(Away from Washington, DC)	Honorable (full name) United States Senate (Local address)	Dear Senator (surname): Sincerely,
Senator (Majority or Minority Leader) (Washington, DC office)	Honorable (full name) Majority (or Minority) Leader United States Senate (Street) Washington, DC (ZIP+4 Code)	Dear Senator (surname): Sincerely,
(Away from Washington, DC)	Honorable (full name) Majority (or Minority) Leader United States Senate (Local address)	Dear Senator (surname): Sincerely,
Senator-elect	Honorable (full name) United States Senator-elect (Local address)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Deceased Senator	(Secretary's full name, if known) Secretary of the late Honorable (full name) United States Senate (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,

Notes:

Address a Member of Congress in the capacity in which he or she signs his or her communication. For example, if he or she signs as the chairperson of a committee, address him or her as chairperson of that committee. If he or she signs as majority or minority leader, address him or her as such; if he or she signs as Senator or Representative, address him or her as such.

**Table D-2**  
**The Congress and legislative agencies (see note)—Continued**

Addressee	Address on letter and envelope	Salutation and complimentary close
Speaker of the House of Representatives	Honorable (full name) Speaker of the House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Madam Speaker: Sincerely,
Committee Chairman, House of Representatives	Honorable (full name) Chairman, Committee on (name) House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Madam Chairman/Madam Chairwoman: Sincerely,
Subcommittee Chairman, House of Representatives	Honorable (full name) Chairman, Subcommittee on (name) House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Representative (Washington, DC office)	Honorable (full name) House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
(Away from Washington, DC office)	Honorable (full name) Representative in Congress (Local address)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Representative (Majority or Minority Leader) (Washington, DC office)	Honorable (full name) Majority (or Minority) Leader House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
(Away from Washington, DC)	Honorable (full name) Majority (or Minority) Leader House of Representatives (Local address)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Representative-elect	Honorable (full name) Representative in Congress-elect (Local address)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Representative at Large	Honorable (full name) House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Deceased Representative	(Secretary's full name, if known) Secretary to the late Honorable (full name) House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Resident Commissioner of Puerto Rico	Honorable (full name) Resident Commissioner of Puerto Rico House of Representatives (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Librarian of Congress	Honorable (full name) Librarian of Congress (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,
Comptroller General (head of the General Accounting Office)	Honorable (full name) Comptroller General of the United States (Street) Washington, DC (ZIP+4 Code)	Dear Mr./Mrs./Ms./Miss (surname): Sincerely,



U.S. ARMY

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF, LEGISLATIVE LIAISON  
WASHINGTON, DC 20310-1600