

2014 Congressional Actions Responsibilities

Standard Operating Procedures

(CARSOP)



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

PUBLISHED UNDER THE PROVISIONS

OF

[ARMY REGULATION 1-20, LEGISLATIVE LIAISON](#)

February 2014

Secretary of the Army: The Honorable John McHugh

Chief of Staff: General Raymond Odierno

Chief of Legislative Liaison: Major General William E. Rapp

The CARSOP is produced by the Office of the Chief of Legislative Liaison, 1600 Army Pentagon, Room 1E416, Washington, DC 20310-1600 Telephone: 703-697-7675

Additional copies of this publication may be found on the [OCLL home page](#) and Army Knowledge Online (AKO) in the [OCLL CACO Knowledge Center](#) in the OCLL folder

This edition supersedes the June 2011 edition.

TABLE OF CONTENTS

TABLE OF FIGURES	v
PREFACE	vi
INTRODUCTION.....	1
SECTION I: OVERALL ROLES AND RESPONSIBILITIES	2
CHAPTER 1: FUNCTIONS AND RESPONSIBILITIES WITHIN HQDA	2
CHAPTER 2: PRIMARY CONGRESSIONAL ACTIONS ORGANIZATIONS.....	8
CHAPTER 3: CONGRESSIONAL AFFAIRS CONTACT OFFICERS, ACTION OFFICERS, AND OTHER PERSONNEL	18
SECTION II: EXECUTIVE AND LEGISLATIVE BRANCH PROCESSES	23
CHAPTER 1: EXECUTIVE BRANCH LEGISLATIVE AND BUDGET PROCESS.....	23
CHAPTER 2: THE LEGISLATIVE BRANCH BUDGET PROCESS	25
CHAPTER 3: THE LEGISLATIVE BRANCH LAWMAKING PROCESS	28
SECTION II, APPENDIX A: LEGISLATIVE TERMINOLOGY	32
SECTION II, APPENDIX B: HOW A BILL BECOMES A LAW	39
SECTION III: ANNUAL ACTIONS RELATED TO THE LEGISLATIVE CYCLE.....	40
INTRODUCTION	40
CHAPTER 1: LEGISLATIVE PROPOSALS AND COMMENTS ON LEGISLATION .	42
CHAPTER 2: ARMY POSTURE STATEMENT (APS).....	53
CHAPTER 3: SENIOR LEADERSHIP PREPARATION MATERIAL.....	56
CHAPTER 4: TESTIFYING BEFORE CONGRESS	63
CHAPTER 5: TRANSCRIPTS AND INSERTS/QUESTIONS FOR THE RECORD (IFRs/QFRs)	73
CHAPTER 6: BUDGET AND LANGUAGE APPEAL PROCESSES	80
SECTION III, APPENDIX A: WITNESS STATEMENT PREPARATION.....	85
SECTION III, APPENDIX B: TRANSCRIPT, EDITING, AND CLEARANCE GUIDANCE.....	95
SECTION III, APPENDIX C: INSERT PREPARATION INSTRUCTION	100
SECTION III, APPENDIX D: INSERT COORDINATION FORMAT (HQDA FORM 5)	106
SECTION III, APPENDIX E: AUTHORIZATION DOLLAR APPEAL	109
SECTION III, APPENDIX F: APPROPRIATIONS DOLLAR APPEAL.....	111
SECTION III, APPENDIX G: AUTHORIZATION LANGUAGE APPEAL	113

SECTION III, APPENDIX H: APPROPRIATIONS LANGUAGE APPEAL.....	114
SECTION III, APPENDIX I: SAMPLE LEGISLATIVE PROPOSAL.....	116
SECTION III, APPENDIX I: SAMPLE #1: SAMPLE LEGISLATIVE PROPOSAL FOR FOR CODIFIED TITLES OF THE U.S. CODE (i.e., title 10).....	120
SECTION III, APPENDIX I: SAMPLE #2: SAMPLE LEGISLATIVE PROPOSAL FOR CODIFIED TITLES OF THE U.S. CODE (i.e., title 10)	127
SECTION III, APPENDIX I, SAMPLE #3: SAMPLE LEGISLATIVE PROPOSAL FOR NON-CODIFIED TITLES OF THE U.S. CODE (i.e., title 47)	139
SECTION III, APPENDIX K: SAMPLE VIEWS LETTER.....	145
SECTION III, APPENDIX L: CONGRESSIONAL NOTIFICATION PROCESS FOR PERSONALLY IDENTIFIABLE INFORMATION (PII) BREACH	146
SECTION III, APPENDIX M: CONGRESSIONAL TESTIMONY PREPARATION AND CLEARANCE PROCEDURES	148
SECTION IV: OTHER CONGRESSIONAL ACTIONS	150
CHAPTER 1: GENERAL RULES FOR RELEASING INFORMATION TO MEMBERS OF CONGRESS.....	151
CHAPTER 2: REQUEST FOR ARMY DOCUMENTS	155
CHAPTER 3: SURVEYS AND INVESTIGATIONS	168
CHAPTER 4: NOTIFICATIONS TO CONGRESS.....	170
CHAPTER 5: RESPONSES TO CONGRESSSIONAL INQUIRIES.....	177
CHAPTER 6: RESPONSES TO CONGRESSIONAL REPORTING REQUIREMENTS	183
SECTION IV, APPENDIX A: SAMPLE OF INFORMATION FOR MEMBERS OF CONGRESS (IMC)	191
SECTION IV, APPENDIX B: SAMPLE OF INFORMATION FOR MEMBERS OF CONGRES (IMC) INTEREST LIST	192
SECTION IV, APPENDIX C: SAMPLE OF HQDA FORM 5 FOR THE IMC	193
SECTION IV, APPENDIX D: SAMPLE ARMY INFORMATION PAPER TO CONGRESS	195
SECTION IV, APPENDIX E: SAMPLE OF HQDA FORM 5 FOR THE ARMY INFORMATION PAPER	197
SECTION IV, APPENDIX F: SAC-D FORMAT FOR INFORMATION PAPERS OR CAPABILITY (IMPACT) STATEMENTS	200
SECTION IV, APPENDIX G: NONMILITARY LETTER TO A MEMBER OF CONGRESS	201
SECTION IV, APPENDIX H: SAMPLE OF EXECUTIVE PRIVILEGE LOG.....	202
SECTION IV, APPENDIX I: SAMPLE NOTIONAL EXECUTIVE SUMMARY	203

SECTION IV, APPENDIX J: SAMPLE SENIOR REVIEWING OFFICIAL CERTIFICATION	204
SECTION IV, APPENDIX K: DOCUMENT PRODUCTION EFFORT	205
GENERAL APPENDICES	206
GENERAL APPENDIX A: ACRONYMS	206
GENERAL APPENDIX B: THE FUNCTIONS OF THE ARMY BUDGET OFFICE ...	211
GENERAL APPENDIX C: MAP OF CAPITOL HILL	213
GENERAL APPENDIX D: KEY OFFICES AND OCLL ORGANIZATION CHART ...	214
GENERAL APPENDIX E: SELECTED CONGRESSIONAL WEBSITES.....	216
GENERAL APPENDIX F: WRITTEN CORRESPONDENCE TO MEMBERS OF CONGRESS	220

TABLE OF FIGURES

Figure 1: Headquarters, Department of the Army	3
Figure 2: How a Bill Becomes a Law	39
Figure 3: The Legislative Cycle and Related Army Actions	41
Figure 4: Information Paper.....	59
Figure 5: Transcript Flow.....	74
Figure 6: Sample DD Form 1587 Record of Congressional Transcript Review.....	78
Figure 7: Prepared Testimony Review Form	92
Figure 8: Proofreaders' Markings	95
Figure 9: IFR Form 5 (front)	107
Figure 10: IFR Form 5 (back)	108
Figure 11: Information for Members of Congress (IMC) Staffing Process	172
Figure 12: Sample Information for Members of Congress.....	191
Figure 13: Information for Members of Congress (IMC) Interest List	192
Figure 14: HQDA Form 5 for the IMC.....	193
Figure 15: HQDA Form 5 for the IMC (back).....	194
Figure 17: HQDA Form 5 for the Information Paper	198
Figure 19: Sample of Executive Privilege Log.....	202
Figure 20: Sample Notional Executive Summary	203
Figure 21: Sample Senior Reviewing Official Certification	204
Figure 22: Document Production Effort	205
Figure 23: Map of Capitol Hill	213
Figure 24: OCLL Organization Chart.....	215
Figure 25: Written Correspondence to Members of Congress	221

PREFACE



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON
1600 ARMY PENTAGON
WASHINGTON DC 20310-1600

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 missions.

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. OCLL is here to provide support both to Congress and to 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.

Army Strong!

A handwritten signature in black ink, appearing to read "Will Rapp".

WILLIAM E. RAPP
Major General, U.S. Army
Chief of Legislative Liaison

INTRODUCTION

PURPOSE AND ORGANIZATION

Under [Army Regulation \(AR\) 1-20, Legislative Liaison](#), the Office of the Chief of Legislative Liaison (OCLL) publishes 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.

SECTION I: OVERALL ROLES AND RESPONSIBILITIES

CHAPTER 1: FUNCTIONS AND RESPONSIBILITIES WITHIN HQDA

1. OVERVIEW

a. 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).

b. The responsibilities of HQDA agencies are described in HQDA General Orders No. 2012-01, 11 June 2012, subject: Assignment of Functions and Responsibilities within Headquarters, Department of the Army. General Orders No. 2012-01 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.

c. 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.

d. 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

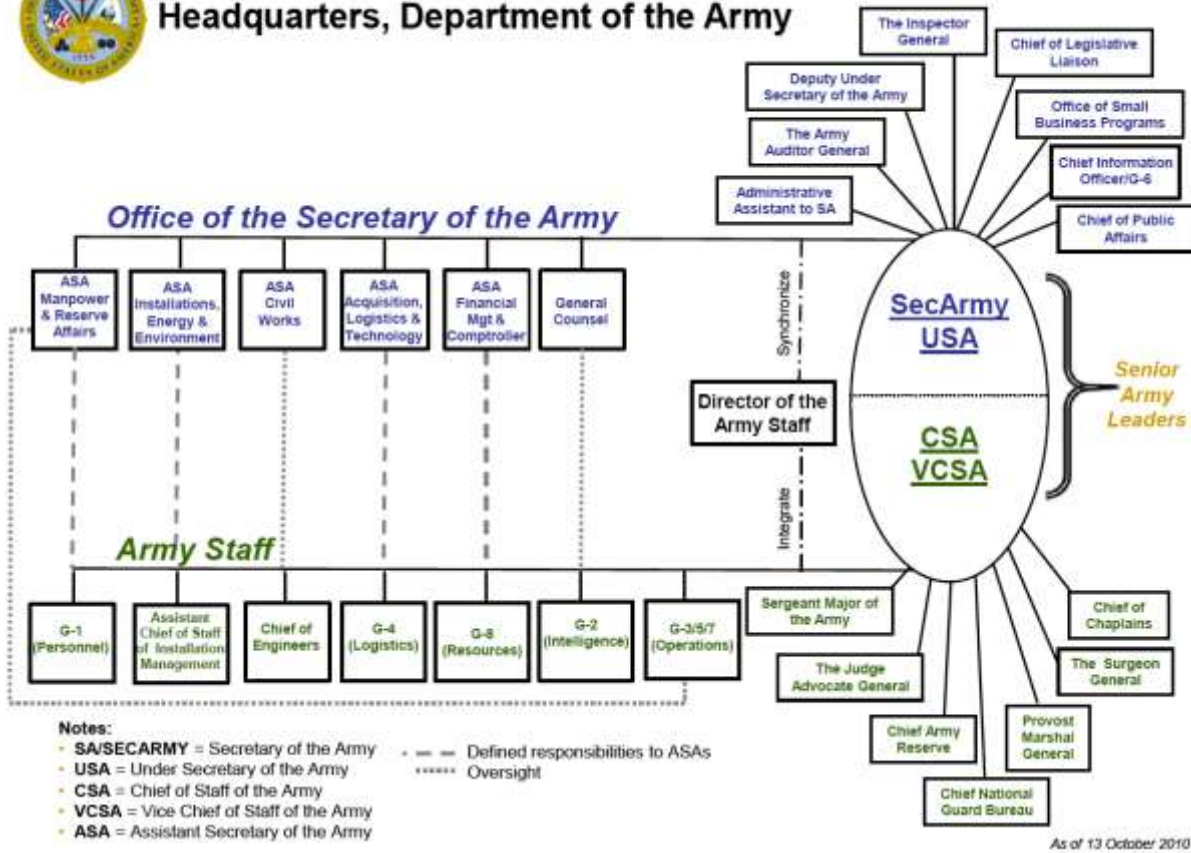


Figure 1: Headquarters, Department of the Army

1. 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. Undersecretary 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.

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

f. 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.

2. 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)) 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))) 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)) 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)) 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.

I-CHAPTER 1-4

[Return to Table of Contents](#)

e. Assistant Secretary of the Army (Manpower and Reserve Affairs)(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): 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 to the Secretary (AA) is 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) 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) 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) 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 Legislative Liaison (CLL) is directly responsible to the Secretary of the Army for legislative affairs, including formulating, coordinating, supervising, and executing the Army's Congressional policy and strategy. The CLL ensures the overall integration of the Army's efforts with Congress, develops comprehensive Congressional engagement strategies for Army senior leaders, and disseminates critical information on all major Congressional activities.

l. Chief of Public Affairs (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.

m. Director, Small and Disadvantaged Business Utilization (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.

I-CHAPTER 1-5

[Return to Table of Contents](#)

3. 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) 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 as the 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 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 is responsible for operations and planning functions of DA.

e. 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, as the 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), as the 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) is the principal advisor on all Army Reserve matters and is responsive to the CSA.

j. The Judge Advocate General (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) 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.

CHAPTER 2: PRIMARY CONGRESSIONAL ACTIONS ORGANIZATIONS

1. The three primary congressional actions organizations are the Office of the Chief of Legislative Liaison, the Army Budget Liaison, and the Army Corps of Engineers Legislative Liaison.¹

2. 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. His key responsibilities are:

(1) Formulates, coordinates, supervises, and executes the Army's congressional affairs policy and strategy.

(2) 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 for the overall integration of the Army's effort with Congress and for keeping the Army Senior Leaders (ASL) informed on major Congressional activities and critical information.

(3) 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).

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

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

(6) OSD/OJCS Liaison: Serves as the sole Army liaison with the Office of the Assistant Secretary of Defense for Legislative Affairs (OSD-LA) and the Legislative

¹ 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 703-697-3206.

Assistant to the Chairman, Joint Chiefs of Staff (CJCS) on all congressional requirements and inquiries as they apply to DA.

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

(1) Assistant Chief of Staff for Operations (SALL-COD)

(a) 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. Responsible for OCLL's Operational Security (OPSEC) program, Continuity of Operations (COOP) program, and Knowledge Management (KM) program.

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

(c) Reserve Component Affairs: Principal advisor to the CLL on reserve component affairs.

(2) Assistant Chief of Staff for Plans and Strategy

(a) 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.

(b) 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).

(c) 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.

(d) 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.

(e) 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.

(3) Assistant Chief of Staff for Support

(a) Provides management services necessary to the overall operation of OCLL.

(b) Provides administrative support for civilian and military personnel

(c) Manages resources to include; budgeting, logistics management and Army Auditing processes (GFEBs, SRB, DTS, WBS, GPC)

(d) Manages the 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.

(e) Administers and manages Office Representation Funds (ORF) for Congressional events for the Army

(f) Provides Information Technology support

(g) Maintains and monitors OCLL security program

(h) 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.

(4) Congressional Inquiry Division (SALL-CID)

(a) 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.

(b) Obtains internal OCLL coordination on draft replies to congressional inquiries.

(c) Advises the CLL, the Army leadership, and appropriate Army Staff agencies about congressional inquiry trends.

(d) SALL-CID provides assistance in responding to Freedom of Information Act (FOIA) requests by conducting searches of the Headquarters, Department of the Army Tracking System.

(e) Notifies Members of Congress on contract awards over \$6.5 million.

(f) Sole release authority for notifications to Members of Congress and governors on operational casualty announcements.

(g) Notifies Members of Congress of Soldiers decorated for acts of gallantry or valor, specifically, the Silver Star, Distinguished Service Cross, and Medal of Honor.

(h) As necessary, provides assistance and guidance to field operating agencies and HQDA for processing written Congressional inquiries.

(i) Provides backup to the House and Senate Liaison Divisions (HLD/SLD) on telephonic congressional inquiries when necessary.

(5) Investigations and Legislative Division (SALL-I&L)

(a) Coordinates, monitors, and reports on congressional and 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.

(b) 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.

(c) 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.

(d) 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.

(e) Manages the Senate confirmation process for General Officer and senior Army civilians and monitors the confirmation process for all Army officers.

(f) The Congressional Response Team (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.

(g) Responsible for processing transcripts, information for the record (IFR), and questions for the record (QFR) related to testimony of the ASLs (SA, CSA, USA, VCSA, and SMA) and will assign transcript review to the ASL Handler. SALL-I&L is also responsible for the Army portion of transcripts and inserts involving the testimony of the SECDEF, the DEPSECDEF, and the CJCS.

(h) Monitors all reported breaches of PII and notify Congress when warranted (see Section III, Appendix L).

(6) Programs Division (SALL-P)

(a) 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.

(b) Keeps the Army Secretariat and Staff informed of action being taken on the Army's budget request by the authorization committees.

(c) 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.

(d) 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.

(e) 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.

(f) Escorts Army officials on trips and meetings involving Members of Congress and their staff.

(g) Maintains continuous coordination with Program Analysis and Evaluation Directorate (PAED) on all Army responses to congressional Committees and the Army Budget Office (ABO) that involve resource programming.

(7) SAFM-BUL Coordination: Maintain coordination with SAFM-BUL on all matters to ensure the Army speaks with one voice to both the Armed Services committees and the Appropriations Committees. House and Senate Liaison Divisions (SALL-HLD & SALL-SLD)

(a) The House Liaison Division is located in the Rayburn House Office Building (RHOB) 325 and the Senate Liaison Division is located in the Russell Senate Office Building (SR) 183.

(b) 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.

(c) Ensure OCLL leaders have situational awareness of congressional trends and developments affecting the Army.

(d) 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.

(e) 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.

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

(g) 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.

(h) Provide mentorship to Congressional fellows serving in Member offices.

3. ARMY CONGRESSIONAL BUDGET LIAISON OFFICE: The Army Congressional Budget Liaison Office (SAFM-BUL) is a part of ASA (FM&C). During the 79th Congress (1934-1935), the House and Senate Appropriations Committees directed that organizations be created within the Services (and later within OSD), separate from the legislative liaison / affairs organizations and within the financial management/comptroller community, to conduct liaison with the Appropriations Committees and their staffs. SAFM-BUL was established within ASA(FM&C) to be the Army's single point of entry to the House and Senate Appropriations Committee members and staff.

a. Maintains liaison with the Appropriations Committees and their staffs, except for the Civil Works program.

b. 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. Manages the Army's appropriations appeals process.

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

e. Furnishes prompt, coordinated, consistent, and factual information on Army budget priorities, policies, plans, programs, and operations in response to inquiries received from the Appropriations Committees and their staffs in the form of information papers, spreadsheets, emails, briefings, and telephonic responses.

f. Maintains continuous coordination with OCLL Programs Division and the ASL legislative assistants on all matters to ensure the Army speaks with one voice to both the Armed Services Committees and the Appropriations Committees.

g. Hearings:

(1) 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. Prepares and provides support to Army officials invited to testify before Congressional Appropriations Committees.

(2) Assists ACOS Plans Senior Leader Branch in preparing the senior Army leadership (SA, USA, CSA, VCSA, and SMA) to testify before Congress.

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

(4) 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) Furnishes information, including the anticipated focus, new issues and anticipated questions to the Army witnesses as it become available.

(6) 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).

h. 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.

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

j. 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.

4. 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.

I-CHAPTER 2-17

[Return to Table of Contents](#)

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

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

a. 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.

b. 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.

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

(1) 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.

(2) 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.

(3) 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.

(4) 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 OCLL and SAFM-BUL channels should be minimized to ensure consistent information is provided to Congress. Significant contacts outside these channels shall be reported to OCLL 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.

(5) Provide Notice to OCLL: Army organizations shall provide notice to OCLL (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 OCLL 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.

d. CONGRESSIONAL AFFAIRS CONTACT OFFICERS (CACOs):

(1) 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 OCLL and SAFM-BUL will be in writing. However, due to extremely short suspense, CACOs and the above offices may use informal tasking procedures.

(2) Qualification of CACOs: The CACO is each organization's link to OCLL, SAFM-BUL, 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.

(3) Respond to Tasking and Requests: CACOs should facilitate the timely and accurate responses to OCLL and SAFM-BUL taskers and requests for information. OCLL has tasking authority on all congressional matters (except those dealing with the House and Senate Appropriations Committees). SAFM-BUL has tasking authority for all taskers and requests for information from Members and staff of the HAC and SAC. 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.

(4) 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 OCLL 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 OCLL or SAFM-BUL is consistent with all previous responses submitted on the same or similar subjects.

(5) 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.

(6) Communications with Congress: CACOs should ensure that all responses to 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.

(7) 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).

(8) 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.

(9) OCLL and SAFM-BUL Notification: CACOs should promptly advise OCLL 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 OCLL and SAFM-BUL personnel.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

e. ACTION OFFICERS (AOs):

(1) 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.

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

(3) 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.

(4) 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.

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.

SECTION II: EXECUTIVE AND LEGISLATIVE BRANCH PROCESSES

CHAPTER 1: EXECUTIVE BRANCH LEGISLATIVE AND BUDGET PROCESS

1. OVERVIEW:

a. 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).

b. 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.

2. THE ROLE OF OMB IN LEGISLATIVE INITIATIVES:

a. 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.

b. OMB 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 Counsel (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 for legislative

proposals. SAFM-BUL is the Army's primary liaison to OMB for the Army's budget request and reprogrammings.

3. THE EXECUTIVE BRANCH BUDGET PROCESS:

a. 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.

b. 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.

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

a. 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.

5. THE PRESIDENT'S BUDGET TO CONGRESS:

a. 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. The Army Budget Office, ASA(FM&C), has primary responsibility for delivering the Army's portion of the President's Budget to Congress and for defending the Army's budget to Congress.

CHAPTER 2: THE LEGISLATIVE BRANCH BUDGET PROCESS

1. OVERVIEW:

a. 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 congressional defense committees: House Armed Services Committee (HASC) and the Senate Armed Services Committee (SASC) – the authorizing committees – and the Defense Subcommittee of the House Appropriations Committee (HAC-D) and the Defense Subcommittee of the Senate Appropriations Committee (SAC-D) – the appropriations committees.

2. THE LEGISLATIVE BUDGET PROCESS:

a. 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.

b. 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.

c. 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.

3. THE AUTHORIZATION PROCESS:

a. Prior to making appropriations, the authorization process authorizes establishing or renewing programs and agencies and sets endstrength levels. It normally concludes prior to the appropriations process. Defense authorization legislation is the responsibility of the HASC and SASC.

b. Authorizations may cover more than one year, allowing Federal agencies to do longer-range planning. An authorization bill may call for funding at different levels than the Appropriations Committees. In cases where the NDAA reduced a program while the Defense Appropriations Act funded at a higher level (amount appropriated is greater than the amount authorized) current DoD budget policy is to spend the amounts appropriated.

4. THE APPROPRIATIONS PROCESS:

a. The Appropriations Committees provide funds in the Treasury for all of the Federal Government. The appropriations process allocates funding at the authorization ceiling, below the ceiling, above 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. The HAC and SAC exercise appropriations power through their powerful subcommittees, whose budgetary recommendations are subject to change by the full committee or by the House and Senate.

b. Appropriations bills provide funding for one fiscal year, however, funding provided can be one year money (MILPERS, O&M), two year money (RDA), five year money (MILCON), or x year funding (MILCON). Twelve appropriations bills should normally 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.

c. 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 if no member raises 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.

d. 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. However, appropriations bills may include authorizing language to satisfy the provision. Programs and initiatives that are authorized but not appropriated cannot be executed.

CHAPTER 3: THE LEGISLATIVE BRANCH LAWMAKING PROCESS

1. OVERVIEW:

a. 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>

b. 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.

2. LEGISLATIVE FUNCTION:

a. 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.

3. BILLS:

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.).

j. 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.

k. 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.

l. 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.

m. Conference 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.

n. 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.

4. 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.”

SECTION II, APPENDIX A: 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. Also refers to the different categories of funds (“color of money”) within an appropriations bill. For the Defense Appropriations Act, these appropriations are: MILPERS, O&M, Procurement, and RDTE. Within the MILCON/VA Appropriations Act, two appropriations pertain to the Army: MILCON and Cemeterial Expenses, Army.

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 107th Congress is designated Public Law 107-1 and the first private law of the 107th 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.

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 since 1990, 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.

Recission: 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:

- 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.
- 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.

SECTION II, APPENDIX B: HOW A BILL BECOMES A LAW

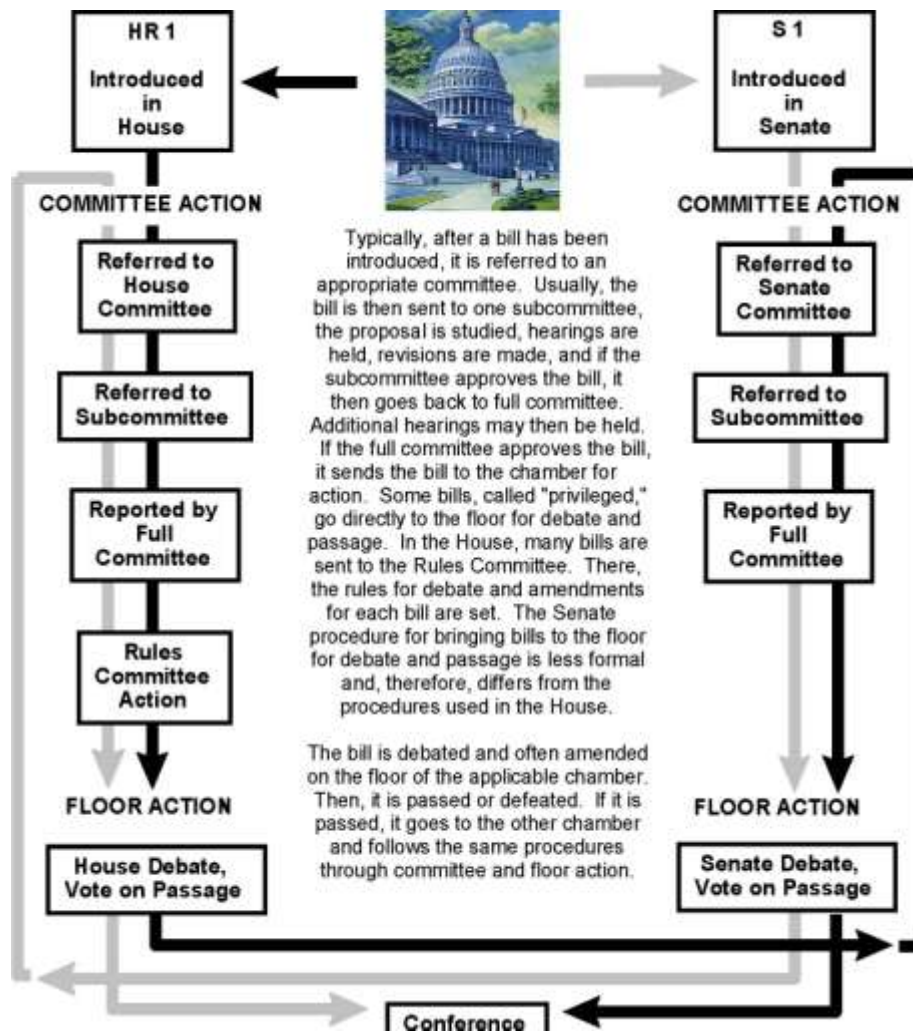


Figure 2: How a Bill Becomes a Law

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.

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 January, 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 OCLL 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 Programs division or SAFM-BUL.

Legislative Campaign Template

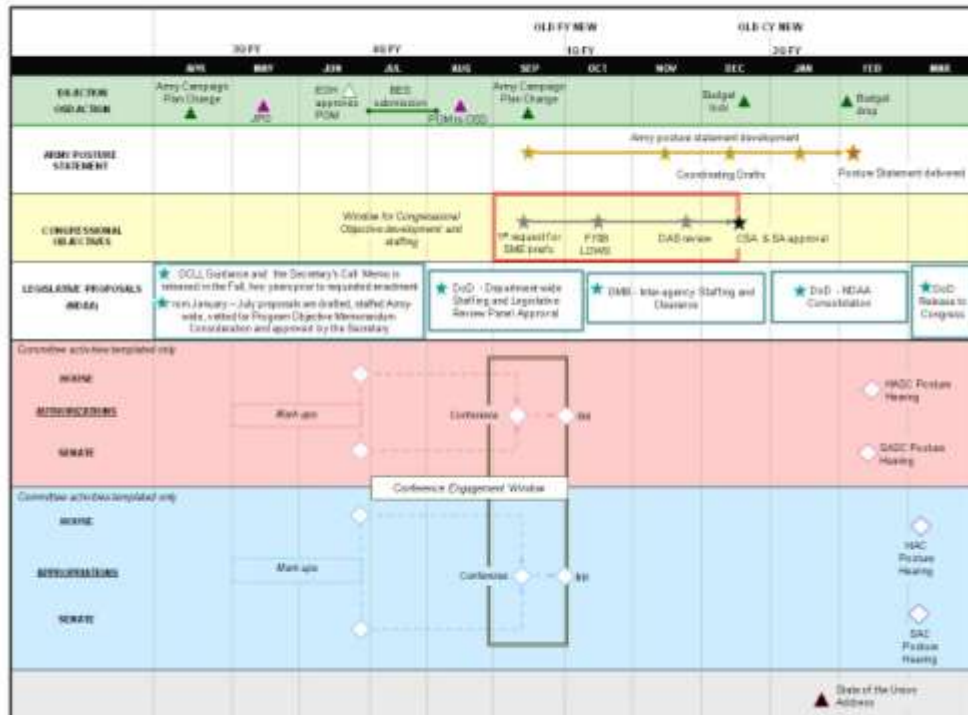


Figure 3: The Legislative Cycle and Related Army Actions

CHAPTER 1: LEGISLATIVE PROPOSALS AND COMMENTS ON LEGISLATION

1. OVERVIEW:

a. 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.

2. GOVERNING GUIDANCE:

a. 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.

3. 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 Office of the Under Secretary of Defense Comptroller will assess the Budget Control Act effects of each legislative proposal. For this reason, all legislative proposals require the completion of a Cost Benefit Analysis (CBA) and review and approval of the CBA from ASA (FM&C, DASA-CE) indicating that costs are suitable for decision making purposes. These costs will then be reflected in the Army's Program Objective Memorandum (POM)/Budget Estimate Submission (BES). The Department will not submit to OMB a proposal that does not specifically explain how it would be included in the President's Budget. 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:

b. 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 are only accepted if there is an urgent need with compelling justification. Legislative proposals should advance a Department of Defense legislative priority or Army legislative objective.

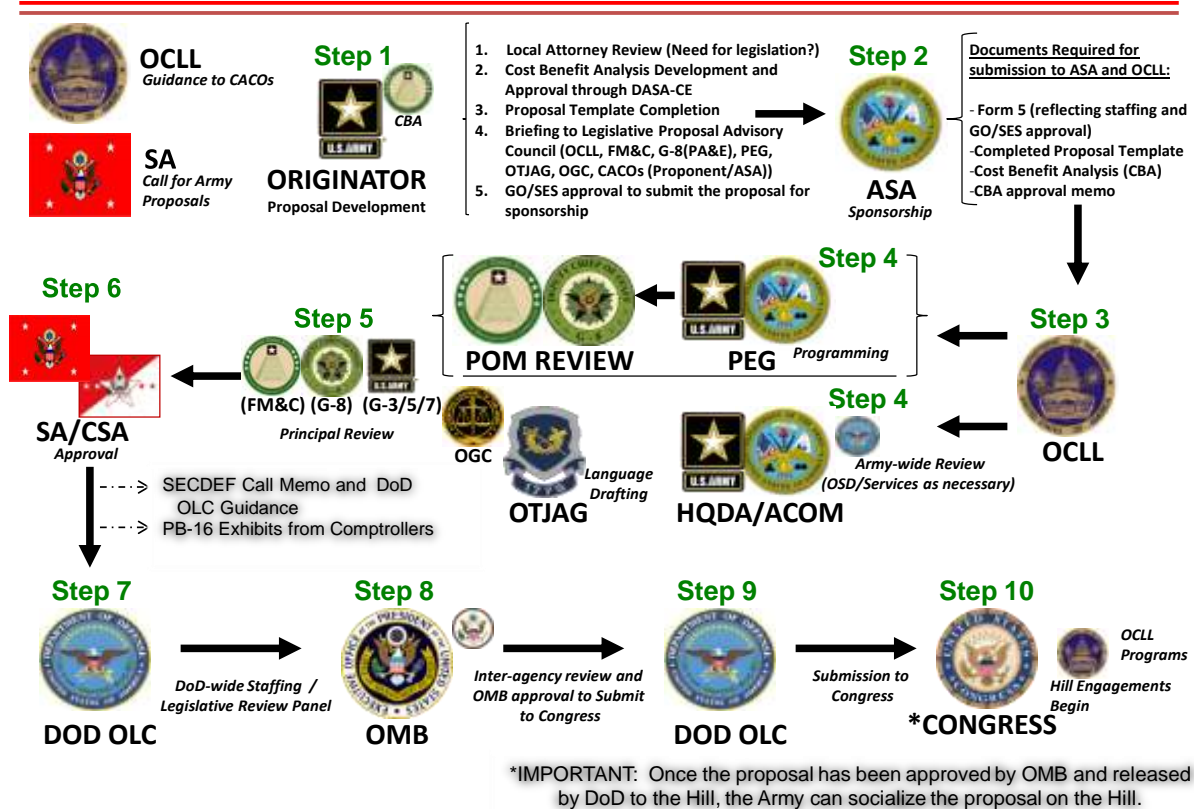
c. SALL-I&L: SALL-I&L monitors and assists the coordination of legislative proposals initiated by DA activities or organizations. For each legislative cycle, SALL-I&L will issue implementing instructions for processing DA legislative proposals.

d. Army Secretariat: The Army Secretariat has primary responsibility for the quality and timeliness of proposals. The Secretariat may also propose legislation on any matters 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. 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 approved at the GO or SES level.

4. STEPS IN THE LEGISLATIVE PROPOSAL PROCESS:

a. The following chart demonstrates the process and course a legislative proposal will take to reach Congress.

Army NDAA Legislative Proposal Process



Tips for Success:

- Submit any “must-have” proposals early in the process to ensure timely review and submission to DoD.
- Do your research. Can this objective be addressed through non-statutory means?
- Identify the appropriate Army, Service, OSD, or other stakeholders and coordinate your proposal in advance.
- Write your proposals from the perspective of a non-subject matter expert.
- Submit your proposal by the suspense date to ensure funding for your proposal is considered during the POM review process.

5. *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 SALL-I&L 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. *Format*: The Army office or organization submitting a legislative proposal shall prepare a legislative proposal template describing the proposal in specific detail following the format below:

Office Initiating Proposal: {Identify the office initiating the proposal (i.e., ACSIM, G-3/5/7, etc.)}

SME: {Provide the subject matter expert's, name, phone number and email.}

ASA Sponsor: {Identify the Assistant Secretary of the Army (ASA) that you believe should sponsor this proposal (i.e., ASA(IE&E).}

Proposal #: {Office of the Chief Legislative Liaison (OCLL) will identify the proposal number }

1. *Purpose*: To initiate a legislative proposal to {describe what the proposal is intended to do} that will {describe the benefit of this proposal to the Army}.

2. *Discussion*:

a. *Summary of Proposal*: {Provide a brief summary of the legislative proposal.}

b. *Problem to be Addressed*: {Describe the current problem or constraints on Army operations, to include the scale of severity. What will happen if the legislative 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. *Potential Drawbacks*: {Is there any negative impact to this proposal? If so, who do you anticipate having a concern? What concern would they have? How will it be mitigated?}

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

5. 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 this proposal is a resubmission from a prior legislative cycle, provide the legislative proposal number and legislative cycle it was submitted for. Explain what has been done to address any problems that surfaced during the earlier consideration.}

6. Stakeholders: {List any other stakeholders (Department of Defense (DoD)/Service/Agency) impacted by this legislative proposal. Note: Although this proposal will be formally coordinated through the DoD/Office of Management and Budget (OMB) review process, we highly recommend you informally coordinate with your OSD/Service /Agency counterpart to expedite the formal review process. If you do not know who that is, please contact Ms. Dianne Smith-Neff at 703-697-8174 / dianne.m.smith4.civ@mail.mil.}

7. Budget Implications: {Describe the resource impact for the proposal, including investment, sustainment and disposal costs and manpower when necessary. All Legislative Proposals must be accompanied by a Cost Benefit Analysis (CBA). Please work with the office of the Deputy Assistant Secretary of the Army (Cost & Economics) as soon as possible to mentor you in the development of your CBA. This will help in estimating all relevant costs, second and third order effects and benefits of the proposal. The information contained in your CBA will be used to assess budgetary implications and consideration for inclusion in the Army's Program Objective Memorandum/Budget Estimate Submission. In addition, indicate any savings and the amount that is expected as a result of the implementation of the proposed language. Although the Office of the Under Secretary of Defense Comptroller and the Office of the Secretary of Defense (OSD) Cost Assessment and Program Evaluation will have our CBA available to them, the budgetary implications need to be clearly explained and justified in this section, as the CBA does not accompany the proposal through all required reviews and submission to the Hill.

The Resource Requirements Table below is mandatory for every proposal. Please work with your Resource Manager, Management Decision Evaluation Package Manager and Program Evaluation Group to identify the correct Appropriation, Budget Activity, Program Element and Dash-1 Line Item from which this effort should be funded. If other stakeholders are impacted, you will need to obtain their costing data and approval. In addition, please provide their Resource Manager's contact information (name, phone number and email).

A common misconception is that there is no cost because you are only asking for the authority. Costs/savings identified are reflected as if you are granted this authority and how it would be spread across the Future Years Defense Program. OSD's guidance

(based on the prior year cycle): “The sponsoring component must address the budget implications of a proposal, whether or not the proposal actually has budgetary implications. If a proposal has no budgetary impact, the proposal should so state, along with the specific rationale for that determination. Please be aware that a proposal has budgetary implications even if it does not propose a funding level for FY 20XX in excess of the funding level for the program for FY 20XX. As OMB recently reiterated, simply stating that a proposal would be funded within existing resources is not sufficient.”}

RESOURCE REQUIREMENTS (\$THOUSANDS or \$MILLIONS)									
	FYXX	FYXX	FYXX	FYXX	FYXX	Appropriation From	Budget Activity	Dash 1 Line Item	Program Element
Army									
Total									
PERSONNEL AFFECTED (THOUSANDS or MILLIONS)									
	FYXX	FYXX	FYXX	FYXX	FYXX	Appropriation From	Budget Activity	Dash 1 Line Item	Program Element
Army									
Total									

8. Unified Legislation and Budgeting Proposal Number: {Was this proposal a ULB submission? If not, indicate “Not applicable.” If it was a ULB proposal, provide the ULB number and indicate if it was approved/disapproved. If the proposal was disapproved during the process, provide the ULB cycle, reason for disapproval and how the proposal has been revised to address previous objections.}

9. Army Priority: This proposal {Identify if this proposal must be enacted this cycle; would be helpful if enacted this cycle; or would be helpful, but does not address immediate needs.} {Proposals that must be enacted this cycle should include the anticipated consequences of non-enactment and should be submitted early in the process}. This proposal is ___ of ___ proposals submitted by the Army for the FY 20XX legislative cycle. {The sponsoring ASA will identify the initial ranking of proposals submitted through him/her}

10. Justification for Resubmitted Proposal: {If this proposal is being submitted for the first time, indicate “This proposal is being submitted for the first time.” Any proposals denied by DoD, OMB or Congress in a prior cycle can be resubmitted; however, you will need to provide the legislative cycle and proposal number when the proposal was previously submitted; identify the barriers it faced (opposition within DoD, interagency review or Congress); and identify any changes in circumstances that improves the proposals probability of enactment in this legislative cycle. Explain why DoD should continue to pursue this proposal. Note: If a proposal has been submitted three or more

times and has not been enacted, the presumption will be that the proposal will likely not be enacted and; therefore, should not be resubmitted.}

b. Coordination: The initiating office will submit a proposal package to the appropriate ASA with primary oversight. The proposal package will consist of the following documents: HQDA Form 5 or other coordinating document reflecting all required reviews, completed proposal template, Cost Benefit Analysis approval memo from ASA(FM&C) and the Cost Benefit Analysis. The office of the ASA will obtain GO or SES level approval and submit the proposal package to SALL-I&L.

c. DA Approval: After completion of Army-wide staffing, funding approval through the POM review process, OTJAG drafting and OGC final review, 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.

d. 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. OLC includes DoD legislative initiatives, approved by OMB, 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. The initiating office will then work with SALL-P to engage with congressional committee staff. Under no circumstances can any proposal be socialized with congressional members or staff in advance of the submission of the proposal to Congress.

e. Revisions: If OMB requires revisions to the proposal, SALL-I&L will request the initiating organization make modifications and complete necessary coordination with OTJAG, OGC, and other relevant offices. Any revisions made to the funding or identified funding source will be coordinated with ASA(FM&C) and the Program Evaluation Group Manager. The Army proponent and other Army offices will assist SALL I&L, as requested, in coordinating the Army proposal and seeking OSD and OMB approval of the proposal as part of the Administration's legislative program.

f. 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 after obtaining OTJAG and OGC review.

III-CHAPTER 1-48

[Return to Table of Contents](#)

6. UNIFIED LEGISLATIVE AND BUDGETING (ULB) PROCESS:

a. The Under Secretary of Defense for Personnel and Readiness (USD (P&R)) annually initiates the DoD Unified Legislation and Budgeting (ULB) process, to centrally-manage the legislative and budget processes for Defense-wide personnel-related proposals.

b. The ULB is a joint process 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.

c. 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.

d. 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).

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

7. LEGISLATION TO AMEND APPROPRIATIONS ACTS:

a. OSD typically issues the call for appropriations act legislative proposals soon after the previous year's Appropriations Act has been enacted. Calls for Army appropriations act legislative proposals will be tasked and managed by SAFM-BUL. 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. 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 (OGC) 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.

8. COMMENTS ON LEGISLATION:

a. 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.

b. 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 view 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 views letter. Suspense dates established are driven by Congress and the legislative process and typically require a short response time.

c. Army Staff: The tasked Army office assigned to prepare DA views prepare, coordinate with the Army staff, and submit a draft views letter within the established suspense date. A views letter template is located at Appendix III-K.

d. 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.

e. Preparation of Voluntary Views: Army offices may initiate views on any pending or proposed legislation. An action memorandum will transmit the proposed views and a copy of the bill. The action memorandum will identify the bill, 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 amended 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 their local attorney before submitting the views to SALL-I&L. Upon receipt, SALL-I&L will coordinate within the Army Secretariat, OTJAG, OGC, and DoD before forwarding the views letter to OMB for clearance. If a revision of the views letter is necessary as a result of coordination, the action office will accomplish the revision and return the views letter to SALL-I&L. When a disagreement exists among the military departments concerning the proposed views, 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 views letter to the appropriate Army Secretariat official for signature and forwarding to the Congress.

9. ENROLLED ENACTMENTS, PROPOSED EXECUTIVE ORDERS, AND PROCLAMATIONS:

a. An Enrolled Enactment has passed both chambers of Congress and is awaiting the President's signature. A request for views on an enrolled enactment requires a recommendation from DA that the President either approves or disapproves the Act. Requests to DA for views 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 views on a bill to a Committee of the Congress.

b. 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.

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

d. Processing Views on Enrolled Enactment, Proposed Executive Order or Proclamation:

(1) DA Views 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 views letter should be coordinated with all Army staff and secretariat offices having an interest in the matter. If the views represent the views of the Department of Defense, the letter shall contain a statement that the views have 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, views will be prepared and processed in the form of a letter to the Director,

Office of Management and Budget (OMB). The veto message or letter of disapproval will state fully the reasons for the recommended disapproval. The letter 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 views 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 views can be granted. The views letter will be given top priority.

e. 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.

10. DoD OLC and SALL-I&L Websites:

a. OMB or Congressional requests for views are tasked by DoD Office of Legislative Counsel (OLC) to OSD proponents and military departments via the OLC website, <http://www.dod.mil/dodgc/olc/>. Access to OLC's website is granted to CACOs only. Requests for access are made direct to the OLC website. OLC will contact SALL-I&L to determine need for access. If access is granted, it is for view privileges only. Army views can only be uploaded to the OLC website by SALL-I&L.

b. SALL-I&L utilizes a similar website, <https://secureapp2ako.hqda.pentagon.mil/cac/OCLLapplication>, to task the Army proponent(s) responsible for providing views. Access is limited to CACOs. Requests for access are made direct to the SALL-I&L website. Once SALL-I&L approves access, CACOs will have the ability to provide comments on requests for views, regardless of the assigned lead. However, comments would need to be approved and consolidated into one Army position by the assigned lead. Any views of a non-concur position require a GO/SES approval and coordination with OTJAG and OGC in advance of SALL-I&L posting the Army's position to the OLC website.

CHAPTER 2: ARMY POSTURE STATEMENT (APS)

1. OVERVIEW:

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

2. UNITED STATES ARMY POSTURE STATEMENT (APS):

a. 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:

(1) 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.

(2) Sets the stage for subsequent Congressional testimony by senior Army civilian and military leadership.

(3) Describes the Army's strategic roles in defending and meeting threats to the nation.

(4) Sets the stage for subsequent Congressional testimony by senior Army civilian and military leadership.

(5) Describes the Army's strategic roles in defending the nation.

(6) Evaluates the current posture of the Army and reviews the highlights of the previous year.

(7) Describes new developments, plans, and improvements that can be anticipated if requested resources are approved.

(8) Focuses Congressional attention on situations requiring support and legislative action.

(9) Discusses the Army vision by serving as a reference document that looks beyond budget issues to the Army's philosophy, goals, priorities, and vision.

(10) 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.

(11) 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:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

CHAPTER 3: SENIOR LEADERSHIP PREPARATION MATERIAL

1. OVERVIEW:

a. 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.

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

a. ACOS-Plans:

(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.

3. HEARING PREPARATION SESSIONS:

a. Hearing preparation sessions, except for Appropriations Committee hearings, 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.

b. 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 develop an overview of these issues and concerns for presentation to the ASL.

c. 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.

III-CHAPTER 3-57

[Return to Table of Contents](#)

d. 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)

FOUO

INFORMATION PAPER

DALO-MNS
12 Dec 2013

SUBJECT: Maine Military Authority

1. Purpose. To provide the Under Secretary of the Army with information on the effects of sequestration on the Maine Military Authority (MMA).

2. BLUF:

a. The Army Materiel Command reports they have no current or planned maintenance workload designated for MMA. Planned Army workload will be aligned to Army depots in accordance with the Army's Organic Industrial Base Strategic Plan. MMA is not an Army depot; therefore workload is not being planned for MMA. Sequestration is not a determining factor. The sole remaining Title 10 funded program performed by MMA is storage for M109 Howitzers awaiting sale through the Foreign Military Sales program.

3. Facts:

a. The Maine Congressional Delegation frequently queries officials within the Army and throughout the Department of Defense regarding the potential for additional workload for MMA.

b. The MMA is not a Department of Defense (DoD) maintenance depot and consequently is not authorized preferential treatment for DoD work. MMA must compete for work through a variety of sources such as General Services Administration schedules and competitive contract awards.

c. The MMA manages the operations of the Maine Readiness Sustainment Maintenance Site (ME-RSMS), one of five such sites refurbishing Army National Guard (ARNG) equipment. In addition to ARNG, MMA solicits work from other entities, such as the Maine Department of Transportation and other government activities. Currently, the 5 sites operated by the ARNG are ME-RSMS, Kansas-RSMS, Mississippi-RSMS, Oregon-RSMS and Texas-RSMS. The five RSMS' are state operated activities and are not considered Army Depots. The Army allocates depot maintenance requirements and assigns workload by commodity and/or weapon system to specifically selected DoD maintenance depots based on core depot capability (Title 10 U.S.C. 2464), Centers for Industrial Technical Excellence (CITE) designation (Title 10 U.S.C. 2474), identified Source of Repair designations and available capacity.

d. The ARNG created the five RSMS' in the 1990s to support refurbishment of ARNG equipment to satisfy ARNG Equipment On hand Shortages. Since 1997, MMA has refurbished more than 13,000 vehicles such as 5-ton trucks, dozers, graders,

FOUO

III-CHAPTER 3-58

[Return to Table of Contents](#)

FOUO

SUBJECT: Maine Military Authority

scrapers, well drilling units, Mobile Kitchen Trailers, Mobile Laundry Units, M109 Self Propelled Howitzers, Material Handling Equipment (forklifts), non-tactical firefighting apparatus, and Tactical Bridge Erection Boats.

e. At the height of Operation Iraqi Freedom, Army provided MMA additional workload to recapitalize High Mobility Multi-Purpose Wheeled Vehicles (HMMWV). The end of this program, coupled with an improved organic capability at Red River Army Depot (CITE for Tactical Wheeled Vehicles), left the Army with no further demand for HMMWV production at ME-RSMS beyond MAR 2013.

f. In accordance with the Army Organic Industrial Base Strategic Plan and the transition from wartime to peace time production levels, the Army will align workload to maximize efficiencies. This alignment will be done IAW CITE and Core designations for organic depots.

g. Army and Army National Guard have informally recommended to the Maine Congressional Delegation that MMA consider soliciting other federal agencies for workload.

Action Officer: Jose L. Mata/703-614-0811

Approved By: Mr. Christopher Lowman

FOUO

2

Figure 4: Information Paper

e. 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

III-CHAPTER 3-59

[Return to Table of Contents](#)

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.

f. 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.

g. 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.

h. 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.

i. 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.

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

4. HEARING PREPARATION BOOKS:

a. 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.

5. HEARING EXECUTION:

a. ACOS-Plans with the assistance of SALL-P, SALL-I&L, and SAFM-BUL will ensure:

b. 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).

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

d. 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.

e. 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.

6. STANDARDS FOR PREPARATION PRODUCTS:

a. Information Papers and Requests for Information: For hearing and meetings with Members of Congress involving the ASL, ACOS-Plans with support from SALL-P ensures that all information papers and briefing products are kept current. ACOS-Plans 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 ACOS-Plans 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 ACOS-Plans, 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 ACOS-Plans.

(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.

III-CHAPTER 3-61

[Return to Table of Contents](#)

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.

d. 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.

(1) SAFM-BUC – (management and control / OCO) – 3D349 / - 692-6209

(2) SAFM-BUI – (investments / RDA) – 3C349 / 614-9507

(3) SAFM-BUO – (operations and maintenance & business resources/Army Working Capital Fund) 3B349 / 693-2589

(4) SAFM-BUP – (military personnel & military construction) – 3B349 / 693-2589

(5) SAFM-BUL – (congressional budget liaison) – 3E331 / 614-6041

(6) 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.

CHAPTER 4: TESTIFYING BEFORE CONGRESS

1. OVERVIEW:

a. 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.

2. 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.

3. 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-P 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-P 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 HAO 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 HAO 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 HAO 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 to include 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. 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. Detailed instructions are contained in Section III, Appendix M.

(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 coordinate transportation to the hearing for the witness and support personnel through the HAO.

4. 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, 1” margins, in Arial 12 point font and include a cover sheet.

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.

5. 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 703-695-1374 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 review the MRD morning report produced by the Office of the Chief of Public Affairs (OCPA) 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.

6. 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.

7. HEARING FOLLOW-UP:

a. Feedback: The HAO will provide immediate feedback on the hearing and prepare an EXSUM within 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.

b. Significant Concerns: The HAO and hearing witnesses will report any 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 or Inserts for the Record

(QFR/IFR). Witnesses should prepare their response as of the date of the hearing. The QFR/IFR 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 part of the record. This information is included in the record of the hearing.

8. HAO 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-COD.

b. Conduct Hearing Background 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:

(a) Congressional correspondence from Committee or Members

(b) Related Questions for Record

(c) Recent GAO, CBO or CRS studies, reviews or reports

(d) DoD or Army Reports to Congress

(e) Audit or investigative reports (DoD IG, DAIG, DCAA, AAA)

(f) Recent media reports

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

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

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

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

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

(5) Coordinate draft testimony with OCPA and the Defense Office of Prepublication and Security Review.

(6) Send cleared testimony to SALL I&L for OMB and Administration clearance.

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

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

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

e. 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.

f. 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 (Review OCPA’s Morning MRD Report, conduct Internet research; read the Washington Post and other pertinent news sources; and scan Committee Web Site).

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

g. 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) or Inserts for the Record (IFR).
- (8) Send transcript to witness to review.

CHAPTER 5: TRANSCRIPTS AND INSERTS/QUESTIONS FOR THE RECORD (IFRS/QFRS)

1. OVERVIEW:

a. 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 IFRs and QFRs. An IFR is any information that is inserted into the transcript to complete the record of the hearing. IFRs are usually answers to member questions during the hearing that require additional information from the witness. IFRs 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. QFRs 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.

2. 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, and does not publicly release QFRs/IFRs or the Army's responses prior to publication of the hearing transcript .

b. Suspense Deadlines: The opportunity to review a transcript is a courtesy extended to witnesses 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-I&L, 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 for editing transcripts and preparing IFRs; accordingly, 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 will specify these differences in the tasking document.

3. ROLES AND RESPONSIBILITIES:

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

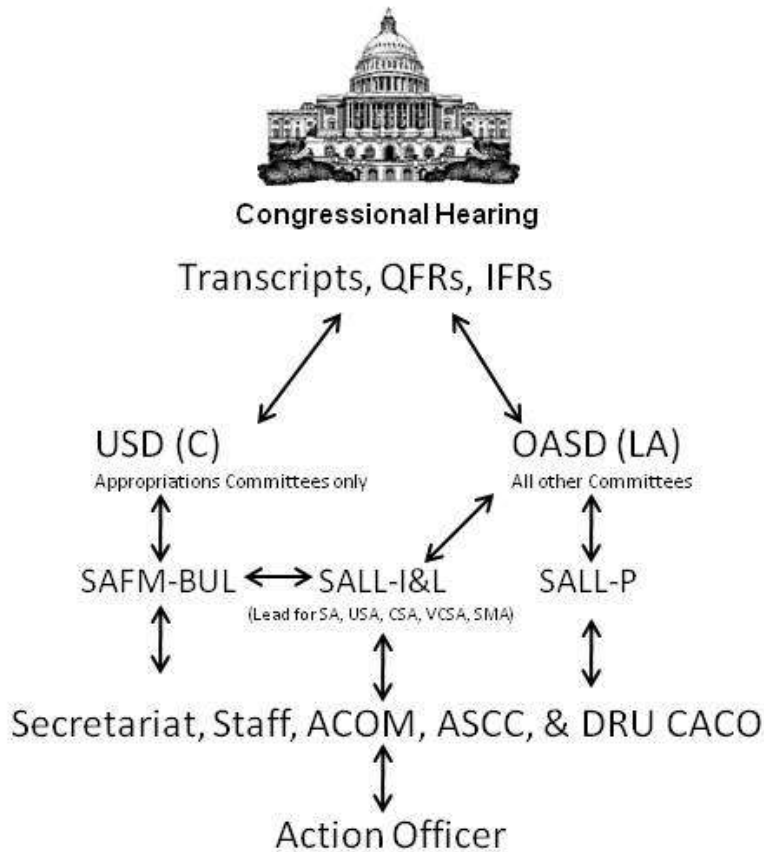


Figure 5: Transcript Flow

b. OSD: OSD receives most Defense-related committee hearing transcripts and QFRs:

c. OASD (LA). OASD (LA) receives hearing transcripts and QFRs from all congressional committees (except Appropriations). OASD (LA) tasks the Army through the Congressional Hearings and Reporting Requirements Tracking System (CHARRTS). SALL-P or SALL-I&L, in turn, tasks the appropriate Army Secretariat, Staff, ACOM, DRU, or Field Operating Agency CACO to review the transcript or respond to the QFRs or IFRs. When these transcripts and QFRs are completed by the Army, OASD (LA) returns them to the appropriate committee. Any Army component that receives a transcript, QFR, or IFR directly from a congressional committee or commission, will report that immediately to either SALL-P or SALL-I&L [if the witness is one of the five Army Senior Leaders (ASLs)]. SALL-P or SALL-I&L will coordinate directly with OASD (LA). CACOs should refer questions regarding transcripts related to Army testimony to SALL-P or SALL-I&L for processing.

(1) OUSD(C). OUSD(C) receives hearing transcripts and QFRs related to Army testimony from the Appropriations committees and passes 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.

d. SALL-P and SAFM-BUL (non-ASL witnesses). Upon receipt of a hearing transcript, IFRs, and QFRs, SALL-P or SAFM-BUL assign the action to the appropriate Army Secretariat, Staff, or ACOM, DRU, or Field Operating Agency CACO, and returns the completed transcript and inserts to OASD (LA).

e. SAFM-BUL (ASL witnesses). Upon receipt of Appropriations hearing transcripts, IFRs, and QFRs, SAFM-BUL tasks SALL-I&L to re-task the transcript review and QFR response to the appropriate CACO(s). Once finalized, SAFM-BUL returns the edited transcript, IFRs, and QFRs to OUSD(C).

f. SALL-I&L. SALL-I&L is responsible for processing transcripts, IFRs, and QFRs related to testimony of the ASLs (SA, CSA, USA, VCSA, and SMA) and will assign transcript review to the ASL Handler. SALL-I&L is also responsible for the Army portion of transcripts and inserts involving the testimony of the SECDEF, the DEPSECDEF, and the CJCS.

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

h. 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, including ensuring review of responses by the supporting legal office.

4. PROCESSING TRANSCRIPTS, INSERTS/QUESTIONS FOR THE RECORD (IFRs/QFRs):

a. Tasking Authority: Taskings from SALL-P, SALL-I&L, or SAFM-BUL will include specific guidance regarding the suspense to return required information, pertinent hearing information, organization(s) tasked to support the action, format, 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 will, however, notify SALL-P, SALL-I&L or SAFM-BUL if there are changes or developments that would change the answer at the time submitted. Although tasked by SALL-P, SALL-I&L, or SAFM-BUL for response, CACOs may find it necessary to further subtask other Army organizations to assist in verifying or providing additional information required to complete the response. In the end, the witness is ultimately

responsible for responses to QFRs 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-I&L, or SAFM-BUL will review the transcripts and proposed responses to IFRs and QFRs.

b. Primary Action Agency CACO Review:

(1) Classification Guidance: Remember, if the hearing was closed, handle the [transcript in accordance with AR 380-5](#).

(2) Check Classification: Make sure transcripts are handled in accordance with their classification markings. Most hearings are open and the transcripts are unclassified. 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.

c. Read the Transcript.

(1) 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:)." 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.

(2) 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:)."

(3) 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-I&L, and SAFM-BUL will task the witness' CACO directly or, in the case of QFRs/IFRs for ASL witnesses, SALL-I&L will task the CACO for the staff office designated as lead to provide the draft response. The tasking will include specific guidance regarding the suspense to return required information, pertinent hearing information, organization(s) tasked for action, requirement for legal review, and general guidance, including 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.

d. Completing the Transcript, Inserts/Questions for the Record:

(1) Consolidate Transcript Edits: Read the transcript to ensure all edits make sense and all grammatical corrections are made. Return to SALL-P, SALL-I&L, or SAFM-BUL as tasked.

(2) Account for and Review Insert:

(a) 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.

(b) Correct Grammar, etc: Check grammar, spelling, word spacing, and line spacing.

(c) Coordinated, Cleared, and Approved: Ensure required coordination, approval, and, when instructed, security review has been performed.

(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.

(4) Final Review: The edited transcript and proposed inserts of Army witnesses (other than the SA, USA, CSA, VCSA, and SMA) will be provided to the lead witness for final review. SALL-I&L 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 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.

III-CHAPTER 5-77

[Return to Table of Contents](#)

(a) 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.

RECORD OF CONGRESSIONAL TRANSCRIPT REVIEW					
1. TRANSCRIPT ACTION MONITOR		2. DATE RECEIVED FROM CONGRESS (YYYYMMDD)			
a. NAME (Last, First, Middle Initial) Doc, John	b. AGENCY SALL-COS Rm 1D437	c. TELEPHONE (incl. Area Code) (703) 693-5555	20131212		
3. TO: (in Title)		4. DATE ACTION MUST BE COMPLETED (YYYYMMDD)			
a.		a.			
b.		b.			
c.		c.			
e. CHIEF, OFFICE OF SECURITY REVIEW					
5. DESCRIPTION OF DOCUMENT COMMITTEE/SUBCOMMITTEE Transcript & QFRs from SAC-D		6. HEARING DATE AND SUBJECT 15 November 2013, FY14 Defense Appropriation			
		7. PAGES 1 THRU 30			
		8. HEARING: <input type="checkbox"/> CLOSED <input checked="" type="checkbox"/> OPEN			
		9. CLASSIFICATION UNCLAS			
<p>The attached transcript of testimony is forwarded for editorial and security review in accordance with DoD Directive 5400.4. To meet committee requirements and allow time for final review by the Office of 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 OSR.</p> <p style="text-align: center;">GUIDELINES</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>I. SECURITY</p> <p>A. GENERAL. 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. MARKING</p> <ol style="list-style-type: none"> 1. Use black lead pencil. 2. Inclose with brackets [] information to be deleted. 3. Make deletions as limited as possible, considering whether the total context may contain clues to the information deleted. </td> <td style="width: 50%; vertical-align: top;"> <p>II. EDITORIAL</p> <p>A. GENERAL. Edit to correct inaccuracies.</p> <p>B. MARKING</p> <ol style="list-style-type: none"> 1. Use black lead pencil. 2. Line through all words or figures for which substitute language or figures are entered. Do not use brackets. 3. Print or write all entries legibly. 4. Use standard proofreaders markings. 5. Do not change statements by committee members. Note inaccuracies in the margin. </td> </tr> </table>				<p>I. SECURITY</p> <p>A. GENERAL. 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. MARKING</p> <ol style="list-style-type: none"> 1. Use black lead pencil. 2. Inclose with brackets [] information to be deleted. 3. Make deletions as limited as possible, considering whether the total context may contain clues to the information deleted. 	<p>II. EDITORIAL</p> <p>A. GENERAL. Edit to correct inaccuracies.</p> <p>B. MARKING</p> <ol style="list-style-type: none"> 1. Use black lead pencil. 2. Line through all words or figures for which substitute language or figures are entered. Do not use brackets. 3. Print or write all entries legibly. 4. Use standard proofreaders markings. 5. Do not change statements by committee members. Note inaccuracies in the margin.
<p>I. SECURITY</p> <p>A. GENERAL. 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. MARKING</p> <ol style="list-style-type: none"> 1. Use black lead pencil. 2. Inclose with brackets [] information to be deleted. 3. Make deletions as limited as possible, considering whether the total context may contain clues to the information deleted. 	<p>II. EDITORIAL</p> <p>A. GENERAL. Edit to correct inaccuracies.</p> <p>B. MARKING</p> <ol style="list-style-type: none"> 1. Use black lead pencil. 2. Line through all words or figures for which substitute language or figures are entered. Do not use brackets. 3. Print or write all entries legibly. 4. Use standard proofreaders markings. 5. Do not change statements by committee members. Note inaccuracies in the margin. 				
10. REMARKS Transcript w/3 inserts: page 29, page 30, and page 32. QFRs: 2-5, 19-21, 25-27, 30, 32, 34-37, 39-47, 53-54, 61-68					
11. FORWARDING CERTIFICATE					
TO: Chief, Office of Security Review		Date: 2013/12/12			
<p>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.</p>					
a. SIGNATURE		b. OFFICE SALL-COS			

Figure 6: Sample DD Form 1587 Record of Congressional Transcript Review

(b) 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.

e. 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.

f. Make Copies and Distribute to SALL-P, SALL-I&L, or SAFM-BUL as directed in the tasking document:

(1) A fully coordinated Form 5 with a General Officer/SES signature.

(2) 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. (For ASL QFRs, the organization's senior lead or deputy must review the response.).

(3) Transmit an electronic version of the transcript, IFRs, and QFRs via e-mail.

(4) The original committee's copy, including your edits and original inserts, if the committee provided a committee's copy.

(5) 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.

(6) 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.

CHAPTER 6: BUDGET AND LANGUAGE APPEAL PROCESSES

1. OVERVIEW:

a. 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.

2. GOVERNING REGULATION:

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

3. 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.

4. ARMY RESPONSIBILITIES:

a. 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, OCLL (SALL-I&L and P) must be ready and willing to exercise the flexibility necessary to achieve the most beneficial results for the Army.

b. OCLL and SAFM-BUL: Jointly, OCLL 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.

c. Army Secretariats and CACOs will: Meet OCLL or SAFM-BUL suspense and provide the completed appeal and heartburn package in the required copies:

(1) An original package without any internal Army markings.

(2) The package showing original internal Army coordination, approval signature, and security clearance statement.

(3) An electronic version of the complete package.

5. 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:

(a) SASC: An appeal to the SASC normally will be based on the actions taken by the HASC (as modified by House floor action).

(b) 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:

(a) SAC: An appeal to the SAC normally will be based on the actions of the HAC (as modified by House floor action).

(b) 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:

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

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

(2) Congressional Language/Provision Appeal Format: ASD-LA and OUSD(C) format guidance for Authorization and Appropriations Language appeals are provided at APPENDICES III-M and III-N, respectively. They are very similar.

(a) 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

(b) 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.”

(c) 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).

(a) Summary: A brief narrative paragraph describing the level of the reduction and the congressional rationale for the reduction.

(b) 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.

(c) Offsets: Beginning in FY13, OMB has required an offset be identified for the amount requested to be restored. OMB also requires the offset be selected from the list of HAC congressional adds.

(d) 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).

(a) Summary: A brief narrative describing the level of the change and the congressional rationale for its change.

(b) 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:

(a) 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.”

(b) 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.

(c) 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.”

(d) 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.

SECTION III, APPENDIX A: WITNESS STATEMENT PREPARATION

1. OVERVIEW:

a. 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.

2. 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.

d. Remember that the audience is civilian.

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

f. 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.

g. 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.

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

<u>POSITION:</u>	<u>ADDRESS AS:</u>
Member of U.S. Senate;	Senator (last name)

Member of House of Representatives Mr., Mrs., or Ms. (last name)

i. 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.

3. WITNESS COVER AND STATEMENT FORMAT:

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

RECORD VERSION
VERSION: RECORD OR READING

STATEMENT BY

GENERAL JOHN F. CAMPBELL
VICE CHIEF OF STAFF UNITED STATES ARMY

← WITNESS

BEFORE THE

HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON MILITARY PERSONNEL

← COMMITTEE

FIRST SESSION, 113TH CONGRESS

← SESSION & CONGRESS

ON ADEQUACY OF THE ARMY FORCES

← HEARING SUBJECT

FEBRUARY XX, 20XX

← HEARING DATE

NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES

← RESTRICTION

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

← CLASSIFICATION: top and bottom
CLASSIFICATION

RECORD VERSION
← VERSION: RECORD OR READING

STATEMENT BY

**GENERAL RAYMOND T. ODIERNO
CHIEF OF STAFF UNITED STATES ARMY**

← WITNESS

BEFORE THE

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

← COMMITTEE

FIRST SESSION, 113TH CONGRESS

← SESSION & CONGRESS

**ON THE FISCAL YEAR 2015 BUDGET AND POSTURE
OF THE UNITED STATES ARMY**

← HEARING SUBJECT

XX FEBRUARY 20XX

← HEARING DATE

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

← CLASSIFICATION AUTHORITY AND
DECLASSIFICATION INSTRUCTIONS

CLASSIFICATION

III-APPENDIX A-87

[Return to Table of Contents](#)

c. Statement. On plain bond, use the following format:

**STATEMENT BY
GENERAL RAYMOND T. ODIERNO
CHIEF OF STAFF, UNITED STATES ARMY**

Chairman McKeon, Ranking Member Smith, and other distinguished members of the committee, thank you for the opportunity to speak with you about the reduced discretionary caps in 2014 and the continued threat of sequestration under current law as well as the strategic choices facing the Army.

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

The closing statement should thank the committee for their support.

The choices we must make to meet reduced funding levels by sequestration could force us to reduce our Army in size and capability to levels that I, as the Chief of Staff of the Army, am not comfortable with. For those that present the choice as one between capacity and capability, I want to remind them that for the Army, Soldiers are our capability. Unlike other services that man their equipment, the Army must train and equip Soldiers to achieve decisive strategic results on the ground. If the funding dictates a smaller Army, then we must be prepared for both reduced capacity and reduced capability. Today, we have the best Army in the world. It is our charge, Congress and DOD working together, to ensure that by the end of this decade, we still have the best Army in the world. Thank you for taking the time to listen to us about our budgetary concerns.

FORMAT: Arial 12 point

1 inch margins

.5 inch indent

1.5 line spacing

Double-space between paragraphs & headings

1
←————— Page number at the
bottom center
starting with first page
of statement – not cover page

4. 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: _____.

5. COORDINATION:

a. 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:

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

c. 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:

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

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

2681 (3) SAFM-BUO – (operations, maintenance & military personnel) – 3B349 / 693-

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

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

d. 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.

e. ACOS-Plans: (1D437, 703-693-13324). ACOMs are encouraged to coordinate their witness statements with ACOS-Plans prior to the witness appearing before any congressional committee.

f. The Army Office of General Counsel (OGC) and Office of the Judge Advocate General (OTJAG): OGC and OTJAG 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.

g. OGC 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.

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

6. APPROVAL:

a. 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.

b. 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.

c. 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.

III-APPENDIX A-90

[Return to Table of Contents](#)

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

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

d. 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.

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

(1) OCPA: (Office of the Chief Public Affairs in 1E487, 697-4122) Submit the fully coordinated statement for review by the DA Office of the Chief of Public Affairs (OCA). Send an electronic copy of the statement to Mr. James Hill at james.w.hill.civ@mail.mil or provide a hard copy to Mr. Hill in room 1E487. Please allow one day for OCPA review and approval.

(2) DOPSR: After obtaining OCPA review, obtain clearance from the Defense Office of Prepublication and Security Review (DOPSR) within ESD/WH. This step will normally require 2-3 days (to allow for proper staffing and comment by OSD). Submit a completed clearance form (DD Form 1790) and provide the OCPA stamped copy of the form and statement to DOPSR electronically via e-mail at whs.pentagon.esd.mbx.secrev@mail.mil and copy furnish the following DOPSR and OCLL I&L POCs: david.a.riedel.civ@mail.mil, beth.a.fitzgibbons.civ@mail.mil, rotonya.m.kemp.civ@mail.mil, dianne.m.smith4.civ@mail.mil, and tara.a.tadlock.civ@mail.mil. Ensure that the statement has been determined to be unclassified prior to sending it via e-mail to DOPSR. The DD Form 1790, Prepared Testimony Review is available at <http://www.dtic.mil/whs/directives/infomgt/forms/dd/ddforms1500-1999.htm>

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

PREPARED TESTIMONY REVIEW		
1. TO: CHIEF, OFFICE OF SECURITY REVIEW		2. DATE 20131101
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 General Raymond T. Odierno, Army Chief of Staff		
5. COMMITTEE/SUBCOMMITTEE Senate Armed Services Committee		
6. HEARING DATE AND SUBJECT 7 November 2013 The Impacts of Sequestration on National Defense		
7. PAGE COUNT 10	8. THIS DOCUMENT IS FOR (X 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) Smith, Dianne	b. AGENCY OCLL	c. TELEPHONE (Include Area Code) 703-697-8174
11. DIRECT QUESTIONS TO		
a. NAME (Last, First, Middle Initial) Smith, Dianne	b. AGENCY OCLL	c. TELEPHONE (Include Area Code) 703-697-8174
12. REQUEST CLEARANCE NO LATER THAN (YYYYMMDD) 20131104		
The attached material has department/agency approval for the purpose specified. Any portions requiring security protection have been appropriately marked.		
13. ATTACHMENT	14. SIGNATURE	

DD FORM 1790, JAN 2006

PREVIOUS EDITION MAY BE USED.

Reset

Adobe Professional 7.0

Figure 7: Prepared Testimony Review Form

III-APPENDIX A-92

[Return to Table of Contents](#)

(3) SALL-I&L (1E433, 697-8174) 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 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.

(a) Provide the OCPA and DOPSR cleared statement to SALL I&L (Ms. Dianne Smith-Neff at dianne.m.smith4.civ@mail.mil and Ms. Tara Tadlock at tara.a.tadlock.civ@mail.mil.) Include the name and telephone number of the POC responsible for preparing the statement.

(b) SALL-I&L will send a copy of the written statement to OMB. OMB requests that statements be provided at least 5 working days before the hearing. OMB will clear the statement or request changes. If OMB recommends proposed changes, they will be coordinated with SALL-I&L or the POC identified. All concerns must be resolved to OMB's satisfaction. Otherwise, approval will not be given and the witness will not be able to testify.

7. WITNESS BIOGRAPHY:

a. Witnesses will provide an unclassified biography to accompany the witness statement. Use letter-size plain bond paper and single space narrative format. Paragraphs are indented and unnumbered. Limit the biography to one page. The biography is either placed immediately after the witness statement cover sheet (Armed Services Committee hearings) or provided as a separate document (Appropriations Committee hearings).

8. WITNESS LIST:

a. 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 Raymond T. Odierno, Chief of Staff, United States Army

Use Arial 12 point font;
1 inch margins;
.5" indentations.

9. 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. Also provide an electronic version containing the witness statement, witness list, and any attachments for the committee.

SECTION III, APPENDIX B: TRANSCRIPT, EDITING, AND CLEARANCE GUIDANCE

⊙	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	Ⓛ	Delete
“”	Insert quotation marks	Ⓢ	Delete and close up
—	Insert 1-en dash	<i>w.f.</i>	Wrong font
—	Insert 1-em dash	⊖	Close up
#	Insert space	⊞	Move right
ll>	Insert () points of space	⊞	Move left
<i>skill</i>	Insert shilling	⊞	Move up
∨	Superior	⊞	Move down
^	Inferior		Align vertically
(/)	Parentheses	=	Align horizontally
[/]	Brackets	⊞	Center horizontally
□	Indent 1 em	⊞	Center vertically
□□	Indent 2 ems	<i>eq.#</i>	Equalize space—used in margin
#	Paragraph	✓✓	Equalize space—used in text
<i>no #</i>	No paragraph	Let it stand—used in text
<i>tr</i>	Transpose ¹ —used in margin	<i>stet.</i>	Let it stand—used in margin
~	Transpose ² —used in text	⊗	Letter(s) not clear
<i>sp</i>	Spell out	<i>run over</i>	Carry over to next line
<i>ital</i>	Italic—used in margin	<i>run back</i>	Carry back to preceding line
—	Italic—used in text	<i>out, see copy</i>	Something omitted—see copy
<i>b.f.</i>	Boldface—used in margin	<i>S/?</i>	Question to author to delete ³
—	Boldface—used in text	^	Caret—General indicator used to mark position of error.
<i>s.c.</i>	Small caps—used in margin		
—	Small caps—used in text		

¹In 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.

²Corrections 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.

³The 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.

Figure 8: Proofreaders' Markings

1. 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.
2. 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.
3. Do not substantially change, expand, or alter the witness’s testimony:
4. 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.
7. 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.
8. Do not underline headings or bold spoken testimony: An underlined word tells the printer to set the word in italics.
9. 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 2013.
10. 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).

11. 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.

12. 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 2013 (FY 2013).

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

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

14. 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.

15. 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: _____.

16. 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).”

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

18. 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:

19. Indexing. Some committees may require that transcript topics be indexed.

SECTION III, APPENDIX C: INSERT PREPARATION INSTRUCTION

1. Use the Proper Format: Format will be dictated by OSD.

2. Follow Format:

a. 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.

b. 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:

<u>POSITION:</u>	<u>ADDRESSED AS:</u>
Member of U.S. Senate	Senator (last name)
Member of U.S. House	Mr., Mrs., or Ms. (last name)

Secretary of the Army	Secretary (last name)
Assistant Secretaries	Mr., Mrs., or Ms. (last name)
Chief of Staff or General Officers	General (last name)-
Not Lt. Gen., Maj. Gen., Brig Gen., or MG, LTG or BG	

(4) 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.

(a) 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 2013 (FY 2013).

(b) 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.

(c) 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.

c. 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.

d. 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.

e. 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.

f. 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.

g. Classified Inserts: Unclassified inserts are preferred; higher than "SECRET" will not be accepted.

(1) Unclassified inserts are not annotated with "UNCLASSIFIED."

(2) 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.

(3) 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.

h. 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.

(1) The Suspense date given to the committee must allow sufficient time for the final insert to be written, coordinated, reviewed, approved, and cleared

(2) 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.

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. 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.

Required Documentation: The security review statement is documented on the insert coordination page. This review statement is for internal use only and will be 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 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:

(1) SAFM-BUC – (management and control) – 3D349 / 692-6209

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

(3) SAFM-BUO – (operations and maintenance & military personnel) 3B349 / 693-2422

(4) SAFM-BUR – (business resources) – 3B349 / 693-2254

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. ACOS-Plans: All inserts being prepared for Army Senior Leaders should be chopped by ACOS-Plans.

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.

**SECTION III, APPENDIX D: INSERT COORDINATION FORMAT (HQDA
FORM 5)**

(UNCLASSIFIED)

ARMY STAFFING FORM For use of this form, see AR 25-50; the proponent agency is AASA.				1. TRACKING NUMBER	2. TODAY'S DATE (YYYYMMDD)	3. SUSPENSE DATE (YYYYMMDD)
4. OFFICE SYMBOL				5. SUBJECT Insert for the Record - Coordination for Approval - QFR# (or IFR page & line #)		
E. ROUTING: Initial Date:				POC _____ <small>(Rank, Name, Phone)</small>	DIR _____	
				COMMENTS: Ref: [Congressional Committee] hearing on [subject, date, witnesses] Purpose: The purpose should contain a brief statement as to why the action officer is staffing this QFR/IFR Discussion: Summarize the information. Provide current status of issue (if applicable) This discussion should tell the story on an action without leaving obvious 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.		
7. EXECUTIVE SUMMARY / ACTION MEMORANDUM						
<u>Key Points</u>						
<ul style="list-style-type: none">■■■						
Ref:						
Encl: TAB A: Insert or Quest for the Record from [Senator or Representative name] TAB B: Purpose						
1. Purpose:						
2. Discussion:						
3. Recommendation:						
APPROVED _____ DISAPPROVED _____ NOTED _____ SEE ME _____ COMMENT _____						

DA FORM 5, AUG 2013

(UNCLASSIFIED)

PREVIOUS EDITION IS OBSOLETE.

Page 1 of 3
APO LF vt. 0505

Figure 9: IFR Form 5 (front)

III-APPENDIX-D-107

[Return to Table of Contents](#)

SECTION III, APPENDIX E: AUTHORIZATION DOLLAR APPEAL

Priority Department of Defense Budgetary Appeal

FY 2013 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 2012 limited user test and a Milestone C decision scheduled for early 2013. 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.

Budget Authority

(Dollars in Millions)

Item	Budget	House	Senate	Appeal
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 2nd 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.

SECTION III, APPENDIX F: APPROPRIATIONS DOLLAR APPEAL

Priority Department of Defense Budgetary Appeal

Department of Defense Budgetary Appeal

FY 2014 Defense Appropriations Bill

Subject: Paladin/FAASV Integrated Management (PIM)

Appeal Citation: H. Rpt. 113-113, pgs. 131, 132; WTCV Line 6 & RDTE Line 114

Appropriation: Weapons and Tracked Combat Vehicles (WTCV), Army

Summary: The House reduced the request by \$43 million, citing funding ahead of need.

Budget Authority

(Dollars in Millions)

<u>Item</u>	<u>Budget</u>	<u>House</u>	<u>Senate</u>	<u>Appeal</u>
PIM (WTCV Line 6)	260.2	217.2	TBD	260.2
<u>Offsets:</u>				
Medical Advanced Technology	0.0	15.0	TBD	0.0
<i>-- Peer-reviewed neurofibromalosis research program</i>				
Missile Technology	0.0	10.0	TBD	0.0
<i>-- Program increase</i>				
Missile and Rocket Advanced Technology	0.0	8.0	TBD	0.0
<i>-- Program increase</i>				
Weapons and Munitions Technology	0.0	15.0	TBD	0.0
<i>-- Program increase</i>				

III-APPENDIX F-111

[Return to Table of Contents](#)

DoD Position/Impact: The Department opposes the House reduction of \$43 million. The Fiscal Year 2014 (FY14) President's budget request includes \$260.2 million for WTCV (Line 6) and \$80.6 million for RDTE (Line 114). PIM Low Rate Initial Production contract award is planned for 1st quarter FY14 with pricing subject to final negotiations. If required to accept the \$43 million reduction in WTCV, the Army desires an additional \$40.7 million FY14 RDTE to keep development efforts in phase with production by addressing development efforts on software, logistics, and corrective action, producibility, and obsolescence (CPO) changes necessary for the final production configuration. Risk mitigation efforts on variator transmission, underbelly armor kit, and Common Remotely Operated Weapon Station (CROWS) are deferred to FY15 in the current budget request. Correcting the RDTE shortfall reduces risk in maintaining the schedule for first unit equipped and full rate production and can be achieved through a realignment of \$40.7 million FY14 WTCV to FY14 RDTE.

The Department urges support of the President's budget request in WTCV Line 6 or to transfer \$40.7 million from WTCV Line 6 to PE604854A Line 114. In order to maintain the overall funding appropriation levels associated with this appeal, the Department proposes using \$15.0 million of funds earmarked in FY14 for Medical Advanced Technology; \$10.0 million of funds earmarked for FY14 Missile technology; \$8.0 million of funds earmarked for Missile and Rocket Advanced Technology; and \$15.0 million of funds earmarked for Weapons and Munitions Technology. These dollars were not included in the President's Budget request. Added funds for the peer-reviewed neurofibromatosis (NF) research program do not align with requirements driven RDTE programs. Additional funding for missile technology, Missile and Rocket Advanced Technology and Weapons and Munitions Technology are not planned for and cannot be determined.

Internal Control Notes:

Appeal #: XX

Submitting Component: Ed Murray, ASAALT

Bill Version/Section Number:

Report number/Page number: H. Rpt. 113-113, pgs. 131, 132; WTCV Line 6 & RDTE Line 114

SECTION III, APPENDIX G: AUTHORIZATION LANGUAGE APPEAL

Priority Department of Defense Appeal FY 2014 National Defense Authorization Bill

Subject: Prohibition on Conducting Additional Base Realignment and Closure (BRAC) Round.

Appeal Citation: H.R. 1960, sec. 2711

Language/Provision: House section 2711 would prohibit the Department from spending any funds to “propose, plan for, or execute and additional BRAC round.” This section is in response to the President’s request for authority to begin a round of BRAC in 2015.

The Senate bill does not contain a similar provision.

DoD Position/Impact: The Department strongly objects to House section 2711, which would prohibit the Department (DoD) from spending any funds to “propose, plan for, or execute” an additional BRAC round. This prohibition impinges on the President’s authority to recommend to Congress such measures as he considers necessary or expedient and hinders the Executive Branch’s ability to plan for contingencies or make other needed adjustments that would improve military effectiveness and efficiency. The Department urges the Congress to provide the BRAC authorization as requested, which would allow DoD to right size its infrastructure as required to meet the fiscal limitation of statutory spending caps, while providing important assistance to affected communities. Without authorization for a new round of BRAC, DoD may not properly align the military’s infrastructure with the needs of our evolving force structure, which is critical to ensuring that limited resources are available for the highest priorities of the warfighter and national security.

The Department strongly urges exclusion of the House provision.

Internal Control Notes:

Appeal #: ARMY-014

Submitting Component: Tara Tadlock/Army/703-614-8491/tara.a.tadlock.civ@mail.mil

Reviewing OGC Attorney: Cheryl Hipp/Army OGC/703-697-2463/cheryl.a.hipp2.civ@mail.mil

Bill Version/Section Number: H.R. 1960, Section 2711

SECTION III, APPENDIX H: APPROPRIATIONS LANGUAGE APPEAL

Priority Department of Defense Language Appeal

FY 2014 Department of Defense Appropriations Bill

Subject: Mark Center/BRAC 133 Facility Parking

Appeal Citation: H.R. 2397, sec. 8103.

Language/Provision:

House Section 8103 would require that “None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,500 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.”

The Senate has no similar provision.

DoD Position/Impact: The Department opposes section 8103 because it stipulates that the Department of Defense should operate a facility built to accommodate 6,400 positions with only 2,500 parking spaces. The parking decks have already been completed and taxpayer financed infrastructure assets should not be deliberately underutilized. It could result in the expenditure of additional (unprogrammed) funds to explore off-site parking and/or additional shuttle bus services. It will negatively impact employees and mission productivity, and put an undue burden on the surrounding community as employees look for parking alternatives.

Since August 2011, Virginia Department of Transportation (VDOT), the City of Alexandria, Federal Highway Administration, and DoD have worked together to successfully minimize the impact of the Mark Center move on the already congested regional transportation system.

The Virginia Governor’s traffic monitoring task force, which has monitored traffic monthly from August of 2011 to date, has documented no adverse effects of the Mark

Center development on the six intersections about which Congress has expressed concern. To date, there has been no degradation in the acceptable levels of service at these intersections. Recent independent studies completed for DoD continue to confirm acceptable operational conditions going forward and validate the VDoT recommended improvements. A major local tenant in the Mark Center campus cancelled a planned expansion and is instead relocating to Potomac Yards into a 377,000 SF complex. This relocates ~900 jobs and significantly reduces future background traffic on nearby roads.

DoD has implemented additional transportation management tactics including maximizing flexible schedules, telework, and carpooling as measures to be good corporate citizens in the area. The above tactics minimize expected traffic impacts but will be constrained with the continued imposition of this unnecessary limitation on the use of previously constructed and available parking. The construction of short-term and mid-term road improvement projects in FY12 and FY13, funded by DoD, will further improve traffic conditions in the area. The Commonwealth has separately awarded a contract for a direct access HOV ramp to the site, which will ameliorate traffic as well.

Internal Control Notes:

Appeal #:

Submitting Component: Andrew V. Napoli / Army / 703-697-1155 / Andrew.v.napoli.civ@mail.mil

Bill Version/Section Number: H.R. 2397, sec. 8103

SECTION III, APPENDIX I: SAMPLE LEGISLATIVE PROPOSAL

ARMY FY 2016 NDAA LEGISLATIVE PROPOSAL

Proposal Title: {Provide the subject/title of the proposal.}

Office Initiating Proposal: {Identify the office initiating the proposal (i.e., ACSIM, G-3/5/7, etc.)}

SME: {Provide the subject matter expert's, name, phone number and email.}

ASA Sponsor: {Identify the Assistant Secretary of the Army (ASA) that you believe should sponsor this proposal (i.e., ASA(IE&E).}

Proposal #: {Office of the Chief Legislative Liaison (OCLL) will identify the proposal number (i.e., FY16-XX)}

1. **Purpose:** To initiate a legislative proposal to {describe what the proposal is intended to do} that will {describe the benefit of this proposal to the Army}.

2. **Discussion:**

a. **Summary of Proposal:** {Provide a brief summary of the legislative proposal.}

b. **Problem to be Addressed:** {Describe the current problem or constraints on Army operations, to include the scale of severity. What will happen if the legislative 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. **Potential Drawbacks:** {Is there any negative impact to this proposal? If so, who do you anticipate having a concern? What concern would they have? How will it be mitigated?}

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

5. **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 this proposal is a resubmission from a prior legislative cycle, provide the legislative proposal number and legislative cycle it was submitted for. Explain what has been done to address any problems that surfaced during the earlier consideration.}

6. Stakeholders: {List any other stakeholders (Department of Defense (DoD)/Service/Agency) impacted by this legislative proposal. Note: Although this proposal will be formally coordinated through the DoD/Office of Management and Budget (OMB) review process, we highly recommend you informally coordinate with your OSD/Service /Agency counterpart to expedite the formal review process. If you do not know who that is, please contact Ms. Dianne Smith-Neff at 703-697-8174 / dianne.m.smith4.civ@mail.mil.}

7. Budget Implications: {Describe the resource impact for the proposal, including investment, sustainment and disposal costs and manpower when necessary. All Legislative Proposals must be accompanied by a Cost Benefit Analysis (CBA). Please work with the office of the Deputy Assistant Secretary of the Army (Cost & Economics) as soon as possible to mentor you in the development of your CBA. This will help in estimating all relevant costs, second and third order effects and benefits of the proposal. The information contained in your CBA will be used to assess budgetary implications and consideration for inclusion in the Army's Program Objective Memorandum/Budget Estimate Submission. In addition, indicate any savings and the amount that is expected as a result of the implementation of the proposed language. Although the Office of the Under Secretary of Defense Comptroller and the Office of the Secretary of Defense (OSD) Cost Assessment and Program Evaluation will have our CBA available to them, the budgetary implications need to be clearly explained and justified in this section, as the CBA does not accompany the proposal through all required reviews and submission to the Hill.

The Resource Requirements Table below is mandatory for every proposal. Please work with your Resource Manager, Management Decision Evaluation Package Manager and Program Evaluation Group to identify the correct Appropriation, Budget Activity, Program Element and Dash-1 Line Item from which this effort should be funded. If other stakeholders are impacted, you will need to obtain their costing data and approval. In addition, please provide their Resource Manager's contact information (name, phone number and email).

A common misconception is that there is no cost because you are only asking for the authority. Costs/savings identified are reflected as if you are granted this authority and how it would be spread across the Future Years Defense Program. OSD's guidance (based on the FY 2015 cycle): "The sponsoring component must address the budget implications of a proposal, whether or not the proposal actually has budgetary implications. If a proposal has no budgetary impact, the proposal should so state, along with the specific rationale for that determination. Please be aware that a proposal has budgetary implications even if it does not propose a funding level for FY 2015 in excess

of the funding level for the program for FY 2014. As OMB recently reiterated, simply stating that a proposal would be funded within existing resources is not sufficient.”}

IMPORTANT: Prior to completing this section, please refer to DoD’s guidance (based on the FY 2015 cycle) related to budget implications (III. DETERMINATION OF BUDGET IMPLICATIONS FOR EVERY PROPOSAL). Note: This guidance was released by OCLL in their October call for FY 2016 NDAA legislative proposals.

RESOURCE REQUIREMENTS (\$THOUSANDS or \$MILLIONS)									
	FY16	FY17	FY18	FY19	FY20	Appropriation From	Budget Activity	Dash 1 Line Item	Program Element
Army									
Total									

PERSONNEL AFFECTED (THOUSANDS or MILLIONS)									
	FY16	FY17	FY18	FY19	FY20	Appropriation From	Budget Activity	Dash 1 Line Item	Program Element
Army									
Total									

8. Unified Legislation and Budgeting Proposal Number: {Was this proposal a ULB submission? If not, indicate “Not applicable.” If it was a ULB proposal, provide the ULB number and indicate if it was approved/disapproved. If the proposal was disapproved during the process, provide the ULB cycle, reason for disapproval and how the proposal has been revised to address previous objections.}

9. Army Priority: This proposal {Identify if this proposal must be enacted this cycle; would be helpful if enacted this cycle; or would be helpful, but does not address immediate needs.} {Proposals that must be enacted this cycle should include the anticipated consequences of non-enactment and should be submitted early in the process}. This proposal is ___ of ___ proposals submitted by the Army for the FY 2016 legislative cycle. {The sponsoring ASA will identify the initial ranking of proposals submitted through him/her}

10. Justification for Resubmitted Proposal: {If this proposal is being submitted for the first time, indicate “This proposal is being submitted for the first time.” Any proposals denied by DoD, OMB or Congress in a prior cycle can be resubmitted; however, you will need to provide the legislative cycle and proposal number when the proposal was previously submitted; identify the barriers it faced (opposition within DoD, interagency review or Congress); and identify any changes in circumstances that improves the proposals probability of enactment in this legislative cycle. Explain why DoD should continue to pursue this proposal. Note: If a proposal has been submitted three or more times and has not been enacted, the presumption will be that the proposal will likely not be enacted and; therefore, should not be resubmitted.}

SECTION III, APPENDIX I: SAMPLE #1: SAMPLE LEGISLATIVE PROPOSAL FOR FOR CODIFIED TITLES OF THE U.S. CODE (i.e., title 10)

Note: This example adds a new section to the title 10.

**SEC. ____ . AUTHORITY TO UTILIZE CONCESSION CONTRACTS AT ARMY
NATIONAL CEMETERIES.**

(a) IN GENERAL.—Chapter 446 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4727. Cemetery concessions contracts

“(a) IN GENERAL.—The Secretary of the Army may enter into concessions contracts at the Cemeteries. Subject to this section, any such contract shall be consistent with the provisions of chapter 137 of this title.

“(b) SPECIAL REQUIREMENTS.—All services and concessioner conduct provided pursuant to a concessions contract under subsection (a) shall be performed in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces. The Secretary may establish such concessions contract requirements as the Secretary deems necessary to ensure the protection, dignity, and solemnity of the Cemeteries.

“(c) TERM OF CONCESSIONS CONTRACTS.—

“(1) IN GENERAL.—A concessions contract entered into under subsection (a) may be awarded for a term of up to 10 years. If the Secretary determines that the

contract terms and conditions, including any required construction of capital improvements, warrant a longer term, the Secretary may award a contract for a term of up to 20 years.

“(2) TRANSPORTATION SERVICES.—Notwithstanding paragraph (1), a concessions contract entered into pursuant to subsection (a) solely for the provision of transportation services at the Cemeteries may provide for the contract to cover any period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification of the contract. The total contract period as extended may not exceed 10 years.

“(d) FRANCHISE FEES.—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary. Generation of revenue for the United States shall be subordinate to the objectives of honoring the service and sacrifices of the deceased members of the armed forces and of providing necessary and appropriate services for visitors at reasonable rates.

“(e) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) under subsection (d) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. The funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities at the Cemeteries. The funds deposited into the special account shall remain available until expended.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘concessioner’ means a public or private entity, including a person, corporation, or partnership, that is awarded a concessions contract under subsection (a).

“(2) The term ‘concessions contract’ means a contract for the provision of tour bus, interpretative, and other necessary and appropriate services to visitors at the Cemeteries.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4727. Cemetery concessions contracts.”.

Section-by-Section Analysis

This legislative proposal would authorize the Secretary of the Army to manage and operate concession contracts supporting the Army National Military Cemeteries, principally Arlington National Cemetery (ANC), for the purpose of providing transportation and interpretive services to visitors, as well as to retain receipt to support cemetery activities without further appropriation.

The National Park Service (NPS) has comparable authority under the National Park Service Concession Management Improvement Act of 1998. Using its authority, the NPS manages tour bus and interpretive services at ANC, but a recent lapse in concessions at ANC highlights the need for the Army to assume responsibility for these contracts: The company operating the TourMobile[®], under concession contract authority with NPS, vacated their contract and terminated operations on October 31, 2011. The loss of transportation services on ANC property left visitors without means of transportation to tour within the Cemetery. When operating normally, the NPS mission set focuses on specific sites (Kennedy Gravesite, Tomb of the Unknowns, and the Lee Mansion) and does not support providing visitors access to, or understanding of, the entirety of ANC grounds.

NPS awarded a new concession contract to a vendor in order continue tour bus and interpretive services at ANC in February 2012. However, the loss of tour bus services from November 2011 through February 2012 left a gap in these services for ANC's visitors during the interim. Any future gap in coverage would adversely affect the expected 4,000,000 annual visitors and adversely affect ANC's mission to fully honor the service and sacrifices of the deceased Service members buried or inurned in the Cemetery.

This proposal would allow ANC to bring tour bus and interpretive services under its management oversight and contract with a vendor to operate a concession service to provide visitors with tour bus and interpretive services. This, in turn, would reduce the risk that these types of services would be lost to future visitors. In addition to reliably maintaining existing levels of service to the public, the proposal would allow the Army to extend transportation and interpretive services to underserved sections of the cemetery. This would support a much larger population of veterans and their families who visit loved ones or wish to explore the entirety of the history preserved at ANC.

As part of the proposal, the Secretary of the Army would be given the authority to receive and utilize revenue derived from concessions. This would allow ANC to offset its costs of managing the concessions contracts, and to expand services offered for veterans, families and visitors in order to better facilitate their visitor experiences.

This proposal seeks to explicitly authorize the Army to award concession contracts for tour bus and interpretive services and use receipts authority to receive and utilize revenues. This objective does not seek to augment, supplement, or eliminate ANC's current appropriation funding source. Without this express legal authority, the Army cannot enter into contracts for these type services, nor can it receive and use any revenue derived from these type operations.

As a principal destination for visitors to the National Capital Region, the loss of tour bus services at ANC is viewed as a threat to the Cemetery's mission and operations. Loss of continuity of services, regardless of who is responsible for contracts, is an ANC issue and any ANC issue is necessarily an Army issue. This proposal allows the Army to assume the responsibility to manage services to the high expectations of the public and the Congress. ANC is a high-visibility organization that provides dignified honors and burial services to our Nation's fallen heroes and to other eligible individuals. Further, ANC annually serves as a venue for approximately 6,000 wreath laying and other honor ceremonies sponsored by national and international leaders, local and national veteran's organizations, and private individuals. The inability to move visitors in and around ANC, as happened in 2011, has an adverse affect on Cemetery operations and detracts from the prestige of the Cemetery in the eyes of the visiting public.

Budget Implications: This proposal does not present budget implications for the Army or DoD through related security appropriations. This does affect the MILCON/VA/Related Agencies – Cemeterial Expenses, Army non-security appropriation. The following tables show the five year personnel and cost requirements for the Army and the other military departments.

RESOURCE REQUIREMENTS (\$MILLIONS) (offset to fund legislative proposal and incorporated in President’s budget submission)									
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Appropriation From	Program Element	Budget Activity	Dash-1 Line Item
MILCON/VA/Related Agencies CEA	0.163	0.247	0.247	0.247	0.247	21X1805	0920100A	0	086
Army	0	0	0	0	0	N/A	N/A	N/A	N/A
Total	0.163	0.247	0.247	0.247	0.247	-	-	-	-

NUMBER OF PERSONNEL AFFECTED									
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Appropriation From	Program Element	BudgetActivity	Dash-1 Line Item
MILCON/VA/Related Agencies CEA	2	2	2	2	2	21X1805	0920100A	0	086
Army	0	0	0	0	0	N/A	N/A		
Total	2	2	2	2	2	-	-		

ANC expects to fund costs for two Government Full-Time Equivalent (FTE) positions and support contracts to provide project management, training, and fiscal stewardship within its current appropriation: MILCON/VA/Related Agencies – Cemeterial Expenses, Army (21X1805).

The following table shows ANC’s annual net revenue based to be derived under the selected COA.

(\$ in Thousands)

Cost Factors:	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	5 YR Total
Personnel (2 FTE)	130.1	197.1	197.1	197.1	197.1	918.5

Other Services	33.0	50.0	50.0	50.0	50.0	233.0
Total Costs	163.1	247.1	247.1	247.1	247.1	1,151.5
Revenue from						
Revenue Sharing:	229.4	458.9	458.9	458.9	458.9	2,065
Annual Net	66.3	211.8	211.8	211.8	211.8	913.5
Revenue:						

Revenue generated under a revenue sharing agreement with the concession vendor is projected using a similar revenue sharing formula used by NPS with their concession vendor. Once concession authority is enacted, ANC would establish a revenue sharing rate as part of its contract negotiations with the new vendor.

By conducting operations under a no-cost concession contract with a vendor, ANC incurs minimal financial commitment. Revenue sharing between the vendor and ANC would enable the vendor to make a profit while enabling ANC to further invest in tour bus operations, interpretive message development, and visitor outreach activities to enhance and better facilitate their experience.

The vendor, under concession contract with ANC, would be required to make investments for personnel, vehicles and equipment, maintenance, facilities and other support costs in much the same way that the current NPS vendor operates their current concession contract.

Unified Legislation and Budgeting (ULB) Proposal Number: Not applicable.

Army Priority: This proposal is a must-have. As one of the Secretary's top-ten priorities, ANC provides high-level visibility to the Army's mission. By providing singularly distinctive dignified honors and burial services, ANC better serves the Secretary, the Army, the families of our Nation's fallen heroes and visitors from the United States and around the world. ANC provides situational awareness of how our Nation honors and cares for its fallen warriors and helps tell the story of how individual sacrifice has helped shape our national values. This is proposal 2 of 13 Army proposals submitted for the FY14 legislative cycle.

Justification for Resubmitted Proposal: This proposal is being submitted for the first time.

Agency Subject Matter Expert: Ms. Sherry Love, 703-614-0534; sherry.s.love.civ@mail.mil.

Reviewing Legal Counsel: Mr. Justin Buller, 703-614-0611, justin.buller@us.army.mil.

Agency Contact for OMB: Ms. Dianne Smith-Neff, 703-697-8174,
dianne.m.smith4.civ@mail.mil.

Reviewing Comptroller POC: FM&C (Resources): Ms. Monica Davis, 703-614-6041,
monica.a.davis.civ@mail.mil.

Changes to Existing Law: This proposal would add a new section to title 10, United States Code. The proposed new section is set forth in the legislative text above.

SECTION III, APPENDIX I: SAMPLE #2: SAMPLE LEGISLATIVE PROPOSAL FOR CODIFIED TITLES OF THE U.S. CODE (i.e., title 10)

Note: This example amends an existing section to title 10.

SEC. ____ . AUTHORITY TO PROVIDE CERTAIN EXPENSES FOR CARE AND DISPOSITION OF HUMAN REMAINS THAT WERE RETAINED BY THE DEPARTMENT OF DEFENSE FOR FORENSIC PATHOLOGY INVESTIGATION.

(a) DISPOSITION OF REMAINS OF PERSONS WHOSE DEATH IS INVESTIGATED BY THE ARMED FORCES MEDICAL EXAMINER.—

(1) COVERED DECEDENTS.—Section 1481(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(10) To the extent authorized under section 1482(g) of this title, any person not otherwise covered by the preceding paragraphs whose remains (or partial remains) have been retained by the Secretary concerned for purposes of a forensic pathology investigation by the Armed Forces Medical Examiner under section 1471 of this title.”.

(2) AUTHORIZED EXPENSES RELATING TO CARE AND DISPOSITION OF REMAINS.—Section 1482 of such title is amended by adding at the end the following new subsection:

“(g)(1) The payment of expenses incident to the recovery, care, and disposition of the remains of a decedent covered by section 1481(a)(10) of this title is limited to those expenses that, as determined under regulations prescribed by the Secretary of Defense, would not have been incurred but for the retention of those remains for purposes of a forensic pathology investigation by the Armed Forces Medical Examiner under section 1471 of this title. The Secretary concerned shall pay all other expenses authorized to be paid under this section only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available at the time of reimbursement for the payment of such expenses.

“(2) In a case covered by paragraph (1), if the person designated under subsection (c) to direct disposition of the remains of a decedent does not direct disposition of the remains that were retained for the forensic pathology investigation, the Secretary may pay for the transportation of those remains to, and interment or inurnment of those remains in, an appropriate place selected by the Secretary, in lieu of the transportation authorized to be paid under paragraph (8) of subsection (a).

“(3) In a case covered by paragraph (1), expenses that may be paid do not include expenses with respect to an escort under paragraph (8) of subsection (a), whether or not on a reimbursable basis.”.

(b) CLARIFICATION OF COVERAGE OF INURNMENT.—Section 1482(a)(9) of such title is amended by inserting “or inurnment” after “interment”.

(c) TECHNICAL AMENDMENT.—Section 1482(f) of such title is amended in the third sentence by striking “subsection” and inserting “section”.

Section-by-Section Analysis

This proposal would authorize the Secretaries of the military departments to pay for expenses incident to death for certain decedents whose death is investigated by the Armed Forces Medical Examiner System (AFMES) under section 1471 of title 10, United States Code, when payment of such expenses is not otherwise authorized by law.

Currently, when the AFMES removes decedent remains to a Department of Defense (DOD) mortuary for a forensic pathology investigation pursuant to 10 U.S.C. 1471, some decedent’s next of kin must pay for the mortuary services, including transportation costs, which may otherwise be available under section 1482 of title 10, at the conclusion of AFMES’s investigation.

This proposal would amend sections 1481 and 1482 of title 10 to provide limited authority for the Secretaries of the military departments to pay expenses related to a decedent’s remains held for investigation by the AFMES. The amendment to section 1481 would provide specific authority to provide for the care and disposition of remains, for those decedents not otherwise covered by section 1481, held by AFMES under section 1471. The amendments to section 1482 would provide authority to pay for expenses that would not have been incurred but for an AFMES forensic pathology investigation.

For example, if a decedent was only authorized limited mortuary services under section 1482(f), and partial remains have already been returned to the next of kin, the next of kin would not have incurred additional expenses to transport or inter the retained remains alongside the previously interred remains. In this scenario, this proposal would give the Secretary concerned additional authorization for transportation and interment at government expense of the remains held by the AFMES for forensic pathology investigation. Similarly, the proposal would authorize the Secretary concerned to transport remains of a decedent not otherwise covered by section 1481, like a contractor, whose remains were sent to AFMES for a forensic pathology investigation since the next of kin would not have incurred expenses associated with shipping a contractor's remains from Dover Mortuary to the place of interment or inurnment but for the AFMES investigation. The proposal would not give the Secretary concerned authority to pay for mortuary services for a contractor not associated with returning the remains since the next of kin would have incurred those expenses whether or not AFMES retained the remains.

Additionally, this proposal would authorize the Secretaries of the military departments to pay for the transportation and interment (or inurnment) in an appropriate place of a decedent's remains if the person authorized to direct disposition of remains does not offer such direction.

The importance of these amendments became apparent during the investigation concerning the handling of remains at Dover Air Force Base (AFB)'s Port Mortuary, where the Air Force was disposing of some remains from deceased Service members as medical waste. (See 42 U.S.C. 6992A) Such waste was further incinerated and disposed of as solid waste.

The investigation into Dover AFB's Port Mortuary's handling of servicemembers' remains recommended that the remains be returned to the person authorized to effect disposition of the remains. Because DoD lacks authority to pay the expenses related to disposing of certain remains, currently DoD is forced to charge family members for reimbursable services provided. This places a hardship on the families and loved ones of the deceased.

AFMES currently has many retained organs with no authority to dispose of them without seeking reimbursement from the families of the deceased. Additionally, the proposal would allow DoD to provide other limited mortuary services, except an escort, for Department of Defense contractors and other individuals not otherwise entitled to mortuary services on a reimbursable basis.

The proposal also makes a clarifying amendment to authorize inurnment as a mortuary service since not all decedents are interred.

The proposal makes a technical amendment to section 1482(f) to recognize that expenses incurred for mortuary services are pursuant to the authority of the section, not the subsection.

Budget Implications: The Resource Requirements Table is provided below. The sources for these calculations were derived from a combination of average mortuary costs from Dover Port Mortuary, General Price Lists (GPL) from various funeral homes used in similar funeral claims, and the National Funeral Directors' Association GPL used to construct current biennial mortuary expense ceiling increase request under DOD consideration, and discussion with AFMES regarding instances where the person authorized to effect disposition of the remains expresses "Do Not Notify" / "AFMES has final disposition."

The calculated cost per case was determined by averaging the costs associated with cremation and transportation of retained organs and the costs associated with preparing, inurnment or casketing, and transporting intact remains.

The number of affected personnel came from the data forwarded from the AFMES.

It is impossible to account for any increases in numbers projected that are the result of natural disasters, mass casualty incidents, or acts of terrorism. All of these events are beyond the control of the Department of Defense. The actual occurrence of any of these events would increase the costs associated with this proposal in direct relation to the increased number of casualties.

RESOURCE REQUIREMENTS (\$THOUSANDS)									
	FY14	FY15	FY16	FY17	FY18	Appropriation From	Budget Activity	Dash 1 Line Item	Program Element
Army									
Retained Organs *	85.03	14.66	14.66	14.66	14.66				
Body/Skeletal Remains **	4.75	4.75	4.75	4.75	4.75				
Army Total	89.78	19.41	19.41	19.41	19.41	Operation and Maintenance, Army	04	434	0808716A
Navy									
Retained Organs *	17.60	4.40	4.40	4.40	4.40				
Body/Skeletal Remains **	2.38	2.38	2.38	2.38	2.38				

Navy Total	19.98	6.78	6.78	6.78	6.78	Operation and Maintenance, Navy	04	520	0808716N
Air Force									
Retained Organs *	14.66	2.93	2.93	2.93	2.93				
Body/Skeletal Remains **	0.00	0.00	0.00	0.00	0.00				
Air Force Total	14.66	2.93	2.93	2.93	2.93	Operation and Maintenance, Air Force	04	042A	88716F
Grand Total All Services	124.42	29.12	29.12	29.12	29.12				

* Average Total Cost (Retained Organs - \$1466) x Estimated Affected Civilian Remains Attributable to Service (see Encl 1)

** Average Total Cost (Body Skeletal Remains - \$2375) x Estimated Affected Civilian Remains Attributable to Service (see Encl 1)

NUMBER OF AFFECTED PERSONNEL**					
	FY 2014 *	FY 2015	FY 2016	FY 2017	FY 2018
Army					
Retained Organs	58	10	10	10	10
Body/Skeletal Remains	2	2	2	2	2
Navy					
Retained Organs	12	3	3	3	3
Body/Skeletal Remains	1	1	1	1	1
Air Force					
Retained Organs	10	2	2	2	2

Body/Skeletal Remains	0	0	0	0	0
-----------------------	---	---	---	---	---

Notes:

* FY14 includes total on-hand requiring disposition Army (48); Navy (4), Marine Corps (5); Air Force (8) plus annual average anticipated.

** Yearly average calculated by average Retained Organs cases from 2008 to 2011 with prorated amounts for 2012 at the current rate, then multiplied by .50 as 50% of PAEDs indicate "Do not Notify" / "AFMES has final disposition" after investigation completes.

***Marine Corps data is included within the Department of the Navy (DoN) totals because the DoN administers and funds the Mortuary Affairs program on behalf of the Marine Corps.

Unified Legislation and Budgeting (ULB) Proposal Number: Not applicable.

Army Priority: This proposal is a “must have” priority to accomplish the needs of the Army and other military services. This proposal is being submitted in coordination with the recommended plans of the Army in response to the Dover Port Mortuary Independent Subcommittee Report Findings into the disposition of human remains at Dover AFB. This proposal is Priority #1 of 13 Army proposals submitted for the Fiscal Year 2014 legislative cycle.

Justification for Resubmitted Proposal: This proposal is being submitted for the first time.

Agency Subject Matter Expert: Mr. Dennis Fringeli, 502-613-8383, dennis.j.fringeli.civ@mail.mil.

Reviewing Legal Counsel: Mr. Paul Hancq, 703-695-0558, paul.d.hancq.civ@mail.mil.

Agency Contact for OMB: Ms. Dianne Smith-Neff, 703-697-8174, dianne.m.smith4.civ@mail.mil.

Reviewing Comptroller POC:

— FM&C (Resources): Ms. Monica Davis, 703-614-6041, monica.a.davis.civ@mail.mil.

— Navy (Resources): Ms. Kayla Jennings, 703-697-1014, kayla.jennings@navy.mil.

— Air Force (Resources): Ms. Nancy Jans, 703-614-1014,
nancy.jans@pentagon.af.mil

Changes to Existing Law: This proposal would make the following changes to sections 1481 and 1482, title 10, United States Code:

§ 1481. Recovery, care, and disposition of remains: decedents covered

(a) The Secretary concerned may provide for the recovery, care, and disposition of the remains of the following persons:

(1) Any Regular of an armed force under his jurisdiction who dies while on active duty.

(2) A member of a reserve component of an armed force who dies while—

(A) On active duty;

(B) Performing inactive-duty training;

(C) Performing authorized travel directly to or from active duty or inactive-duty training;

(D) remaining overnight immediately before the commencement of inactive-duty training, or remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training;

(E) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;

(F) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training; or

(G) either—

(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

(ii) traveling directly to or from the place at which the member is to so serve; or

(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.

[(3) Repealed.]

(4) Any member of, or applicant for membership in, a reserve officers' training corps who dies while (A) attending a training camp, (B) on an authorized practice cruise, (C) performing authorized travel to or from such a camp or cruise, or (D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while attending such a camp, while on such a cruise, or while performing that travel.

(5) Any accepted applicant for enlistment in an armed force under his jurisdiction.

(6) Any person who has been discharged from an enlistment in an armed force under his jurisdiction while a patient in a United States hospital, and who continues to be such a patient until the date of his death.

(7) A person who—

(A) dies as a retired member of an armed force under the Secretary's jurisdiction during a continuous hospitalization of the member as a patient in a United States hospital that began while the member was on active duty for a period of more than 30 days; or

(B) is not covered by subparagraph (A) and, while in a retired status by reason of eligibility to retire under chapter 61 of this title, dies during a continuous hospitalization of the person that began while the person was on active duty as a Regular of an armed force under the Secretary's jurisdiction.

(8) Any military prisoner who dies while in his custody.

(9) To the extent authorized under section 1482(f) of this title, any retired member of an armed force who dies while outside the United States or any individual who dies outside the United States while a dependent of such a member.

(10) To the extent authorized under section 1482(g) of this title, any person not otherwise covered by the preceding paragraphs whose remains (or partial remains) have been retained by the Secretary concerned for purposes of a forensic pathology investigation by the Armed Forces Medical Examiner under section 1471 of this title.

(b) This section applies to each person covered by subsection (a)(1)-(7) even though he may have been temporarily absent from active duty, with or without leave, at the time of his death, unless he had been dropped from the rolls of his organization before his death.

(c) In this section, the term “dependent” has the meaning given such term in section 1072(2) of this title.

§ 1482. Expenses incident to death

(a) Incident to the recovery, care, and disposition of the remains of any decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses of the following:

(1) Recovery and identification of the remains.

(2) Notification to the next of kin or other appropriate person.

(3) Preparation of the remains for burial, including cremation if requested by the person designated to direct disposition of the remains.

(4) Furnishing of a uniform or other clothing.

(5) Furnishing of a casket or urn, or both, with outside box.

(6) Hearse service.

(7) Funeral director's services.

(8) Transportation of the remains, and roundtrip transportation and prescribed allowances for an escort of one person, to the place selected by the person designated to direct disposition of the remains or, if such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized. When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.

(9) Interment or inurnment of the remains.

(b) If an individual pays any expense payable by the United States under this section, the Secretary concerned shall reimburse him or his representative in an amount not larger than that normally incurred by the Secretary in furnishing the supply or

service concerned. If reimbursement by the United States is also authorized under another provision of law or regulation, the individual may elect under which provision to be reimbursed.

(c) The following persons may be designated to direct disposition of the remains of a decedent covered by this chapter:

(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent.

(2) The surviving spouse of the decedent.

(3) Blood relatives of the decedent.

(4) Adoptive relatives of the decedent.

(5) If no person covered by paragraphs (1) through (4) can be found, a person standing in loco parentis to the decedent.

(d) When the remains of a decedent covered by section 1481 of this title, whose death occurs after January 1, 1961, are determined to be nonrecoverable, the person who would have been designated under subsection (c) to direct disposition of the remains if they had been recovered may be—

(1) presented with a flag of the United States; however, if the person designated by subsection (c) is other than a parent of the deceased member, a flag of equal size may also be presented to the parents, and

(2) reimbursed by the Secretary concerned for the necessary expenses of a memorial service.

However, the amount of the reimbursement shall be determined in the manner prescribed in subsection (b) for an interment, but may not be larger than that authorized when the United States provides the grave site. A claim for reimbursement under this subsection may be allowed only if it is presented within two years after the date of death or the date the person who would have been designated under subsection (c) to direct disposition of the remains, if they had been recovered, receives notification that the member has been reported or determined to be dead under authority of chapter 10 of title 37, whichever is later.

(e) PRESENTATION OF FLAG OF THE UNITED STATES.—(1) In the case of a decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses for the presentation of a flag of the United States to the following persons:

(A) The person designated under subsection (c) to direct disposition of the remains of the decedent.

(B) The parents or parent of the decedent, if the person to be presented a flag under subparagraph (A) is other than a parent of the decedent.

(C) The surviving spouse of the decedent (including a surviving spouse who remarries after the decedent's death), if the person to be presented a flag under subparagraph (A) is other than the surviving spouse.

(D) Each child of the decedent, regardless of whether the person to be presented a flag under subparagraph (A) is a child of the decedent.

(2) The Secretary concerned may pay the necessary expenses for the presentation of a flag to the person designated to direct the disposition of the remains of a member of the Reserve of an armed force under his jurisdiction who dies under honorable circumstances as determined by the Secretary and who is not covered by section 1481 of this title if, at the time of such member's death, he—

(A) was a member of the Ready Reserve; or

(B) had performed at least twenty years of service as computed under section 12732 of this title and was not entitled to retired pay under section 12731 of this title.

(3) A flag to be presented to a person under subparagraph (B), (C), or (D) of paragraph (1) shall be of equal size to the flag presented under subparagraph (A) of such paragraph to the person designated to direct disposition of the remains of the decedent.

(4) This subsection does not apply to a military prisoner who dies while in the custody of the Secretary concerned and while under a sentence that includes a discharge.

(5) In this subsection:

(A) The term “parent” includes a natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to the decedent. Preference under paragraph (1)(B) shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.

(B) The term “child” has the meaning prescribed by section 1477(d) of this title.

(f) The payment of expenses incident to the recovery, care, and disposition of a decedent covered by section 1481(a)(9) of this title is limited to the payment of expenses described in paragraphs (1) through (5) of subsection (a) and air transportation of the remains from a location outside the United States to a point of entry in the United States. Such air transportation may be provided without reimbursement on a space-available basis in military or military-chartered aircraft. The Secretary concerned shall pay all other expenses authorized to be paid under this subsection only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available, at the time of reimbursement, for the payment of such expenses.

(g)(1) The payment of expense incident to the recovery, care, and disposition of the remains of a decedent covered by section 1481(10) of this title is limited to those expense that, as determined under regulations prescribed by the Secretary of Defense, would not have been incurred but for the retention of those remains for purposes of a forensic pathology investigation by the Armed Forces Medical Examiner under section 1471 of this title. The Secretary concerned shall pay all other expenses authorized to be paid under this section only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available at the time of reimbursement for the payment of such expenses.

(2) In a case covered by paragraph (1), if the person designated under subsection (c) to direct disposition of the remains of a decedent does not direct disposition of the remains that were retained for the forensic pathology investigation, the Secretary may pay for the transportation of those remains to, and interment or inurnment of those remains in, an appropriate place selected by the Secretary, in lieu of the transportation authorized to be paid under paragraph (8) of subsection (a).

(3) In a case covered by paragraph (1), expenses that may be paid do not include expenses with respect to an escort under paragraph (8) of subsection (a), whether or not on a reimbursable basis.

SECTION III, APPENDIX I, SAMPLE #3: SAMPLE LEGISLATIVE PROPOSAL FOR NON-CODIFIED TITLES OF THE U.S. CODE (i.e., title 47)

**SEC. _____. AUTHORITY TO RETAIN CERTAIN FEES PROVIDED BY A STATE TO
FUND EMERGENCY TELECOMMUNICATIONS SERVICES ON
MILITARY INSTALLATIONS.**

Section 6(f) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a-1(f)) is amended by adding at the end the following new paragraph:

“(3) FEES PROVIDED TO MILITARY INSTALLATIONS.—If the Secretary of a military department receives from a State, pursuant to an application by the Secretary or otherwise, an amount remitted to the Secretary as a share of the fees and charges collected by the State under this subsection from persons residing on a military installation under the Secretary’s jurisdiction within the State , such amount shall be credited to the appropriation, fund, or account currently available for that military department that provides support or implements 9-1-1 or enhanced 9-1-1 services for that military installation.”.

Section-by-Section Analysis

This proposal would allow the Secretaries of the military departments to retain and expend funds received from a State as a share of the fees and charges collected by the State to support or enhance 9-1-1 emergency services. The States are authorized to collect the fees and charges via charges on telephone bills under section 6(f) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a-1(f)).

Although the military departments could currently seek a portion of the fees and charges collected by the States under 47 U.S.C. 615a-1, without a statutory

exception to the miscellaneous receipts statute (31 U.S.C. 3302), any fees and charges collected would go to the Treasury and could not be used to offset expenses incurred by military installations to support or enhance 9-1-1 emergency services, many of which benefit local civilian communities.

This proposal would allow the military departments to retain any amounts the States may (at their discretion) provide from the fees and charges they collect under 47 U.S.C. 615a-1, and to use the funds in support of 9-1-1 emergency services without further appropriation.

Budget Implications: Enhanced capability. Army installations would receive State funding and apply towards the operating cost. Army installations have capability gaps when compared to off-post civilian counterparts. Statutory exception to the Miscellaneous Receipts Statute, 31 U.S.C. 3302, would allow installations to receive the 9-1-1 State Grant to close these gaps. The Department of Treasury will need to create a special fund receipt account for receipts 9-1-1 State grants and make the funds immediately available for expenditures to support enhanced 9-1-1 services for the military installation on whose behalf the application of the State grant was made.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Appropriation To	Budget Activity	Dash- 1 Line Item	Program Element
Army	1.8	1.8	1.8	1.8	1.8	97X			
Total	1.8	1.8	1.8	1.8	1.8				

PERSONNEL AFFECTED									
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Appropriation From	Budget Activity	Dash- 1 Line Item	Program Element
Army	0	0	0	0	0				
Total	0	0	0	0	0				

Unified Legislation and Budgeting Proposal Number: Not Applicable

Army Priority: This proposal would be helpful if enacted this cycle. This proposal would fund Emergency 911 Services and operations, on DoD Installations, who are the dispatch centers that provide timely calls for medical evacuation and care. This proposal is 3 of 6 proposals submitted by the Army for the FY15 legislative cycle.

Justification for Resubmitted Proposal: This proposal is being submitted for the first time.

Agency Subject Matter Expert: MAJ Valerie Hauer, 703-692-2965, Valerie.I.hauer.mil@mail.mil.

Reviewing Legal Counsel: Mr. Paul D. Hancq, 703-695-0558, paul.d.hancq.civ@mail.mil.

Agency Contact for OMB: Ms. Dianne Smith-Neff, 703-697-8174, dianne.m.smith4.civ@mail.mil.

Reviewing Comptroller POC: Mr. David Paugh, 703-693-2589, david.s.paugh.civ@mail.mil.

Changes to Existing Law: This proposal would make the following changes to section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a-1):

SEC. 6. DUTY TO PROVIDE 9-1-1 AND ENHANCED 9-1-1 SERVICE.

(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 9-1-1 service and enhanced 9-1-1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 [July 23, 2008] and as such requirements may be modified by the Commission from time to time.

(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities to provide 9-1-1 and enhanced 9-1-1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9-1-1 and enhanced 9-1-1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

(c) REGULATIONS.—The Commission—

(1) within 90 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 [July 23, 2008], shall issue regulations implementing such act, including regulations that—

(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (3) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9-1-1 and enhanced 9-1-1 service and access; and

(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

(e) IMPLEMENTATION.—

(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be

considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

(f) STATE AUTHORITY OVER FEES.—

(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 [July 23, 2008], and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

(3) FEES PROVIDED TO MILITARY INSTALLATIONS.—If the Secretary of a military department receives from a State, pursuant to an application by the Secretary or otherwise, an amount remitted to the Secretary as a share of the fees and charges collected by the State under this subsection from persons residing on a military installation under the Secretary's jurisdiction within the State, such amount shall be credited to the appropriation, fund, or account currently available for that military department that provides support or implements 9-1-1 or enhanced 9-1-1 services for that military installation.

(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9-1-1 and enhanced 9-1-1

elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

(h) DEVELOPMENT OF STANDARDS.—The Commission shall work cooperatively with public safety organizations, industry participants, and the E-911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

- (1) defining geographic coverage areas for public safety answering points;
- (2) defining network diversity requirements for delivery of IP-enabled 9-1-1 and enhanced 9-1-1 calls;
- (3) call-handling in the event of call overflow or network outages;
- (4) public safety answering point certification and testing requirements;
- (5) validation procedures for inputting and updating location information in relevant databases; and
- (6) the format for delivering address information to public safety answering points.

(i) RULE OF CONSTRUCTION.—Nothing in the New and Emerging Technologies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9-1-1 or enhanced 9-1-1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 [July 23, 2008].

SECTION III, APPENDIX K: SAMPLE VIEWS LETTER

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Department of Defense supports S. 1727, the Army Combat Vehicle Industrial Base Study Validation Act of 2013. The Department has no objection to an independent assessment of the Army's ongoing study and analysis of the Bradley Fighting Vehicle Industrial Base.

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,

Elizabeth King

cc:
The Honorable James M. Inhofe
Ranking Member

SECTION III, APPENDIX L: CONGRESSIONAL NOTIFICATION PROCESS FOR PERSONALLY IDENTIFIABLE INFORMATION (PII) BREACH

1. OVERVIEW.

a. Although Department of Defense (DoD) policy requires entities to report loss, theft, or compromise of Personally Identifiable Information (PII) to the Department of Homeland Security through the United States Computer Emergency Readiness Team (USCERT), there is no regulatory or statutory requirement to notify Congress of PII breaches. Nonetheless, like many other high-profile issues, Congressional notification may be warranted under certain circumstances. In addition, based on past practice, Committee staff may expect to be notified of significant PII breaches.

2. PROCEDURE.

a. The OAA Privacy Office will email the CRT all Lost, Stolen or Compromised PII Breach reports. The CRT will review each report and forward all High reports, and any other reports deemed significant, to the Deputy and Chief, I&L. The Chief, CRT will provide a recommendation regarding notice to Congress. If the Chief, I&L, concurs with a recommendation for notice to Congress, the Chief, CRT will forward the recommendation to the Principal Deputy, CLL (PDCLL). If the PDCLL concurs, CRT will coordinate the recommendation with the OAA Privacy Office, OGC, and OCPA. Once coordination is complete, the Principal Deputy will provide final approval authority for congressional notice of the PII breach.

b. If the Army determines that notification to affected individuals is warranted, OCLL should consider notifying Congress. Notification to individuals does not automatically trigger notification to Congress. Factors to consider when determining whether to provide notice to Congress of PII breaches include, but are not limited to:

- (1) Nature of the data elements breached;
- (2) Number of individuals affected;
- (3) Likelihood the information is accessible and usable;
- (4) Likelihood the breach may lead to harm to the affected individuals;
- (5) Ability of the agency to mitigate the risk of harm;
- (6) Senior leadership affected;

(7) Evidence suggests the breach involved a foreign government or non-state actor;

(8) Information compromised is sensitive or has significant impact on Army or national security;

(9) The affected agency is currently dealing with other high-profile events that have congressional attention;

(10) Other DoD components or other agencies affected or involved;

(11) A Member of Congress is affected;

(12) An individual indicates he/she will contact a Member of Congress or;

(13) Media interest

c. All factors must be weighed in making this determination. Notwithstanding the factors above, however, Congressional notification should be strongly considered if the breach risk determination is “High” and the breach pertains to more than 10,000 people.

3. CONGRESSIONAL NOTIFICATION.

a. Based on the incident and the equities involved, the CRT Chief will prepare a draft list of Committee staff and staff of individual members of Congress to be notified. Once congressional notice of a PII breach is approved by the Principal Deputy, the CRT will notify the Professional Staff Members (PSMs). The list of individuals may include:

(1) Senate Armed Services Committee, Personnel Subcommittee

(2) House Armed Services Committee, Military Personnel Subcommittee

(3) Senate Homeland Security and Governmental Affairs Committee, Permanent Subcommittee on Investigations

(4) House Oversight and Government Reform Committee, National Security Subcommittee

(5) The PSMs for the State delegation primarily affected by the PII breach

(6) SAFM-BUL will notify HAC-D, SAC-D, HAC-M, and SAC-M PSMs

SECTION III, APPENDIX M: CONGRESSIONAL TESTIMONY PREPARATION AND CLEARANCE PROCEDURES

1. This appendix provides guidance on preparing, clearing, and submitting statements and providing testimony for Congressional hearings. Congressional Committees inviting Army witnesses to testify typically send an invitation letter outlining the scope of the hearing, identifying any specific topics to address in testimony, and providing administrative guidance. Prior to preparing a witness statement, Army organizations should closely review the Committee letter, while also consulting with the Office of the Chief, Legislative Liaison (or SAFM-BUL for Appropriations Committee hearings) for additional guidance.

a. Statements prepared for Congressional hearings should be interesting, informative, and inclusive. The tone should be positive, but candid, and content should be consistent with DA, OSD, and Administration views. Assume that the reader has limited information about the issue, subject, or program. Spell out acronyms. Statements should be prepared on plain bond with 1 ½ line spacing in Arial 12 point font and include a cover sheet.

b. If this is the witness' first hearing before the Committee, consult the OCLL/BUL point of contact for guidance on whether to include a bio for the witness. It may be acceptable for several Army or DoD witnesses testifying at the same hearing to submit a joint statement for the record. Committee staff should be consulted prior to the hearing when taking this approach.

c. Statements by Army witnesses for Congressional hearings must be cleared by DA, OSD, and the Office of Management and Budget (OMB) prior to release to Congress and in advance of providing oral testimony at any Congressional hearing. The clearance process ensures that testimony reflects DoD and Administration policy and is consistent with the President's budget and management agenda. To ensure time is available to complete the clearance process, a final version of the statement should be submitted to OCLL 7 working days before the hearing. Most Congressional committees require the cleared statement be provided to them 3 working days (72 hours) prior to the hearing date. The schedule for submission must accommodate the Congressional deadline and allow sufficient time for review within DA, OSD, and OMB. Contact OCLL immediately upon learning of a short notice hearing that will require accelerated clearance times.

d. The invitation letter from the Committee usually states the number of copies required and the time for submission. If this is not in the letter, contact the OCLL or SAFM-BUL hearing POC. Most Committees now require an electronic version of the statement. Once OCLL provides notification that OMB has cleared the written statement, provide the electronic copy and all required hard copies of the statement to the OCLL/BUL hearing POC for forwarding to the Committee. Ensure that the version transmitted to Congress is the same as the OMB-cleared version.

e. It is customary for witnesses to condense the cleared "record" statement to a version that can be delivered in less than 5 minutes. The oral hearing testimony does not have to be separately cleared, but must be consistent with the cleared or "record" statement. Recently, OMB determined that the oral testimony of any Army witness covered matters outside the

cleared written testimony and directed “corrective action.” OMB and others are paying attention to this requirement! The witness should request the Committee Chairman to include the entire cleared statement in the record. Upon request, OCLL I&L will provide a testimony preparation briefing for any Army witness who has not previously testified.

f. DoD Directive 5400.4, *Provision of Information to Congress*, provides additional guidance for securing clearance of Congressional testimony addressing pending legislation. Contact OCLL I&L Division for any additional guidance at 703-697-8174.

2. Steps in the Clearance Process:

a. Witness statements should be coordinated with HQDA 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 statements are consistent. Provide a copy of the statement to the OCLL or SAFM-BUL liaison officer handling the hearing.

b. Submit the fully coordinated statement for review by the DA Office of the Chief of Public Affairs (OCA). Send an electronic copy of the statement to Mr. James Hill at james.w.hill.civ@mail.mil or provide a hard copy to Mr. Hill in room 1E487.

c. After obtaining OCA review, obtain clearance from the Defense Office of Prepublication and Security Review (DOPSR) within ESD/WHHS. This step will normally require 2-3 days (to allow for proper staffing and comment by OSD). Submit a completed clearance form (DD Form 1790) and provide the OCA stamped copy of the form and statement to DOPSR electronically via e-mail at whs.pentagon.esd.mbx.secrev@mail.mil and copy furnish the following DOPSR and OCLL I&L POCs: david.a.riedel.civ@mail.mil, beth.a.fitzgibbons.civ@mail.mil, rotonya.m.kemp.civ@mail.mil, dianne.m.smith4.civ@mail.mil, and tara.a.tadlock.civ@mail.mil. Ensure that the statement has been determined to be unclassified prior to sending it via e-mail to DOPSR.

d. Obtain clearance from OMB. Provide the OCA and OSD cleared statement to OCLL I&L (Ms. Dianne Smith-Neff at dianne.m.smith4.civ@mail.mil and Ms. Tara Tadlock at tara.a.tadlock.civ@mail.mil.) Include the name and telephone number of the POC responsible for preparing the statement.

e. OCLL-I&L will send a copy of the written statement to OMB. OMB requests that statements be provided at least 5 working days before the hearing. OMB will clear the statement or request changes. If OMB recommends proposed changes, they will be coordinated with OCLL or the POC identified. Upon OMB clearance, provide a copy of the final version electronically to OCLL I&L.

3. POC for additional clarification is SALL-I&L at 703-697-8174.

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).

CHAPTER 1: GENERAL RULES FOR RELEASING INFORMATION TO MEMBERS OF CONGRESS

1. DEPARTMENT OF ARMY POLICY:

a. 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:

(1) 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).

(2) Detailed information is available from OMB Circular No. A-11, Preparation, Submission, and Execution of the Budget at: <http://www.whitehouse.gov/omb/circulars>.

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 to coordinate with the security POC for each committee is the Director of House Security, William P. McFarland, 202-225-1141, 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.

h. 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.

CHAPTER 2: REQUEST FOR ARMY DOCUMENTS

1. Members of Congress and Committees may request documents from the Army. This chapter outlines OCLL actions for congressional requests for Army documents.

2. 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.

3. 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.

4. TASKING FOR DOCUMENTS OR INFORMATION:

a. 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:

b. 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).

c. 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.

d. The name and contact information of the SALL-I&L action officer.

e. Any applicable substantive guidance.

f. Established suspense dates.

g. A listing of other DoD components or DA organizations tasked to respond to the same request.

h. SALL-I&L will coordinate between tasked organizations to facilitate the development of a common and consistent approach to a tasking.

5. 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

c. 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.

d. 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.

e. 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.

f. 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.

6. POLICIES APPLICABLE TO REVIEW OF RESPONSIVE DOCUMENTS:

a. Neither Freedom of Information Act (FOIA), the Privacy Act, nor the Health Insurance Portability and Accountability Act (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 Uniform Code of Military Justice (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 DoD Office of Legislative Counsel (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.

7. 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 DA.

(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:

(a) Create a log to identify all documents or information potentially subject to executive or other privilege.

(b) 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 "For Official Use Only", as this classification is not normally recognized outside of the DoD.

(c) 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.

(d) 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:

- (a) media-worthy information;
- (b) information with a known or likely Congressional impact;
- (c) important policy issues of interest to Army leaders;
- (d) 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:

- (a) The search for requested documents and information has been
- (b) conducted in accordance with the Committee request, DoD, DA, and this chapter.

(c) 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).

(d) 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.

(e) 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.

(f) A legal review has been conducted. Provide the name and contact information of the reviewing attorney.

(g) 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:

(a) 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.

(b) Affirm all redactions accord with Committee, OCLL, DA, 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 DA 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.

(c) 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.

(d) 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.

(e) 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 DA, 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.

8. 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 DA 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. The "RED TOP" document production package will be referred through the ECC for staffing through the senior Army staff to the SECARMY signature for approval. In all other cases, the document production package will be coordinated with OGC, OCPA, DoD OLC, 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 the Chief Public Affairs (CPA) and DoD OLC, 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 Information for Members of Congress (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, DoD OLC, 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:

(a) Meetings with or briefings to Army and OSD principal officials and leaders.

(b) Meetings with or briefings to Members of Congress, Congressional leaders, and staffers informing them of the delivery of the document production package.

(c) Public release or publication of documents on the Army home page or in the Army FOIA electronic reading room.

(d) 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.

9. 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 OLC for all other document production packages.

b. The transmittal letter shall be subject to the approval of the SECARMY 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, DA, and SALL-I&L instructions. SALL-I&L shall update the status of the document production effort in the HQDA tracking system.

CHAPTER 3: SURVEYS AND INVESTIGATIONS

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.

CHAPTER 4: NOTIFICATIONS TO CONGRESS

1. OVERVIEW:

a. 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:

(1) Legislative proposals, executive orders or proclamations originating within DoD.

(2) Information requested by Members of Congress on behalf of and for their constituents.

(3) Information formally requested by a committee of Congress in connection with nominations, investigations, and oversight.

(4) Testimony, prepared statements, and insertions to the record in connection with a congressional hearing.

(5) Budget justification books, budget displays, information papers, other budget and budget appeal submissions, and other Planning, Programming, Budgeting and Execution System documents.

(6) Reports, studies, notifications, evaluations, plans, analyses, etc., required by Congress in a committee report, floor action, bill, act, or other formal congressional action.

2. 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.

3. 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.

4. 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:

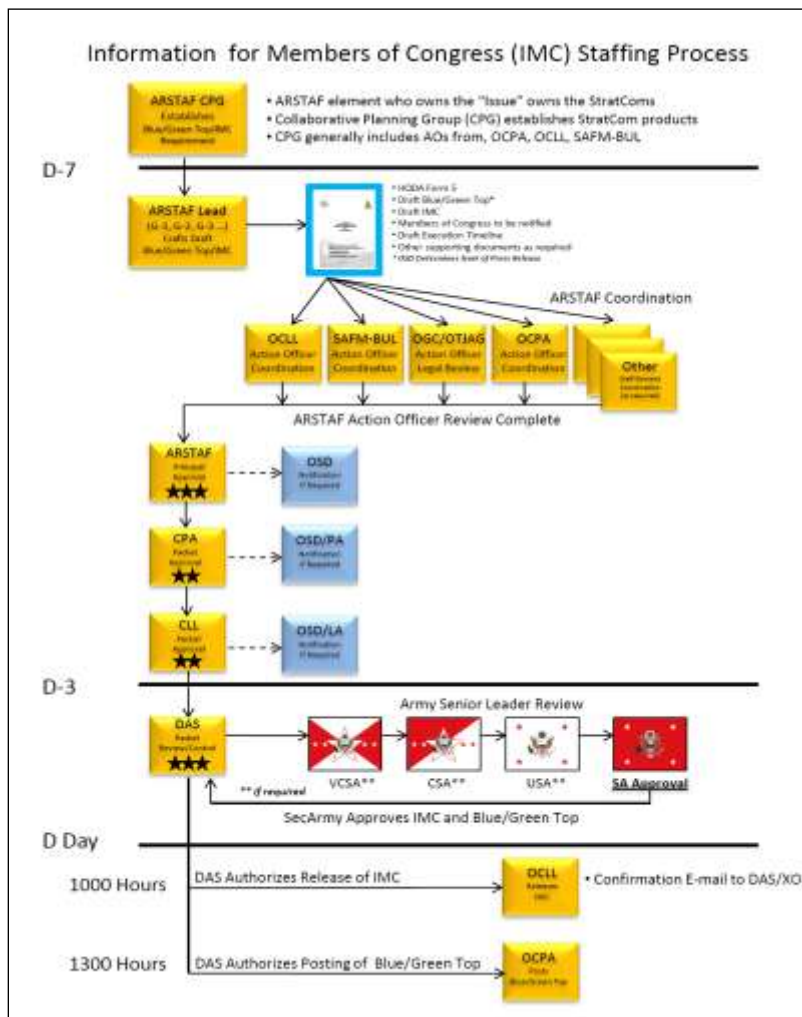


Figure 11: Information for Members of Congress (IMC) Staffing Process

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:

(a) 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.

(b) The Legislative Liaison Point of Contact will be named on any original document prepared pursuant to this SOP.

(c) A Form 5 requiring approval of a division chief or the CLL will be used.

(d) 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.

5. 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, the secondary next of kin and the Soldier's home of record.

(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; however, additional notification may occur depending on the political sensitivity of the recommended award. 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.

6. 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.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

7. IMCs CONCERNING COMMERCIAL ACTIVITIES:

a. 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.

CHAPTER 5: RESPONSES TO CONGRESSSIONAL 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 (SALL-CID): 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, VCSA, and selected OSD officials.

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. Suspend 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. Suspend 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. The OCLL courier will hand carry replies of Red Top inquiries to SALL-HLD and/or SALL-SLD not later than one business day after receipt of final signed letter in OCLL. Hard copies of signed originals are listed on a DA Form 200, Transmittal Record, and delivered to SALL-HLD and/or SALL-SLD by our established courier process. SALL-CID will also transmit electronically a copy of the reply to the staff of the Member's office on the day received in OCLL from the HQDA ECC.

f. SALL-CID normally receives inquiries from Members of Congress; however, anyone in the Army may receive a Congressional inquiry.

g. 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.

h. Army Secretariat/Staff, ACOMs, and Field Agencies are responsible for:

(1) Preparing responses that fully address all requested information and questions.

(2) Coordinating each reply with the appropriate organizations to ensure it reflects the Army's position.

(3) Ensuring 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) Ensuring 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) Ensuring 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) Providing 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:

a. See the example at APPENDIX IV-G, which discusses the philosophy for preparing a good response. The following general guidance should be followed:

b. 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.

c. 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.

d. Has a Courteous Tone: Congressional inquiry responses should not be defensive or negative in tone.

e. Concise and Straightforward: Address all of the concerns raised in a direct and concise manner.

f. 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.

g. 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.

h. 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

i. Text: Use 12-point Arial font with 1.25 inch margins, indent paragraphs .38 inch using single spacing with double spacing between paragraphs.

j. 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."

k. 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.

l. 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) Copy responses to the Hill Division legislative liaison who initially took the inquiry.

(3) If the call is received directly from a Member of Congress, coordinate the response with SALL-CID.

(4) 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](#).

(5) 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.

CHAPTER 6: RESPONSES TO CONGRESSIONAL REPORTING REQUIREMENTS

1. OVERVIEW:

a. 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. SALL-P 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.

2. 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. Budget 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.

3. TRANSMITTAL TO CONGRESS:

a. All appropriations and authorization committee report and budget display requirements are to be transmitted through SALL-P. SALL-P will receive the report or budget display package and deliver it to the requesting authorizations committee, SAFM-BUL, and OSD(LA) for reports OSD is preparing for Congress.

b. 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.

4. 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. SALL-P: As the Army OPR, SALL-P 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, SALL-P 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 SALL-P.

(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, SAFM-BUL, and legal counsel to provide clarification on congressional intent, when reporting language is vague or unclear.

(6) Coordination: Coordinate with SAFM-BUL 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 authorization committee, SAFM-BUL 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. SAFM-BUL: Will deliver all appropriations committee requirements .

d. CACOs: CACOs will:

(1) Receive: Receive taskers from SALL-P and promptly determine if taskings have been accurately assigned and provide to SALL-P 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. SAFM-BUL: All reports will be coordinated with the appropriate SAFM-BUL liaison officer.

(5) Copy Requirements: Provide SALL-P with the original report with addressed unsealed envelopes, one copy of the signed and dated letters and report, and the completed HQDA Form 5 with coordination. The original document will be provided to Congress. The photo copy will be maintained by SALL-P. Reports must also be furnished in electronic format.

(6) Status Report: Monitor and provide periodic status reports to SALL-P on assigned Army reporting requirements and other DoD component reporting requirements having Army senior management interest.

5. MONITORING RESPONSIBILITIES:

a. SALL-P: SALL-P will task CACOs to provide status updates of each congressional requirement.

b. CACOs: CACOs are responsible for updating SALL-P 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. .

c. Action Officers will:

(5) Knowledge: Remain current on events affecting their assigned reporting requirements.

(6) 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.

(7) Coordination Requirements: Obtain coordination with appropriate Army Secretariat and Staff agencies.

6. 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 with cover letters. . 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.

(5) "... section 9006 of the Department of Defense Appropriations Act, 2005-Public Law 108-287).";

(6) "... section 722 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 108-888) ...";

(7) "The Senate (or House) Report 108-555, page 231, accompanying the National Defense Authorization Act for Fiscal Year 2006 directs ...";

(8) "The Department of Defense Appropriations, 2006, Conference Report 108-777, page 86, ...";

(9) "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, or an Assistant Secretary of the Army. Signature authority waivers shall be made by SALL-P. 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 Assistant 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 SALL-P 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(s) in SAFM-BUL and/or SALL-P. Following the briefing, provide to SALL-P the details of the briefing and if possible, a copy of the briefing.

f. Copy Requirements: Provide SALL-P with the original report with addressed unsealed envelopes, one copy of the signed and dated letters and report and the completed HQDA Form 5 with coordination. The original document will be hand delivered by SAFM-BUL (to appropriators) and SALL-P (to all other recipients). The photo copies will serve as SALL-P office copies. Reports must be furnished in electronic format.

7. 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.

(5) When the report language requires a report **to Congress**, address letters to:

- (a) President of the Senate
- (b) Speaker of the House
- (c) Chairman and Ranking Member, Senate Appropriations Committee
- (d) Chairman and Ranking Member, Senate Appropriations Committee/Defense Subcommittee
- (e) Chairman and Ranking Member, House Appropriations Committee
- (f) Chairman and Ranking Member, House Appropriations Committee/Defense Subcommittee
- (g) Chairman and Ranking Member, Senate Armed Services Committee
- (h) Chairman and Ranking Member, House Armed Services Committee

(6) When report language requires a report **to the congressional defense committees**, address letters to:

(a) Defense Authorization Bill:

- 1. Chairman and Ranking Member, Senate Appropriations Committee
- 2. Chairman and Ranking Member, House Appropriation Committee
- 3. Chairman and Ranking Member Senate Armed Services Committee
- 4. Chairman and Ranking Member, House Armed Services Committee

(b) Appropriations Subcommittee on Defense Bill:

- 1. Chairman and Ranking Member, Senate Appropriations Committee - Defense Subcommittee
- 2. Chairman and Ranking Member, House Appropriations Committee - Defense Subcommittee
- 3. Chairman and Ranking Member, Senate Armed Services Committee

4. Chairman and Ranking Member, House Armed Services Committee

(c) Appropriation Subcommittee on Military Construction:

1. Chairman and Ranking Member, Senate Appropriations Committee/Military Construction Subcommittee

2. Chairman and Ranking Member, House Appropriations Committee/Military Construction Subcommittee

3. Chairman and Ranking Member, Senate Armed Services Committee (Optional)

4. Chairman and Ranking Member, House Armed Services Committee (Optional)

(7) When report language does not identify to whom the report should be submitted, address letters to:

Bill: (a) From a Defense Authorization or Appropriation Subcommittee on Defense

- 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
- Chairman and Ranking Member, Senate Appropriations Committee (Optional)
- Chairman and Ranking Member, House Appropriations Committee (Optional)

(b) 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
- Chairman and Ranking Member, Senate Armed Services Committee (Optional)
- Chairman and Ranking Member, House Armed Services Committee (Optional)
- Chairman and Ranking Member, Senate Appropriations Committee (Optional)
- Chairman and Ranking Member, House Appropriations Committee (Optional)

8. 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, APPENDIX A: SAMPLE OF INFORMATION FOR MEMBERS OF CONGRESS (IMC)

DEPARTMENT OF THE ARMY
WASHINGTON, D.C.

19 December 2013

INFORMATION FOR MEMBERS OF CONGRESS

SUBJECT: Army Cyber Forces Command and Control Decisions

Today the Department of the Army announced decisions on the command and control of Army cyber forces, to include stationing the Army Cyber Command (ARCYBER) Headquarters at Fort Gordon, Georgia, with a command liaison element co-located with U.S. Cyber Command at Fort Meade, Maryland. Other decisions included the formalization of the Army cyber forces command and control framework, the establishment of Joint Forces Headquarters-Cyber (JFHQ-C) and provisional establishment of the Army Cyber Center of Excellence at Fort Gordon, Georgia.

The Army selected Fort Gordon as the permanent location for ARCYBER Headquarters for operational and cost reasons. Rapidly established in 2010 in response to operational requirements, ARCYBER has been temporarily split-stationed in seven government buildings and leased space across the National Capital Region. Co-locating ARCYBER Headquarters with the Army's JFHQ-C and NSA-Georgia places the Army's operational cyber headquarters with the majority of Army cyber mission forces and provides the best support to U.S. Cyber Command directed mission. It also requires 150 fewer personnel, reduces military construction requirements and costs 23 percent less than the other considered options.

Provisional establishment of the Army Cyber Center of Excellence at Fort Gordon begins the process of appropriately aligning Army cyber forces modernization proponentry within the U.S. Army Training and Doctrine Command, and creates institutional unity of effort and a focal point for, cyber doctrine and capabilities development, training and innovation. Establishing the Army Cyber Center of Excellence at Fort Gordon builds upon the existing institutional foundation of the Army Signal Center of Excellence.

In making the ARCYBER Headquarters stationing decision, the Army evaluated the ability to support U.S. Cyber Command directed missions and other operational factors, installation capacity, environmental impacts, and human resource considerations. An opportunity for community input into the ARCYBER stationing decision was included through environmental assessment public comment process in late September and October 2013.

Point of contact for this notification is Mr. TC Williams at 703-697-9690, Office of the Chief of Legislative Liaison, Office of the Secretary of the Army.

FURNISHED BY:
OFFICE, CHIEF OF LEGISLATIVE LIAISON
OFFICE OF THE SECRETARY OF THE ARMY

Figure 12: Sample Information for Members of Congress

IV-APPENDIX A-191

[Return to Table of Contents](#)

SECTION IV, APPENDIX B: SAMPLE OF INFORMATION FOR MEMBERS OF CONGRES (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: _____

Figure 13: Information for Members of Congress (IMC) Interest List

SECTION IV, APPENDIX D: SAMPLE ARMY INFORMATION PAPER TO CONGRESS

ARMY INFORMATION PAPER

16 February 2012

SUBJECT: Army Force Structure Reductions in Europe

REQUEST: Update Congress on significant Army Force Structure reductions in Europe, as well as enduring Army requirements.

KEY POINTS:

- Adapting the posture of our forces in Europe is essential to meet our collective defense commitments under NATO's Article 5 and to address the full range of 21st century challenges. Accordingly, the following Army force posture changes are planned:
 - The Army's V Corps Headquarters will not return to Europe upon the completion of its deployment to Operation Enduring Freedom in late Fiscal Year 2013. The long-term future and location of the V Corps Headquarters will be addressed as part of the Total Army Analysis (TAA) process in which overall force structure and end strength issues are evaluated.
 - Two heavy brigade combat teams (BCTs) will be inactivated: the 170th BCT in Fiscal Year 2013, and the 172nd BCT in Fiscal Year 2014.
- Additional Army enabler forces, potentially in the range of 2,500 Soldiers, could be reduced from Europe as part of the TAA process.
- The 7th Army/USAREUR headquarters has been transformed to include a deployable, Joint Task Force-capable contingency command post. This command and control capability, when augmented, can provide command and control for joint and coalition forces in small-scale operations within Europe.
- The Army will establish and maintain a new rotational presence in Europe and capitalize on training opportunities with our Allies and partners. The Army will allocate a US-based Heavy Brigade Combat Team (HBCT) to enhance interoperability with and reinvigorate its commitment to the NATO Response Force.

IV-APPENDIX D-195

[Return to Table of Contents](#)

- Recapitalizing hospital capacity at Rhine Ordnance Barracks remains a top priority, because of its critical casualty care function for injured personnel throughout three Combatant Commands (CENTCOM, EUCOM, and AFRICOM). The current Landstuhl Army Medical Center infrastructure (electrical, mechanical, and communication) has exceeded ranges of useful life and the requirement for a new hospital remains valid even accounting for the aforementioned drawdown of force structure. The Army is working with the Office of the Assistant Secretary of Defense for Health Affairs to validate the size and scope of this project in response to the Fiscal Year 2012 MILCON Appropriations language requiring Secretary of Defense certification in writing.
- Baumholder remains an enduring U.S. Army, Europe community along with the Grafenwöhr/Vilseck/Hohenfels complex, Ansbach, Kaiserslautern, Wiesbaden, and Stuttgart, Germany; USAG Vicenza, Italy; and Army communities located in the Benelux. Those locations identified as not enduring include Bamberg and Schweinfurt, which will be returned to the host nation no later than fiscal year 2015.
- The Army continues to analyze infrastructure and basing assets in Europe to gain efficiencies, consolidate operations, and shed excess capacity.

BACKGROUND:

- The US Army in Europe has already reduced its total personnel by 50% since 2003, and is in the process of executing additional planned closures; between FY12-15, it has another 23 sites (6 projected in 2012, 10 in 2013, and 7 in 2014/15) approved by the Secretary of Defense and announced for disposal and return to host nations. The savings and cost avoidances associated with divesting facilities with an estimated \$4.5B in Plant Replacement Value, are very significant. The consolidation efforts at Wiesbaden alone will yield \$112M in annual and reoccurring base operations and maintenance savings. All of these consolidation efforts are being executed without the need for BRAC or an overseas basing commission.
- In some cases, consolidating and disposing of unneeded bases and facilities in Europe will require the prudent expenditure of Military Construction funds to enable functions to transfer and bases in Europe closed/returned to the host nation. Delaying or deferring such investments reduces recurring savings available to the Department and to the United States taxpayers.

IV-APPENDIX D-196

[Return to Table of Contents](#)

**SECTION IV, APPENDIX E: SAMPLE OF HQDA FORM 5 FOR THE
ARMY INFORMATION PAPER**

IV-APPENDIX E-197

[Return to Table of Contents](#)

(UNCLASSIFIED)

ARMY STAFFING FORM For use of this form, see AR 25-50; the proponent agency is AASA.				1. TRACKING NUMBER	2. TODAY'S DATE (YYYYMMDD)	3. SUSPENSE DATE (YYYYMMDD)
4. OFFICE SYMBOL				5. SUBJECT Insert for the Record - Coordination for Approval - QFR# (or IFR page & line #)		
6. ROUTING: Initial Date				POC <i>(Rank, Name, Phone)</i>	DIR	
				COMMENTS: Ref: [Congressional Committee] hearing on [subject, date, witnesses] Purpose: The purpose should contain a brief statement as to why the action officer is staffing this QFR/IFR Discussion: Summarize the information. Provide current status of issue (if applicable) This discussion should tell the story on an action without leaving obvious 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.		
7. EXECUTIVE SUMMARY / ACTION MEMORANDUM				<u>Key Points</u>		
				<ul style="list-style-type: none">■ Consider each key point as "sound bite" language that best describes the key aspects fo the issue.■ Address teh request concisely and factually. Do not provide more information than necessary to be responsive. In most cases, papers should not exceed one page.■		
Ref:						
Encl: TAB A: Information Paper TAB B:						
1. Purpose:						
2. Discussion:						
Ref: [(a) Origin, tasker, message, correspondence, or meeting generating request]						
Encl: [(1) Memorandum]						
1. Purpose: (The purpose should containe a brief statement as to why the action officer is staffing this action)						
2. Discussion:						
a. Summarize the information. Provide current status of the issue (if applicable)						
b. Tell the complete story of the action, but make every effort to limit information to one page.						
3. Recommendation:						
Provide a brief statement defining the desired action by the final approval authority, i.e. "CSA sign memorandum."						
APPROVED _____ DISAPPROVED _____ NOTED _____ SEE ME _____ COMMENT _____						

DA FORM 5, AUG 2013

(UNCLASSIFIED)

PREVIOUS EDITION IS OBSOLETE.

Page 1 of 3
APD LF v1.0005

Figure 16: HQDA Form 5 for the Information Paper

IV-APPENDIX E-198

[Return to Table of Contents](#)

1. Army information papers are a means to provide responses to requests for information from Members of Congress or their staffs. 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. The Form 5 will include:

- a. Recommendation (block 9).
- b. Key Points (block 11).
- c. Additional information (block 12)

(1) 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)

(2) Purpose:

(3) Discussion:

(a) 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.

(b) 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.

3. Army Information Papers will be approved locally at the agency directorate level.

SECTION IV, APPENDIX F: 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).

SECTION IV, APPENDIX G: 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

(1) October 31, 2013

The Honorable Ron Kind
United States Representative

(2) 131 South Barstow Street
Eau Claire, Wisconsin 54701

(3) Dear Representative Kind:

(4) This replies to your inquiry on behalf of Staff Sergeant John J. Smith, concerning his request for a hardship discharge to take over the family's business after the death of his father.

(5) I am pleased to inform you that Sergeant Smith's hardship discharge request was approved, and his discharge date is December 9, 2012.

(6) In July 2012, Sergeant Smith submitted his request to his chain of command and, unfortunately, additional documentation was required in accordance with (7) Army Regulation 635-200 to prove the hardship did exist, along with a Department of the Army Form 4187 (Request for Personnel Action). He resubmitted his packet through his chain of command on October 9, 2012.

I trust this information will be of assistance. Thank you for your support of our Soldiers and their Families.

Sincerely,

Signature Block

IV-APPENDIX H-201

[Return to Table of Contents](#)

- (1) Letter is civilianized
- (2) Complete address used
- (3) Correct usage of salutation
- (4) Opening statement summarizes the issues raised
- (5) Good news / favorable information offered upfront
- (6) Soldier's first name used in opening paragraph only
- (7) Acronym spelled out

SECTION IV, APPENDIX H: SAMPLE OF EXECUTIVE PRIVILEGE LOG

SAMPLE

EXECUTIVE PRIVILEGE LOG

PAGE 1 OF 1

Item No. ¹	Location (page, para, line no.)	Document Originator or Author ²	Document Recipient or Addressee ³	Document/Information Description ⁴	Type of Privilege Claimed ⁵	How Disclosure Would Result in Substantial Harm to Gov't Interest
1	All pages (1-3)	Mary Smith, SES, ASA(MARA)	Christopher Penn, ASA(MARA)	May 8, 2007, Memorandum analyzing options for NICE pay-setting rules	Pre-Decisional Deliberative Process	disclosure would hinder candid discussion and cause confusion resulting from disclosure of recommendations prior to final decision
2	Page 1 of 1	John Jones, Investigating Officer, DAICE	N/A	May 1, 2007, witness statement re open investigation of contractor fraud	Open Law Enforcement Investigation	Target unaware of investigation; sensitivity to rights and reputation of target
3	Page 1 of 2, para 1-3	Col. Richard Doe, ASA(FASAC)	Mr. William Wagner, OAC	May 7, 2007, E-mail seeking legal advice on ethics issue	Attorney-Client Communication	Protect legal advice

¹ Number each document or excerpt thereof, continuing in serial from one page to another.

² 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.

³ 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.

⁴ 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.

⁵ Set forth the rationale or basis underlying the potential invocation of Executive Privilege.

Figure 17: Sample of Executive Privilege Log

SECTION IV, APPENDIX I: SAMPLE NOTIONAL EXECUTIVE SUMMARY

<u>NOTIONAL EXECUTIVE SUMMARY</u>
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:
<ul style="list-style-type: none">• 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:
<ul style="list-style-type: none">• 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:<ul style="list-style-type: none">- 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.
<hr/>
Take Away Points:
<ul style="list-style-type: none">• 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/B9X-XXXX/CRT MG XXXXXX, XXX

Figure 18: Sample Notional Executive Summary

SECTION IV, APPENDIX J: 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	
<p>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.</p> <p>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.</p> <p>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]</p> <p>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.</p> <p>[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.</p> <p>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.</p> <p>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 . . . XXXXXXXXXXXXX.</p> <p>[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.</p> <p>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.</p>	
Encis as	XXXXX XXXXXXXXXX MG, U.S. Army Commanding

Figure 19: Sample Senior Reviewing Official Certification

SECTION IV, APPENDIX K: 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: _____

Figure 20: Document Production Effort

GENERAL APPENDICES

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(ALT)	Assistant Secretary of the Army (Acquisition, Logistics & Technology)
ASA(CW)	Assistant Secretary of the Army (Civil Works)
ASA(FM&C)	Assistant Secretary of the Army (Financial Management & Comptroller)
ASA(IE&E)	Assistant Secretary of the Army (Installations, Energy & Environment)
ASA(M&RA)	Assistant Secretary of the Army (Manpower & Reserve Affairs)
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
DAB	Director of the Army Budget
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, G4 (Logistics)
G-6	Deputy Chief of Staff, G6 (Information)
G-8	Deputy Chief of Staff, G8 (Programs)
G-8(PAED)	G8 Program, Analysis, and Evaluation Directorate
GAO	Government Accountability Office
GPO	Government Printing Office

GENERAL APPENDICES-A-207

[Return to Table of Contents](#)

HAC	House Appropriations Committee
HAC-MILCON/VA	House Appropriations Committee, Military Construction, Veterans' Affairs, and Related Agencies 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
OCSA	Office of the Chief of Staff, Army
OGC	Office of the 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	Office/Organization of the Joint Chiefs of Staff
OMB	Office of Management and Budget
OPR	Office of Primary Responsibility

GENERAL APPENDICES-A-208

[Return to Table of Contents](#)

OUUSD(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 Secretary of the Army (Acquisition, Logistics, and Technology)
SAC	Senate Appropriations Committee
SAC-MILCON/VA	Senate Appropriations Committee, Military Construction, Veterans Affairs, and Related Agencies 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 (RDA) Directorate)
SAFM-BUL	SAFM (Budget Liaison Office)
SAFM-BUO	SAFM (Operations and Maintenance and Army Working Capital Fund Directorate)
SAFM-BUP	SAFM (Military Personnel and Military Construction 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)

GENERAL APPENDICES-A-209

[Return to Table of Contents](#)

SALL	Office of the Secretary of the Army, Legislative Liaison (or Office of the Chief of Legislative Liaison—OCLL)
SALL-COD	SALL (Congressional Operations Division)
SALL-CID	SALL (Congressional Inquiries Division)
SALL-HLD	SALL (House Liaison Division)
SALL-I&L	SALL (Investigations and Legislation Division)
SALL-P	SALL (Programs Division)
SALL-SLD	SALL (Senate Liaison 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
TJAG	The Judge Advocate General
USA	Under Secretary of the Army
VCSA	Vice Chief of Staff, Army
WHS	Washington Headquarters Services

GENERAL APPENDICES-A-210

[Return to Table of Contents](#)

GENERAL APPENDIX B: THE FUNCTIONS OF THE ARMY BUDGET OFFICE

SAFM Coordination Guide

1. BUC – The 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.

- a. Serves as the integrator of budget information
- b. Consists of Formulation, Integration, and Execution Divisions
- c. Chop with BUC if the paper:
- d. Is multi-appropriation in content
- e. Is policy oriented in nature
- f. Deals with force structure, TOA, or inflation
- g. Deals with reprogramming, contingencies, foreign currency, BRAC, or counter narcotics
- h. Deals with Reserve Components of Special Operations Forces

2. BUI – The 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).

- a. Manages (executes) the budget for all of the Army's Procurement (APA, PAA, MiPA, WTCV, OPA), RDTE, and MILCON accounts
- b. Consists of Other Procurement, Weapon Systems, Acquisition and Integration, and Facilities Divisions
- c. Chop with BUI if the paper:
- d. Deals with research, development, engineering or automation equipment
- e. Deals with purchasing Army items of systems

f. Deals with military contracting or family housing

3. BUO – The Operations and Maintenance and Military Personnel 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.

a. Consists of operational forces; Management Control & Integration; and Military Personnel Divisions

b. Chop with BUO if the paper:

c. Is logistical or maintenance oriented

d. Is military or civilian personnel oriented

e. Is BASOPS or base support reimbursement oriented

f. Concerns real property maintenance or mobilization

g. Concerns training, recruiting or readiness

h. Concerns command, administrative, or service-wide activities

4. BUR – The Business Resources Division, is the resource manager for the Army Working Capital Fund account.

a. Serves as resource manager for Army's Working Capital Funds

b. Chop with BUR if the paper:

c. Is Working Capital Fund oriented

d. Deals with Foreign Military Sales

GENERAL APPENDIX C: MAP OF CAPITOL HILL

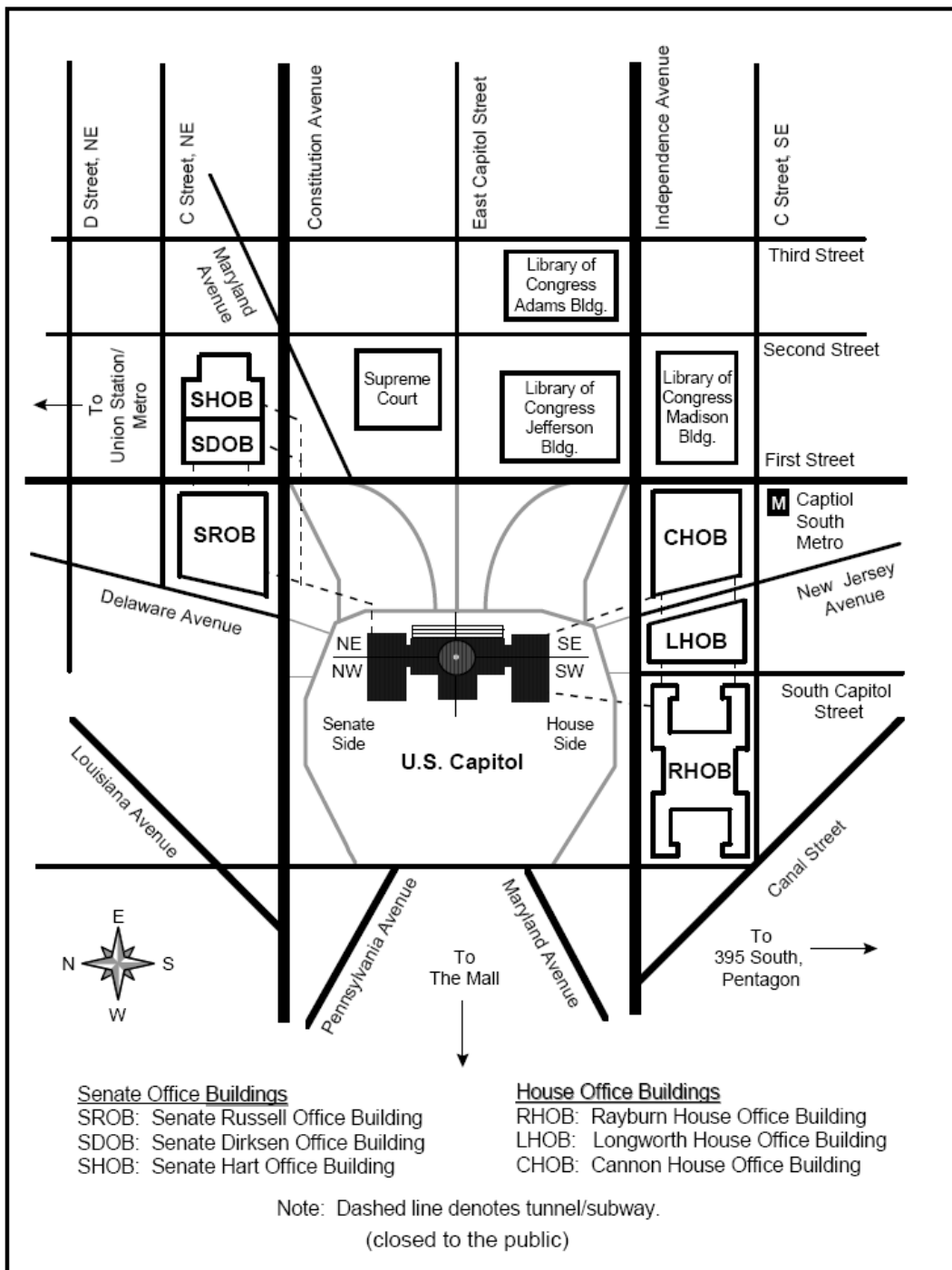


Figure 21: Map of Capitol Hill

GENERAL APPENDIX D: KEY OFFICES AND OCLL ORGANIZATION CHART

ALL NUMBERS ARE COMMERCIAL, AREA CODE 703 (unless specified)

Office	Room Number	Phone Number	FAX Number
SALL	1E416	697-6767	614-7599
SALL-COD	1D437	697-7675	695-6385
ACOS-PLANS	1D437	693-1324	
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	614-6041	614-2276
SAFM (BUC)	3D349	692-6209	
SAFM (BUI)	3C349	614-9507	
SAFM (BUO)	3B349	693-2422	
SAFM (BUR)	3B349	693-2554	
SALL-SLD	SR183 Russell Bldg	202-224-2881	202-685-2570
SALL-HLD	B325 Rayburn Bldg	202-685-2411	202-685-2674

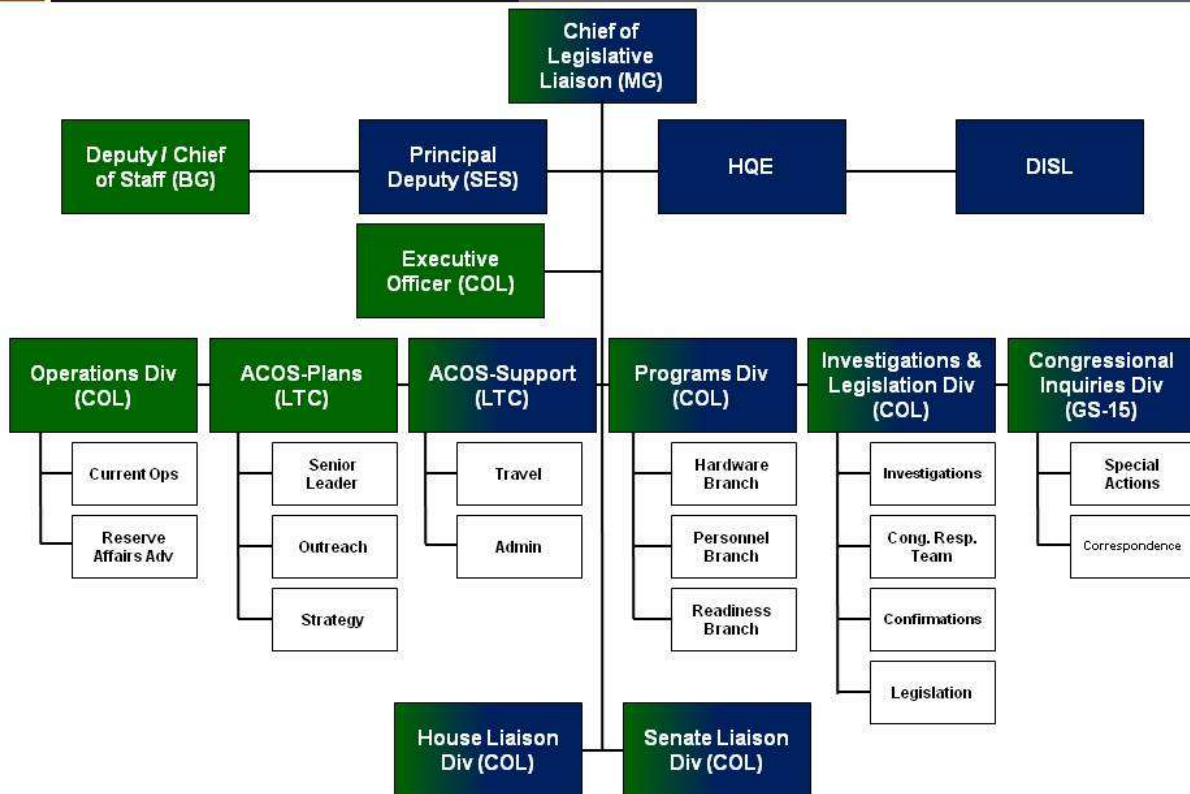


Figure 22: OCLL Organization Chart

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

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,

Figure 23: Written Correspondence to Members of Congress