

Army Regulation 1–20

Administration

Legislative Liaison

**Headquarters
Department of the Army
Washington, DC
25 August 2021**

UNCLASSIFIED

SUMMARY of CHANGE

AR 1–20
Legislative Liaison

This major revision, dated 25 August 2021—

- o Clarifies roles and responsibilities as stated in Army General Order 2020–01, Assignment of Functions and Responsibilities within Headquarters, Department of the Army, dated 6 March 2020 (paras 1–4a, 1–4a(4), 1–4a(5), 1–4a(6), 1–4a(8), 1–4b, 1–4b(2), 1–4b(4), 1–4c(6), 1–4c(6)(a), 1–4c(6)(b), 1–4c(11), 4–2e, and 5–2).
- o Removes language implying the requirement of a cost benefit analysis for legislative proposals with no budgetary impact (para 1–4a(13)).
- o Directs the coordination of pending legislation or legislative proposals affecting civil works through the Assistant Secretary of the Army for Civil Works (para 1–4b(3)).
- o Clarifies processing of congressional document requests through the Congressional Response Team (para 1–4c(11)(b)).
- o Clarifies that the term “matters” refers to Congressional requests for documents (para 1–4c(11)(b)).
- o Clarifies Office, Chief Legislative Liaison tasking authority to Army activities to provide personnel and information in response to congressional inquiries and requests (para 1–4c(16)).
- o Adds new paragraph directing the Commander, United States Army Corps of Engineers to coordinate all Congressional activities through the Assistant Secretary of the Army for Civil Works (para 1–4g).
- o Removes requirement to staff information responding to congressional inquiries that affect resource programming through the Deputy Chief of Staff, G–3/5/7 (para 1–4h(3)).
- o Adds Records Management Requirement in accordance with Army Regulation 25–30 (para 1–5).
- o Clarifies the requirement for all Army entities to coordinate with Office, Chief Legislative Liaison on all efforts to directly schedule engagements on all contacts with congressional entities (para 2–2).
- o Directs inclusion of the Assistant Secretary of the Army for Civil Works for review of any budget-related material that impacts civil works programs (para 2–4c).
- o Specifies and limits the level of authorized direct contact Army activities overseen by congressional Boards of Visitors (para 2–4e).
- o Clarifies guidance to installation and command Congressional Affairs Contact Officers regarding political candidate behavior on military installations during election years (para 2–6a).
- o Provides additional background information on the Army Congressional Fellowship Program (para 2–7).
- o Clarifies the requirements for processing requests for legislative drafting services and legislative proposals impacting the Army’s civil works programs (para 3–1c).
- o Clarifies requirements for submission of legislative proposals by Army activities (para 3–2b).

- o Directs designated liaisons covering assigned congressional hearings to produce a post-hearing report and list of all due outs relevant to the committee or legislative body (para 5–2).
- o Requires all Army witnesses testifying in front of Congress for the first time to receive a briefing from the Legislation, Investigations, and Nominations Division on congressional testimony and witness requirements (para 5–2).
- o Requires responsible legislative liaisons or counsel to provide a final approved post-hearing report to the relevant Congressional Action Contact Officer (para 5–2).
- o Establishes new guidance and reporting requirements regarding the appearance of Army personnel as witnesses before congressional committees in their personal capacity (para 5–6).
- o Clarifies the categories of information to be promptly provided to Congress (para 6–1a).
- o Directs formatting of correspondence to members of Congress to comply with Army Regulation 25–50 (para 6–3f).
- o Establishes that the preferred method for correspondence to members of Congress is to use a pen rather than by digital signature, but authorizes the use of digital signatures depending upon the circumstances (para 6–3f).
- o Provides updated guidance on sending interim replies to members of Congress in response to congressional inquiries when complying would require more than 30 days (para 6–3h(4)).
- o Removes the requirement to *sua sponte* provide an update to a congressional response should the situation involving a congressional inquiry change significantly within six months after having sent final reply to the original inquiry (para 6–3).
- o Updates guidance on corresponding with congressional committees (para 6–4).
- o Establishes new guidance and reporting requirements regarding invitations to Army personnel to participate in congressional events (para 6–5).
- o Specifies requirement for Army activities to comply with Office, Chief Legislative Liaison and Congressional Response Team guidance when preparing documents for release to Congress (para 7–1g).
- o Clarifies denial authority for release of information pursuant to requests for information from Congress (para 7–2c).
- o Removes requirement for the Office of the Deputy Chief of Staff, G–2, to review and approve release of classified documents to Congress. Places requirement on the original classification authority of those documents (para 7–3d).
- o Adds a clarification provision regarding required congressional reports and that agencies tasked with drafting the reports are responsible for briefing Army senior leaders on the status and subject matter of the report (para 7–4).
- o Redrafts section to lay out notifications to Congress, to include specific notification requirements and the underlying authorities directing those notifications (para 8–3).
- o Specifies the Chief Legislative Liaison’s authority to review and approve for release Information for Members of Congress (para 8–3a).

Administration
Legislative Liaison

By Order of the Secretary of the Army:

JAMES C. MCCONVILLE
General, United States Army
Chief of Staff

Official:



MARK F. AVERILL
Acting Administrative Assistant
to the Secretary of the Army

History. This publication is a major revision.

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

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. It also applies to civilian employees of the Department of the Army, to include employees

of nonappropriated fund instrumentalities. During mobilization, chapters, and policies contained in this regulation may be modified by the proponent.

Proponent and exception authority.

The proponent of this regulation is the Chief of Legislative Liaison. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process.

This regulation contains internal control

provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Chief of Legislative Liaison, 1600 Army Pentagon, Room 1E416, Washington, DC 20310–1600.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Headquarters, Department of the Army, Office of the Chief of Legislative Liaison, usarmy.pentagon.hqda-ocll.mbx.crt-mail@mail.mil.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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Glossary

Chapter 1 Introduction

1–1. Purpose

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

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

a. Assistant Secretary of the Army (Financial Management and Comptroller). ASA (FM&C), in coordination with the Chief of Legislative Liaison (CLL), is responsible for liaising with the congressional appropriations committees and their members and staff on all matters, including those matters pertaining to the Army budget and under the purview of the ASA (FM&C), except for matters pertaining to civil works. The ASA (FM&C) will—

(1) Advise and respond to the Secretary of the Army (SECARMY) and Chief of Staff, Army (CSA) on all appropriations matters pertaining to the Army budget and the Army's resourcing strategy.

(2) Develop and articulate a simple and clear congressional strategy for the SECARMY, Under Secretary of the Army (USA), CSA, Vice Chief of Staff of the Army (VCSA), Sergeant Major of the Army (SMA), and all Army activities that supports and defends the Army's budget with the appropriations committees.

(3) Report and respond to the SECARMY and CSA on the current status of all actions pertaining to the appropriations committees, including the status of actions on all appropriations bills and the President's budget.

(a) Track all appropriations bills as they progress to final passage; keep all Army activities informed of the status of the bills; and provide analysis of the implications of projected passage or non-passage of the bills.

(b) Provide the SECARMY and the CSA with appropriations strategies to ensure the Army's budget is sufficient to support the National Defense Strategy and support the President's budget during the committee marks process.

(4) Coordinate with the CLL to ensure an accurate and consistent Army message and a unified Army congressional strategy.

(5) In coordination with the CLL, serve as the primary point of contact with members of Congress on the appropriations committees, their staffs, and committee staff.

(6) In coordination with the CLL, task all Army activities to provide briefers and information requested by members of Congress on the appropriations committees, appropriations committee staff, and the personal office staff of members of Congress on the appropriations committees.

(7) Provide responsive, coordinated, consistent, and factual information on Army policies, plans, programs, and operations in response to all inquiries received from appropriations committees, members of Congress on the appropriations committees, and the personal office staff of members of Congress on the appropriations committees. Coordinate with the CLL and the Congressional Response Team (CRT), in accordance with chapter 7 of this regulation, prior to the release of any documents to members of Congress, congressional committees, or congressional staff pursuant to the appropriate law and regulations as applicable.

(8) In coordination with the CLL, coordinate the Army's involvement in hearings held by the appropriations committees and subcommittees.

(a) Arrange for and task all Army activities to furnish witnesses for hearings requested by the appropriations committees.

(b) Coordinate hearing schedules.

(c) Assist in preparing witnesses, to include the SECARMY, USA, CSA, VCSA, and SMA for all committee hearings, as requested by the CLL. The ASA (FM&C) will be the lead Headquarters, Department of the Army (HQDA) element, in coordination with the CLL, for the preparation of all appropriations committee hearings.

(d) Provide information and anticipated questions to Army witnesses prior to appropriations committee hearings, and all other hearings as requested by the CLL.

(e) Task appropriate HQDA officials and all Army activities to review hearing transcripts, answer advance policy questionnaires, answer questions for the record, and provide inserts for the record, as required by appropriations committees.

(f) Act as the final reviewing authority for appropriations hearing inserts for the record and questions for the record.

(9) Manage the Army appeal process for appropriations appeals.

(10) Coordinate, monitor, and report the status of ongoing investigations by the House Appropriations Committee Surveys and Investigations Unit staff. Coordinate with the Office of the Chief of Legislative Liaison (OCLL) Legislation, Investigations, and Nominations Division (LI&N) on any ongoing and completed investigations.

(11) Maintain recommendations and legal directives of appropriations committees and assign responsibility to the appropriate staff agency for actions necessary to comply with the intent of congressional mandates.

(12) Review Army responses to congressional committees and to the Congressional Budget Office (CBO), in conjunction with the Deputy Chief of Staff (DCS), G-8, that involve resources, prior to submission of the response, to ensure accuracy and consistency with the Army budget.

(13) Review, approve, and validate budget implications associated with Army legislative proposals.

b. *Assistant Secretary of the Army for Civil Works.* ASA (CW), in coordination with the CLL, is responsible for all legislative affairs and congressional liaison pertaining to civil works. The ASA (CW) will—

(1) Serve as the primary Army point of contact for Congress on authorization and appropriations matters relating to the civil works program.

(2) In coordination with the CLL, communicate with Congress on all civil works matters with assistance as necessary from the Chief of Engineers.

(3) Coordinate with the CLL on congressional contacts and developments that impact the Army outside of civil works, and for civil works matters involving actions of, or requests to, Army senior leaders, and for any comments on pending legislation or legislative proposals under the jurisdiction of the congressional oversight committees.

(4) Coordinate with the CLL for the support of congressional travel to Army civil works projects.

(5) Coordinate with the CLL and the CRT, in accordance with chapter 7 of this regulation, prior to the release of any documents to members of Congress, congressional committees, or congressional staff pursuant to the appropriate law and regulations as applicable.

c. *Chief of Legislative Liaison.* The CLL reports to the SECARMY and is responsible for all legislative affairs for the Army, including providing legislative and associated staff support to HQDA principal officials. The OCLL is designated the single office in HQDA responsible for legislative affairs and, subject to the authority, direction, and control of the SECARMY, provides the CSA, such staff support as the CSA considers necessary to perform his/her duties and responsibilities. The CLL will—

(1) Develop, oversee, and execute policies and programs related to the Army's relations with Congress, to include—

(a) Providing guidance and overseeing Congressional actions and responsibilities. The CLL may periodically publish the Congressional Actions Responsibilities Standing Operating Procedures (CARSOP) to assist OCLL and Congressional Affairs Contact Officers (CACOs) with their assigned responsibilities.

(b) Providing guidance to, and coordinating training for, CACOs.

(2) Advise HQDA officials and leaders of Army activities on the legislative aspects of Army policies, plans, and programs and on the status of congressional matters affecting, or of interest to, the Army.

(3) Advise HQDA officials and leaders of Army activities on the status of defense authorization committee actions, to include providing timely and accurate information derived from hearings, engagements, and contacts and key meetings involving Army senior leaders and members of Congress.

(4) Inform HQDA officials and Army activities about significant congressional engagements, developments, and issues, including congressional and staff delegation travel to installations.

(5) Manage the Army appeals process to authorizations.

(6) Serve as the Army's primary point of contact with Congress, including Members, congressional committees, and congressional staff. The CLL ensures the Army speaks with one voice on all legislative matters through coordination with the Assistant Secretary of the Army (Financial Management and Comptroller) (ASA (FM&C)), who has primary responsibility for congressional liaison with the appropriations committees, and the Assistant Secretary of the Army for Civil Works (ASA (CW)), the designated congressional liaison for the Army's civil works program.

(a) Except for civil works matters, the ASA (FM&C), in coordination with the CLL, will liaison with appropriations committees.

(b) The ASA (CW), in coordination with the CLL, will liaise with Congress on civil works. The ASA (CW), U.S. Army Corps of Engineers, and OCLL will coordinate on all matters involving the Army's CW program.

(7) Manage the Army's legislative program and serve as the Army point of contact for legislative initiatives including reviewing, coordinating, and messaging the Army position on all legislation.

(8) Prepare, advise, and facilitate Army senior leaders, senior officials, officers, and representatives for congressional contacts and appearances before committees, to include—

(a) Preparing the SECARMY, CSA, USA, VCSA, and SMA for all congressional testimony and contacts.

(b) Providing the SECARMY, CSA, USA, VCSA, and SMA legislative liaisons assistance in the coordination and synchronization of their congressional interactions across the Army.

(c) Tasking Army activities to assist in preparing Army senior leaders for congressional testimony and engagements, to review/edit committee hearing transcripts, to answer advanced policy questions, to answer questions for the record, and to prepare inserts for the record, as required.

(9) Report, monitor, and coordinate investigative actions of interest to the Army and provide advice to Army witnesses called to appear before legislative or investigative committees.

(10) Manage the Army Congressional Reports' process for authorization and appropriation reports in accordance with Department of Defense Instruction (DoDI) 5545.02.

(11) Provide responses to inquiries received from members of Congress, congressional committees, and State officials, and respond to all congressional requests for internal Army documents, except those involving the Army's civil works program.

(a) Responses must be prompt, coordinated, consistent, and factual.

(b) The CRT will coordinate the identification, collection, review, staffing, and release of documents and information in response to congressional requests for internal Army documents. Congressional requests for documents pertaining to the Army budget and under the purview of the ASA (FM&C), and pertaining to the Army's CW program and under the purview of the ASA (CW), will be processed through the CRT.

(12) Facilitate the Senate confirmation process for Army officers and Army senior leaders, to include general officer nominees. Coordinate with the Office of the Chairman, Joint Chiefs of Staff, for Army general officer nominations to Joint assignments.

(13) Serve as the Army lead for congressional travel conducted pursuant to congressional committee requests, Secretary of Defense designation, or SECARMY invitation, to include issuing appropriate travel orders, ensuring adherence to proper protocol measures, and obtaining and accounting for funding.

(14) Staff, manage, and support Senate and House Army liaison offices on Capitol Hill to enhance trust, promote communication, and facilitate access to members of Congress, including by providing introductions and developing engagement opportunities.

(15) Serve as the Army Staff proponent for the Army Congressional Fellowship Program (ACFP), in accordance with AR 1-202.

(16) Task Army activities to provide briefers and information requested by members of Congress, congressional committees, and congressional staff, except for matters under the purview of ASA (FM&C).

d. Army General Counsel. As the chief legal officer of the Army, the Army General Counsel will—

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

(2) Review Army substantive comments submitted in support of the Army's position on pending or proposed legislation.

(3) Review replies to congressional correspondence involving legal issues or matters of significant interest to the Army.

(4) Review all answers to advance policy questions, proposed hearing statements, draft responses to questions for the record, and draft inserts for the record.

(5) Coordinate legal and policy advice to HQDA.

(6) Determine the Army position on any legal question or procedure.

(7) Review documents and information proposed for release by the Army in response to congressional requests.

e. Deputy Chief of Staff, G-8. The DCS, G-8 will—

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

(2) Review Army responses to congressional committees and the CBO that involve Army resources or funding prior to submission of these responses, in conjunction with the ASA (FM&C).

(3) Review all Army legislative proposals, as needed, that require a cost benefit analysis (CBA).

f. The Judge Advocate General. The Judge Advocate General, in coordination with the Army General Counsel, will draft Army legislative proposals and process private relief legislation, except for matters related to civil works.

g. Commander, U.S. Army Corps of Engineers. Coordinate all congressional activities involving the Army's civil works program through ASA (CW), and coordinate all activities that involve Congress with the CLL.

h. Commanders of Army Commands and heads of all Army activities. Commanders of Army Commands and heads of all Army activities will—

(1) Select qualified witnesses for congressional hearings in coordination with the CLL (and ASA (FM&C) or, for civil works matters, ASA (CW) as appropriate), and ensure designated witnesses are given appropriate preparation and guidance.

(2) Make Army officials available in response to requests for briefings, hearings, congressional events, or other congressional contacts.

(3) Provide prompt, consistent, factual, and fully coordinated information and backup material in response to requests from the CLL or ASA (FM&C).

(4) Ensure all information intended for Congress that affects Army resources or funding is coordinated with the DCS, G-8 and ASA (FM&C) before providing it to OCLL and the ASA (FM&C), Budget Liaison (SAFM-BUL) for submission to congressional committees, the CBO, or any other organization, entity, or official working on behalf of a member of Congress or a congressional committee.

(5) Provide prompt notice to the CLL (and ASA (FM&C) or, for civil works matters, ASA (CW) as appropriate) of contacts with members of Congress, congressional committees, and congressional staff, or of congressional requests to visit activities or installations.

(6) Ensure congressional contacts outside OCLL (and ASA (FM&C) or, for civil works matters, ASA (CW) as appropriate) comply with the policies set forth in chapter 2 of this regulation.

(7) Handle communications received directly from individual members of Congress, congressional committees, and congressional staff in accordance with chapter 6 of this regulation.

(8) Ensure all information intended for submission to the CBO is properly coordinated and cleared before submitting to the CLL and ASA (FM&C).

(9) Ensure the CLL (and ASA (FM&C) or, for civil works matters, ASA (CW) as appropriate) receive witness statements prior to scheduled testimony and in accordance with chapter 5 of this regulation.

(10) Appoint CACOs whose primary duty is to serve as the liaison to the CLL and ASA (FM&C). CACOs will ensure that legislative proposals, witness statements, responses to advance policy questions, responses to questions for the record, responses to congressional inquiries, and other information intended for Congress comply with the policies and procedures set forth in this regulation and the CARSOP. CACO's will ensure their organizational leadership are made aware of the deadlines established by OCLL for response.

(11) Under the guidance and direction of the CLL (and ASA (FM&C) or, for civil works matters, ASA (CW) as appropriate), support congressional visits to Army installations, facilities, locations, and events.

(12) Search for, assemble, and forward (or release) documents within deadlines established by OCLL, and information in response to congressional requests when tasked by OCLL (or ASA (FM&C) or ASA (CW)) as appropriate.

1-5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms and reports required by this regulation are addressed in the Army Records Retention Schedule—Army (RRS-A). Detailed information for all related record numbers, forms and reports are located in the Army Records Information Management System (ARIMS)/RRS-A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed and/or published correctly in ARIMS/RRS-A, see DA Pam 25-403 for guidance.

Chapter 2 Contacts with Congress

2-1. Policy

Contacts between Army officials and members of Congress, congressional committees, and congressional staff are encouraged. Army officials will not, however, engage in any political activity as defined in 5 Code of Federal Regulations §§ 733-734 to include associating the U.S. Army with particular partisan causes or candidates.

2-2. Handling of contacts

Notify OCLL and ASA (FM&C) of all efforts by members of Congress or congressional staff to directly schedule a meeting, engagement, or event on an Army installation or with Army officials, and coordinate with OCLL and ASA (FM&C) through the execution of those meetings, engagements, or events. Notice will be provided as soon as possible by submitting a report via email to usarmy.pentagon.hqda-ocll.mbx.da-conrep@mail.mil and usarmy.pentagon.hqda-asa-fm.list.caco@mail.mil. The report will include the date and place of the requested or scheduled meeting or contact,

the member of Congress or staff attending, and a summary of the matters expected to be discussed. All Army activities (or the ASA (FM&C), Budget Liaison if the engagement is related to an Army budget matter) will coordinate with OCLL throughout the course of all meetings or contacts. When meeting with members of Congress, congressional committees, and congressional staff, official statements by Army officials will be confined to matters under their purview, and will be factual, forthright, and responsive. Following all contacts, a synopsis of what was discussed and any required follow-up action will be expeditiously provided via email to usarmy.pentagon.hqda-ocll.mbx.da-con-rep@mail.mil and usarmy.pentagon.hqda-asa-fm.list.caco@mail.mil.

2–3. Senior leader congressional contacts

a. Army senior leaders, including general officers, senior executive service officials, and senior commanders, are expected to support Army congressional engagements and outreach activities. The CLL will coordinate senior leader contacts and participation in engagements and activities such as congressional travel, receptions, social events, and Army strategic communications outreach. Army senior leaders are encouraged to recommend congressional outreach efforts to OCLL and, in coordination with OCLL, schedule congressional engagements.

b. New general officers and senior executive service officials are encouraged to schedule orientation sessions with OCLL. OCLL offers individual or small group sessions to inform senior leaders of Army congressional policies, programs, and objectives, and how they can assist in promoting Army legislative objectives.

2–4. Limitations on contacts

a. Army officials will not ask members of Congress or congressional staff to support funding requests not included in the President’s budget request or to enact legislation that has not been approved by HQDA, the Department of Defense (DoD), and the Administration.

b. Section 1913, Title 18, United States Code (18 USC 1913) prohibits the use of appropriated funds to encourage, pressure, or suggest that private citizens, citizens’ groups, corporations, associations, or other private organizations contact or solicit Congress on legislative matters. Additionally, Section 715 of Public Law (PL) 116–93 prohibits the use of appropriated funds by Executive Branch employees for publicity or propaganda purposes designed to support or defeat legislation pending before Congress, other than for normal and recognized executive-legislative relationships in presentation to the Congress itself. These restrictions do not prohibit Army officials from providing information to the public on Army programs and policies or providing information to or engaging in direct contacts with members of Congress or congressional staff.

c. Army officials will obtain clearance through OCLL of any statement to be provided to Congress in a letter, report, testimony, or other communication that offers a position or view on proposed or pending legislation. All budget positions must be coordinated with, and approved by, the ASA (FM&C). Any budget position or statement to be provided to Congress in a report, testimony, or other communication that offers a position or view on proposed or pending legislation regarding the Army’s civil works program must additionally be coordinated with and approved by the ASA (CW).

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

e. All Army activities that host Boards of Visitors that include members of Congress will limit direct liaison with members of Congress and their staff to the coordination necessary for attendance at Board of Visitor meetings at the agency or entity. Such organizations will conduct all other coordination with Congress through the appropriate OCLL or ASA (FM&C) legislative liaison.

2–5. Congressional travel

a. Policy. Visits by members of Congress and congressional staff to Army installations, facilities, units, training areas, and events, heighten congressional awareness of and support for Army programs, policies, and activities and are encouraged. Only the Office of the Secretary of Defense (OSD) or the SECARMY may extend invitations for non-reimbursable travel to members of Congress (which may include their family members on a space available basis) or congressional staff. Other Army officials will not unilaterally issue invitations for non-reimbursable congressional travel.

b. Requests for non-reimbursable travel. Army officials may request that an invitation for non-reimbursable congressional travel be extended to members of Congress (which may include their family members on a space available basis) or congressional staff by forwarding a memo signed by the head of the organization to the SECARMY, through OCLL. The memo will include the purpose of the trip and itinerary, the names of all congressional travelers, the mode of transportation, and an Army organization point of contact. Submit requests at least 15 days prior to the date of the planned travel. Submit requests for travel within 15 days as a short-notice request to the Congressional Travel Office,

OCLL, by telephone at (703) 697-7271, (703) 697-7272, (703) 607-7273, or email at usarmy.pentagon.hqda-ocll.mbx.da-conrep@mail.mil.

c. Reporting congressional visits.

(1) Upon receiving information of a proposed visit by members of Congress, congressional committees, congressional staff, subcommittees, task forces, or special survey groups or teams, the CACO or receiving Army official will immediately file an initial report by email to OCLL at usarmy.pentagon.hqda-ocll.mbx.da-conrep@mail.mil providing all available information about the visit. The report will include notice that security clearances will be needed during the congressional visit, if required. The report will not be delayed to await receipt of additional information.

(2) The CACO or Army organization's responsible Army official will submit a trip report via email to OCLL at usarmy.pentagon.hqda-ocll.mbx.da-conrep@mail.mil at the end of a congressional visit, investigation, or field hearing, unless an OCLL or ASA (FM&C) legislative liaison escort officer is present during the travel. Reports will include the place and duration of the visit, names of congressional travelers, areas of congressional interest, summary of information furnished, and any corrective action recommended. Even if an OCLL or ASA (FM&C) legislative liaison escort was present, Army officials are encouraged to submit reports to provide their perspectives on the visit, investigation, or hearing, and highlight key issues. Extended visits or visits for significant investigations or field hearings may require more frequent reports.

d. Partisan activities. Commanders and civilian executives of Army installations or facilities sponsoring congressional travelers will be familiar with and adhere to Army public affairs policies pertaining to partisan political activities on a military installation; see AR 360-1 and DoD guidance concerning election-year activities (see para 2-6).

2-6. Election-year activities

a. AR 360-1 contains policies and procedures to follow, when considering military involvement in election-year activities. Senior commanders and civilian executives will not permit any candidate, or individual representing a candidate's interests, to use military installation facilities for political assemblies or meetings, fund-raising events, press conferences, or any other activity that could be construed as campaign- or election-related in nature. Candidates who are not members of Congress may be given the same access to an installation as any other visitor. Installation or command CACOs will ensure that candidates, their staff members, and campaign representatives are informed to refrain from making campaign- or election-related statements or responding to campaign- or election-related media queries, while on the installation prior to their visit.

b. Requests from candidates to film or tape campaign commercials in front of military equipment on Army installations or facilities will be denied. The Army is not authorized to provide support, including troops, bands, or color guards, for political meetings, ceremonies, or similar events.

c. In addition to the requirements of AR 360-1, the OSD and the SECARMY may issue election-year guidance specific to current campaign issues or concerns of the DoD or the Army. Compliance with these issuances is mandatory, as is compliance with 5 USC 7321 et seq. and Department of Defense Directive (DoDD) 1344.10, which govern individual political activities of civilians and uniformed military members, respectively.

d. Unless the SECARMY approves, Army officials may not approve, grant, or bestow awards or special recognition to political candidates for partisan-elected offices between their announcements to run for office and the election.

2-7. Army Congressional Fellowship Program

The CLL is the proponent for ACFP, which educates and trains selected Army Soldiers and Army Civilians in congressional affairs. The ACFP includes a master's degree program, a one-year utilization with Congress, and a two-year utilization in an Army legislative affairs office. All Army activities are strongly encouraged to nominate military officers, senior non-commissioned officers, and senior Army Civilians to participate in the ACFP. The ACFP is administered in accordance with AR 1-202.

Chapter 3 Legislation

3-1. Policy

a. The CLL directs the Army Legislative Program through the OCLL LI&N Division. The Army staff will coordinate all legislative proposals – except those concerning civil works matters under the direction of the ASA (CW) – with DCS, G-8 and ASA (FM&C), for budgetary implications; Office of The Judge Advocate General (OTJAG), for legal and technical accuracy; and the Army's Office of the General Counsel (OGC), for final legal clearance. OTJAG and OGC review Army comments submitted to DoD in response to proposals submitted by DoD or the other Services,

congressional and Office of Management and Budget (OMB) requests for views on pending legislative proposals, bills, proclamations, reports, testimony, statements, and executive orders that do not originate from the Army before release to DoD.

b. All Army activities will contact OCLL upon receipt of a request from a member of Congress, congressional committees, or congressional staff for assistance in drafting legislation. Army activities may provide drafting assistance to a member of Congress, congressional committees, or congressional staff in accordance with OMB Circular No. A-19 and after coordination with OCLL. Coordination includes informing, synchronizing and deconflicting legislative actions and activities in a timely manner to ensure that the Army speaks with one voice on all legislative matters and other matters of congressional interest. Army activities will not submit legislative proposals, drafts, or initiatives directly to members of Congress, congressional committees, or congressional staff without coordination with OCLL LI&N and review by OTJAG and OGC.

c. Requests for legislative drafting assistance from members of Congress, congressional committees, or congressional staff related to the Army's civil works program will be coordinated with the ASA (CW) and the OGC. All legislative proposals related to the Army's civil works program will be coordinated with the ASA (CW), the OCLL LI&N Division, and the OGC. Army activities will not submit legislative proposals, drafts, or initiatives related to the Army's civil works program directly to members of Congress, congressional committees, or congressional staff without coordination with ASA (CW) and OCLL.

3-2. Legislation proposed by Department of the Army

a. Army activities may submit National Defense Authorization Act proposals for legislation or legislative changes necessary to carry out Army missions and responsibilities. Submitting Army officials should consider legislative proposals that streamline operations, increase efficiency, reduce costs, enhance readiness, or improve personnel well-being.

b. Army activities will send legislative proposals to the OCLL LI&N to initiate the process. The proposal package must include the following: DA Form 5 (Army Staffing Form) or other coordination document; and completed legislative proposal template. The completed legislative proposal template must be coordinated with OCLL LI&N and, at a minimum, explain the purpose and objective of the proposal, address all known or anticipated budgetary and personnel implications, and list all points of contact for the proposal. If the legislative proposal was previously submitted and disapproved, the legislative proposal template must provide an explanation regarding the changed circumstances that warrant reconsideration.

c. OCLL LI&N will process and coordinate all Army legislative proposals to include obtaining concurrence from the appropriate ASA sponsor, ASA (FM&C), DCS, G-8 (Program Analysis and Evaluation), OTJAG, and OGC. ASA (FM&C) concurrence may require the completion of a CBA or a comparative cost estimate. If required by ASA (FM&C), OCLL LI&N will inform the initiating Army organization of the need to conduct a CBA. The initiating Army organization must then complete a CBA and return it to OCLL LI&N for review by ASA (FM&C) before the proposal can move forward.

d. OCLL LI&N will forward all proposals receiving staff concurrence to the SECARMY for approval. After SECARMY approval, OCLL LI&N will monitor legislative proposals through DoD and OMB, in accordance with DoDD 5500.01, for coordination and submission to Congress.

e. Army activities having interest in a legislative proposal will provide information and supporting data, as required, during consideration of the proposal.

3-3. Requests for Army Views

a. The OCLL LI&N coordinates the review of legislative and executive items affecting Army programs and policy, to include proposals, bills, proclamations, reports, testimonies, statements, and executive orders that do not originate from the Army. The OCLL LI&N will task, coordinate, and transmit Army comments to OSD in response to congressional and OMB requests for views.

b. Comments on legislative proposals, bills, proclamations, reports, testimonies, statements, and executive orders are time sensitive and require expeditious action at every level. Army activities tasked to provide comments on these actions will ensure proposed comments are consistent with Army, DoD, and Administration policy; are coordinated with offices within the Army that may have an interest; are approved at the appropriate level within the tasked Army organization; and are returned to the OCLL LI&N by the deadline imposed.

Chapter 4 Investigations

4–1. Policy

Army policy is to cooperate fully with all formal, informal, and special congressional investigations in accordance with DoDI 5500.16. The CLL will ensure the Army promptly provides appropriate information on Army programs and operations requested by Congress during investigations. The CLL will ensure that Army officials cooperate fully with congressional committees and their staff. The CLL will monitor the progress of investigations and report significant developments to Army senior leaders and, where appropriate, other Army activities.

4–2. Army cooperation with congressional investigations

a. The CLL will appoint a legislative counsel from the OCLL LI&N Division to coordinate all aspects of congressional investigations, including responding to requests for information, facilitating requests to interview Army officials, providing briefers, and providing Army officials to testify at congressional hearings. The CLL will work closely with OGC in reviewing proposed Army responses to requests for information and requests to interview Army officials. As appropriate, legislative counsel will coordinate with DoD to ensure that Army-proposed responses are consistent with DoD and the Administration's policy. This policy also applies to requests for information from, and investigations led by, the CBO, Government Accountability Office (GAO), and the Congressional Research Service (CRS).

b. Committee requests for documents in conjunction with a congressional investigation will be reviewed and processed in accordance with chapter 7 of this regulation.

c. Army activities will promptly advise OCLL of any engagements or requests for information or support relating to a congressional investigation.

d. The Army will support congressional requests to visit installations and Army activities in conjunction with congressional investigations. The CLL will keep Army activities informed of any planned or proposed congressional investigative visits. Army activities will assist OCLL in planning, coordinating, and supporting congressional investigative visits.

e. In coordination with the CLL, the ASA (FM&C) may designate an Army activity to provide a liaison or directly monitor for investigations the Appropriations Committees conduct. The ASA (FM&C) may also designate a budget monitor as required for investigations of budget or appropriations issues, including investigations and reviews the CBO or the GAO conducts. The assigned monitor will coordinate briefings for investigators, review and recommend the release of all material, arrange the travel of investigators to Army activities, and provide monthly status reports to ASA (FM&C).

f. The CRT will process and coordinate document requests received by the Army from CBO, GAO, and CRS in accordance with chapter 7 of this regulation.

4–3. Army role in congressional investigative hearings

a. The CLL will notify appropriate Army activities of investigative hearings involving Army witnesses or interests. Army activities will make witnesses available to appear before congressional hearings and support requests for witness interviews or briefings. Army activities contacted directly by a congressional committee to appear or provide information for an investigative hearing will forward requests to the OCLL LI&N Division.

b. The appointed legislative counsel from the OCLL LI&N Division will prepare Army witnesses invited to testify at investigative hearings, assist in the preparation and submission of witness statements, monitor the hearing, and assist in the preparation and submission of post-hearing information, including inserts and questions for the record.

Chapter 5 Appearances Before Congressional Committees

5–1. Policy

Army policy is to provide knowledgeable, experienced, and prepared officials to present testimony at congressional hearings. Army witness statements will be consistent with the policies of the Army, the DoD, and the Administration. Testimony by Army witnesses at congressional hearings is critical to ensuring congressional awareness, understanding, and support of Army policies, programs, challenges, Army legislative initiatives, and resource requirements. For the purposes of this policy, Army witnesses do not include Army officials testifying as a result of occupying a joint assignment or when appearing at a confirmation hearing for nomination to a combatant command – the Joint Staff prepares Army officials for hearings relating to a joint assignment.

5–2. Support to witnesses testifying during congressional hearings

The CLL will designate a legislative liaison or legislative counsel for each hearing involving an Army witness who will present the official Army position on the subject matter of the hearing. In coordination with the CLL, the ASA (FM&C) will designate a Budget Liaison for appropriations-related posture or other appropriations related hearings. The designated liaison will assist Army witnesses and supporting Army personnel in preparing, coordinating, and clearing hearing statements; ensure witnesses are informed of Army and DoD policies and positions on the subject of the hearing; provide advice and assistance to witnesses during all phases of the hearing; attend the hearing; and, produce a post-hearing report capturing areas of immediate interest to Army senior leaders and a list of all due outs to the relevant committee or legislative body. The responsible legislative liaison or counsel will forward a copy of the post-hearing report to relevant CACOs once approved to do so by the CLL. All Army witnesses testifying in front of Congress for the first time will coordinate with LI&N to receive a briefing on congressional testimony and witness requirements.

5–3. Selection of witnesses

a. In most hearings involving the Army, congressional committees invite a specific Army official to testify to present the Army's official position. Army officials receiving an invitation to testify directly from a member of Congress or committee will immediately notify OCLL at usarmy.pentagon.hqda-ocll.mbx.da-conrep@mail.mil summarizing the invitation and providing a biography of the requested official. The notification may include a recommendation for an alternate witness or for other supporting witnesses if appropriate.

b. If a congressional invitation leaves selection of a witness to the Army, the CLL will coordinate with the Army organization having oversight responsibility of, or interest in, the subject matter of the hearing to select the best possible witness. Individuals are designated as witnesses on the basis of grade and position, knowledge of the subject matter, and ability to present the Army position. The sponsoring organization of the designated witness provides support as needed to the witness and facilitates his or her attendance at the hearing. The CLL will coordinate with the sponsoring organization and testifying individual to support all aspects of the witness' appearance at the hearing.

5–4. Hearing statements

a. In most cases, congressional committees require witnesses to provide a written hearing statement 48 hours prior to the hearing. Hearing statements are important official documents that are published in the hearing transcript and are made available to the media and the public. Army officials responsible for preparing statements will ensure that classified information is not contained in the hearing statement. Hearing statements will be concise, informative, inclusive, and consistent with Army policy. Sponsoring organizations will complete hearing statements in accordance with the timeline established by OCLL in advance of the hearing to ensure sufficient time is available to complete the clearance process.

b. Written hearing statements must be cleared by HQDA, OSD, and OMB in accordance with DoDD 5500.01 prior to release to Congress to ensure they reflect Army, DoD, and the Administration policy and are consistent with the President's budget. Sponsoring organizations will coordinate statements with the Army activities having oversight responsibility or a direct interest in the content of the statement. A coordinated copy of the statement will be provided to OCLL (or ASA (FM&C) or ASA (CW) as appropriate) liaison officer handling the hearing in time to meet the congressional committee's suspense for delivery in advance of the hearing. The CARSOP contains additional information concerning witness statement preparation and the clearance process. Statements will not be released to the public until the congressional committee holding the hearing authorizes release.

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

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

5–5. Responsibilities after hearings

a. Army officials appearing as hearing witnesses will forward information requested during a hearing by members of Congress to OCLL (or to ASA (FM&C) or ASA (CW), as appropriate) for transmittal to the committee.

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

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

d. The CARSOP contains additional information on preparing inserts for the record, editing hearing transcripts, and responding to questions for the record.

5–6. Appearance of Army personnel in individual capacity

a. Army policy is to allow personnel to testify in their individual capacity at the invitation of congressional committees, although not in a representational capacity for the Army.

b. Army activities will notify OCLL immediately upon becoming aware that a member of that organization has been invited to testify before a congressional committee in their individual capacity. The following information, to the degree available, will be provided along with that notification:

- (1) Rank and name of the personnel attending;
- (2) Unit of assignment and physical place of duty for the invited witness;
- (3) Contact information for the congressional committee;
- (4) Subject matter of the hearing;
- (5) Whether other events, either before or after the hearing, and related to the Army personnel's appearance at the hearing, are anticipated;
- (6) The proposed travel funding method and source, to include any offers of a gift by a third party;
- (7) If the invited witness is a Soldier, whether the Soldier has been requested to wear, or intends to wear, a military uniform;
- (8) Whether the Army personnel invited to testify is undergoing, or has undergone, any adverse administrative or disciplinary action; and
- (9) Whether there was a request to provide any documentation or written testimony in advance and, if so, specifics of the request.

c. Commanders and heads of Army activities will ensure that no action is taken that could be considered a violation of 10 USC 1034, The Military Whistleblower Protection Act.

d. A supporting Office of the Staff Judge Advocate (OSJA) for the Army organization from which the testifying Army personnel is assigned will ensure that a legal and ethics review of the logistics relating to the invitation, the attendance plan, and any third party gift offers is conducted and provided to the testifying personnel and the organization. A copy of this legal and ethics review will be provided to OCLL. If the testifying Army personnel is not assigned to a unit with an Army OSJA, that individual should contact OCLL LI&N division for assistance and guidance.

e. The CLL will provide the testifying individual administrative and logistical support upon request.

Chapter 6 Communications with Congress

6–1. Policy

a. Army policy is to promptly make information available to members of Congress, congressional committees, and congressional staff. This includes information provided in response to a direct request for information, as well as information provided proactively that is of known interest to members of Congress, congressional committees, and congressional response. This policy is limited only by pertinent regulations and directives relating to security and protection of individual privacy and to official information that requires protection in the public interest. Chapter 7 of this regulation contains additional information on the release of information and documents to Congress.

b. No provision of this regulation restricts 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 Soldier or an Army Civilian for making or preparing a communication to a member of Congress (10 USC 1034).

c. Information and correspondence to Congress will be brief, clear, and courteous. Minimize the use of military abbreviations and technical language. Letters must be factual, forthright, simple, and responsive.

6–2. Procedures

a. Coordination of information for release to Congress is the responsibility of the preparing organization. The CLL may directly contact, task, and establish suspenses for any Army organization to expedite replies, avoid delays, and secure necessary information, to satisfy the request.

b. When several identical inquiries are received from different members of Congress, the responses should be consistent. Do not use a form letter or copy, handle each inquiry on its individual merit, and answer every inquiry fully and factually.

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

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

d. No Army organization will transfer any congressional inquiry referred to it by OCLL to any other organization without the express consent of OCLL.

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

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

6–3. Correspondence with individual members of Congress

a. Requests for information received from members of Congress that are referred to an Army organization will be accompanied by specific instructions to include suspense date, signature level, and special interest by Army senior or DoD leaders. Paragraph 7–3 of this regulation should be reviewed prior to drafting responses to Congressional inquiries.

b. When a congressional inquiry is addressed to a particular Army organization (or has been referred to that organization for direct reply), the head of the organization responsible for the action (or his or her designated representative) will sign the reply and send it directly to the member of Congress concerned. Advise OCLL immediately when replies to such inquiries involve sensitive issues.

c. Army activities will provide OCLL copies of all inquiries received directly from Congress. Responses to congressional inquiries will also be forwarded to OCLL when action is complete (except inquiries concerning civil works matters, which will be provided to the ASA (CW)). Inquiries may be sent via email to usarmy.pentagon.hqda-ocll.mbx.congressional-inquiries@mail.mil or mailed to Headquarters, Department of the Army, Office of the Chief of Legislative Liaison, 1600 Army Pentagon, Washington, DC 20310–1600. Each Army organization may act as the forwarding agent for replies by their subordinate commands or organizations.

d. Army activities will forward proposed interim and final replies to members of Congress (together with the member’s inquiry, enclosures, and all additional information) to OCLL for coordination when the answer to a congressional inquiry relates to proposed or pending legislation or a congressional investigation, requires an explanation of Army policies or procedures beyond the purview of the addressee, or when required by OCLL for HQDA review. Use command channels when forwarding proposed replies.

e. Congressional inquiries often concern subjects of significant importance to the Army. It is in the Army’s best interest to furnish replies promptly. Special attention will be given to those inquiries involving compassionate or time-sensitive matters, such as death, injury, or sickness of, or other grave circumstances relating to, Army personnel or members of their Families. Replies to inquiries involving compassionate or time-sensitive matters must be given the highest priority and will be expedited by telephone or email, using overtime and weekend duty as necessary. An experienced legislative liaison or legislative counsel will handle such cases.

f. Formatting such as font, size, margins, spacing, will follow AR 25–50 standards. Closing and signature block styles will follow AR 25–50 examples. When possible, a wet signature on an Army response letter is preferred; however, a digital signature is authorized if obtaining a wet signature will unduly delay the response or other circumstances prevent either obtaining or delivering a response with a wet signature.

g. Replies to congressional correspondence requiring the signature of DoD or Army senior leaders require immediate response by the CLL. Due to the critical time constraints on these actions, Army activities tasked by OCLL to provide a response will respond to and coordinate with OCLL immediately by the most expedient method possible. If a final response cannot be made by the suspense, a substantive interim reply will be made. Interim replies must include as much specific information as possible, reasons for the delay, and the approximate date when to expect a final reply.

h. The following guidelines apply to the processing of all other replies to congressional correspondence:

(1) All replies will be transmitted to OCLL by the fastest possible means. Email transmission is preferred over physical mail and hand-delivered hard copies.

(2) Dispatch final replies to communications received directly from members of Congress and those referred from HQDA for direct reply within five working days after receipt.

(3) Taskings by OCLL for draft replies to congressional requests referred by HQDA will be returned to the HQDA office responsible for the action by the assigned suspense date. Normally, the suspense date will be five working days from receipt of the tasking from OCLL.

(4) Send interim replies when circumstances clearly prevent a final or draft reply within the periods outlined above. The CLL will send the member of Congress an interim reply containing as much information as is available at the time, initially within five working days after receipt, and then every 30 days until the ongoing action is complete.

i. The following guidelines apply to the processing of telephonic congressional inquiries:

(1) Army activities in the continental United States will respond by telephone within two working days to telephone inquiries OCLL refers to them. If this is not possible, provide an interim reply with the expected date of a final reply and reason for the delay.

(2) Responding Army activities overseas will telephone or email OCLL, through the appropriate liaison, within five working days.

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

(4) The CLL will impose shorter suspenses than those listed above as necessary.

6–4. Correspondence with committees of Congress

a. Army activities will notify OCLL of the receipt of inquiries from any congressional committee. The CLL will forward congressional committee inquiries to appropriate Army activities for direct response as necessary.

b. The following guidelines apply to committee inquiries:

(1) Army responses to congressional committee correspondence will be timely, responsive, factual, and coordinated. Army activities will not reply to congressional committee inquiries directly. All responses will be coordinated through OCLL.

(2) Release of official records and Army documents will comply with chapter 7 of this regulation.

(3) The CLL will process congressional committee requests. Inspection of official records is normally permitted when requested by a congressional committee.

c. The following applies to the release of classified and sensitive materials:

(1) The provisions of AR 380–5 govern the handling of classified and sensitive material.

(2) OCLL obtains any necessary authority required to communicate classified and sensitive material to a congressional committee.

(3) Any Army organization that corresponds with Congress on matters pertaining to nuclear energy will additionally provide a copy of the correspondence to the DCS, G–3/5/7.

(4) Refer questions or concerns regarding a congressional committee request for sensitive material to OCLL for consideration and action.

6–5. Invitations to Army personnel for participation in congressional events

a. Army policy is to allow personnel to participate in congressional events at the invitation of members of Congress and congressional committees. Participation will be conducted in accordance with DoDD 1344.10.

b. Army activities will notify OCLL immediately upon becoming aware that a member of that organization has been invited, in either their official or personal capacity, to participate in a congressional event held by a member of Congress or a congressional committee. The following information, to the degree available, will be provided along with that notification:

(1) Rank and name of the personnel attending;

- (2) Unit of assignment and physical place of duty for the Army personnel attending;
 - (3) The event for which the Army personnel has received or anticipates receiving an invitation;
 - (4) The source of the invitation, with that source's point of contact information, to include third-party, non-congressional sources;
 - (5) A summary of the matters expected to be discussed;
 - (6) The motivation for the invitation. Examples can include: based on a personal relationship, recognition of an awardee, or attending an event relating to a specific policy issue;
 - (7) Whether other events, either before or after the congressional event, and related to the Army personnel's appearance at the event, are anticipated;
 - (8) The proposed travel funding method and source, to include any offers of a gift by a third party;
 - (9) If the invited personnel is a Soldier, whether the Soldier has been requested to wear, or intends to wear, a military uniform;
 - (10) Whether the Army personnel invited to attend the congressional event is undergoing, or has undergone, any adverse administrative or disciplinary action; and
 - (11) Whether there was a request to provide any documentation or statements in advance, and if so, specifics of the request.
- c.* Commanders and heads of Army activities will ensure that no action is taken that could be considered a violation of 10 USC 1034, The Military Whistleblower Protection Act.
- d.* A supporting OSJA for the Army activity from which the attending Army personnel is assigned ensures that a legal and ethics review of logistics relating to the invitation, the attendance plan, and any third party gift offers is conducted and provided to the attending personnel and the organization. A copy of this legal and ethics review will be provided to OCLL. If the Army personnel is not assigned to a unit with an Army OSJA, that individual should contact OCLL LI&N division for assistance and guidance.
- e.* Army personnel invited by the President of the United States to the State of the Union to Congress will receive a briefing from OCLL LI&N in advance of their attendance.

Chapter 7

Release of Information and Documents to Congress

7-1. Policy on providing information and documents to Congress

- a.* The Army is committed to providing maximum information to and fully cooperating with members of Congress, congressional committees, and congressional staff. Responsiveness is critical to ensuring congressional awareness, understanding, and support of Army policies, programs, and challenges. Army responses to requests from members of Congress, congressional committees, and congressional staff for Army documents will be timely, coordinated, consistent with applicable law and policy, accurate, and responsive.
- b.* Army activities will send interim replies when circumstances clearly prevent a final or draft reply within the suspense set by Congress. Army activities will send an interim reply with the expected date of a final reply and reason for the delay. If no suspense was set by Congress, interim responses will be provided on the status of the request no later than five working days after receiving the request, and then every 30 days until the ongoing action is complete.
- c.* An official request made on behalf of a congressional committee or subcommittee should be on committee letterhead, clearly state that the request is made on behalf of the committee, and be signed by the committee chair. Delegation of this authority by the committee or subcommittee chairperson in writing to a specific individual or individuals will be recognized if DoD has accepted the delegation. Requests in accordance with that delegation will be processed as though the request was signed by the relevant committee or subcommittee chair themselves. Other requests for Army documents from members of Congress or congressional staff should be in writing (email will suffice) and clearly identify the documents requested. Requests that are not official requests as described herein are subject to limitations on disclosure imposed by the Freedom of Information Act and other relevant non-disclosure statutes, policies, and regulations.
- d.* Army activities will promptly notify the OCLL CRT upon receipt of any congressional request for Army documents. Prior to release, Army activities will coordinate requests from members of Congress, congressional committees, congressional staff, and GAO requests for Army documents not in the public domain with the CRT. The CRT can be reached at usarmy.pentagon.hqda-ocll.mbx.crt-mail@mail.mil.
- e.* Army activities will coordinate with the CRT before providing unsolicited information involving any significant development concerning the Army and prepared specifically for members of Congress, congressional committees, or congressional staff, or designed to provide notice to members of the Congress, congressional committees, or congressional staff.

f. Army activities will notify the CRT upon receipt of a request from a member of Congress, a congressional committee, or congressional staff for any Army document or information that is, or may be, protected from public release under 5 USC 552; 5 USC 552a; the Health Insurance Portability and Accountability Act (PL 104–191); or under any other law or regulation. This notification requirement includes requests from any legislative branch organization or from any organization, entity, or official working on behalf of a member of Congress or a congressional committee, to include, but not limited to, the GAO, CBO, and the Congressional Research Service.

g. All Army activities will cooperate fully with OCLL and the CRT to ensure full compliance with the Privacy Act of 1974, the Freedom of Information Act, and any other applicable law or regulation. Army activities will not release personal identifying information in Army files about personnel to individual members of Congress without prior receipt of a Privacy Act Release signed by the affected individual.

h. All Army activities will cooperate fully and promptly with OCLL in performing its critical role of facilitating congressional oversight of Army programs and activities.

7–2. Access to information

a. Members of Congress, congressional committees, and congressional staff are authorized access to classified and unclassified information, when necessary, to perform their governmental functions. The release of information is governed by applicable laws, executive orders, and regulations pertaining to classified, sensitive and personal information (to include AR 380–5 and AR 25–22).

b. Authorities governing the release of information depend on whether the request is on behalf of a congressional committee or on behalf of a member of Congress acting in an individual capacity. The release of information to members of Congress who are acting in their individual capacities or their personal office staff is subject to 5 USC 552; 5 USC 552a; PL 104–191; and other applicable laws as well as applicable DoD and Army directives and regulations.

c. The Army makes this information available to congressional committees in accordance with DoDI 5400.04, Enclosure 4. The denial of any request for information received from a congressional committee will be approved by the Assistant Secretary of Defense for Legislative Affairs, in consultation with the Secretary of Defense. The SECARMY must approve the denial of any non-constituent based requests for information from members of Congress acting in their individual capacity. Information requested by members of Congress or their personal office staff on behalf of their constituents will be handled in the same manner as if the constituent had written directly to the DoD.

7–3. Procedures for responding to congressional requests for documents

a. The CRT is responsible for organizing and overseeing searches for documents, coordinating the review of responsive documents within the Army and the DoD, and transmitting the Army’s response to all congressional requests for documents from the Army. This responsibility includes the following:

(1) Documenting, tracking, and monitoring the status of all major or sensitive congressional requests for Army documents and the Army’s response to those requests.

(2) Directing the collection, review (including substantive, legal, and security reviews), coordination, duplication, and release of Army documents, and written and oral responses to Congressional requests.

(3) Coordinating the proper notification to Army leadership for the pending release to Congress of significant documents of particular interest to Army senior leaders. The CRT will assist Army senior leaders with responding to queries regarding those documents, task Army activities to assist with the preparation of these responses as necessary, and ensure the query response is consistent with any existing strategic communications plan.

(4) Coordinating document releases within Army, with OSD, and, as appropriate, with other DoD components.

(5) Maintaining accurate and complete copies of documents provided to Congress.

b. The CLL may task Army activities, as appropriate, to search for and provide documents that may be responsive to congressional requests for data, documents, or information. Tasked Army activities will collect responsive documents and information; ensure the security of, and ensure the legal review of, such documents and information; substantively review and prepare executive summaries of the contents of such documents and information; prepare related products as OCLL and Army leaders require; and make such documents, information, and products available to OCLL by the deadlines OCLL establishes. CACOs will follow the guidance contained in the CARSOP to synchronize and facilitate consistency in the release of Army documents to Congress.

c. OGC will review documents proposed for release to Congress. This review will identify material and information that is subject to executive privilege, limited to committee use only, or limited by other non-disclosure statutes or regulations.

d. The original classification authority of any classified documents classified as “secret” or higher, or that contains sensitive information, will review and approve those documents and information proposed for release to Congress.

The CLL will coordinate, as necessary, with the DCS, G-2, to determine the identity of the original classification authority.

7-4. Processing and clearance of required reports to Congress

Legislation, especially the annual National Defense Authorization Act, regularly includes requirements for the DoD and Military Services to provide reports to congressional oversight committees on various programs and policies. The CLL is responsible for identifying, assigning and tasking lead and assisting Army organization CACOs for preparation of reports directed by Congress. A detailed process for producing, reviewing, and approving congressional reports required from the Army will be published by OCLL. For congressional reports either requiring Army senior leader endorsement or approval, or reports that are of such significance as to require Army senior leader coordination, the lead Army organization will be responsible for briefing Army senior leaders on the status and subject matter of the report.

Chapter 8 Congressional Notifications

8-1. Policy

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

8-2. Procedures

a. Army officials will consider the potential congressional implications, effects on congressional committee responsibilities, and impact on individual constituencies of significant Army actions or developments. As Army plans are developed that may concern Congress, the responsible HQDA official or Army organization will coordinate with OCLL to determine congressional implications.

b. In coordination with the responsible HQDA officials or Army activities, the CLL will develop a congressional notification plan, when necessary, to inform appropriate members of Congress and interested congressional committees. The CLL will coordinate notification plans with affected Army activities and provide them the final version of notifications prior to release. The CLL may task Army activities to prepare news releases, information papers, and briefings for Congress.

c. Army officials will prepare information to be provided to Congress on broad Army plans, operations, and activities to include coordination and internal clearance. The CLL will ensure the information is consistent with Army and DoD policy and will coordinate and distribute the information to Congress.

8-3. Actions or plans requiring notice to Congress

a. If an official Information for Members of Congress (IMC) is required, the CLL is the approval and release authority for regularly recurring IMCs or IMCs the CLL determines do not require Army senior leader interest. For IMCs likely to garner significant congressional or media interest, the CLL will inform the Army senior leaders through the Director of the Army Staff of the pending release to allow Army senior leaders the opportunity to engage on the issue as desired. Army activities responsible for the information to be provided to Congress will provide that information to OCLL for the IMC preparation. An example IMC is provided in figure 8-1. The CLL will publish additional information for preparing IMCs.

b. Realignment and reductions. Follow procedures outlined in DoDI 1400.25, Volume 351, and AR 690-300 when providing information on realignments and reductions affecting civilian employees of installations, facilities, or activities. DoDI 1400.25, Volume 351, specifically requires congressional notification for—

- (1) Release of 50 or more civilian employees from U.S. Government employment during a fiscal year at an installation, facility, or activity.
- (2) Closure or reductions in an installation work force that may be expected to be of interest to members of Congress and the public.
- (3) Any reduction in force that is of special interest to Congress or the public.
- (4) Realignment of 50 or more civilian employees outside the local commuting area.
- (5) Substantial reduction in contract operations or employment (involving 100 or more people) during a fiscal year.

c. Contract awards. Contracting officers will report impending contract awards of \$7.5 million or more to HQDA, as required by Defense Federal Acquisition Regulation Supplement (DFARS) 205.303. HQDA shall then report such awards to members of Congress in whose State or district the contractor is located and the work is to be performed,

as required by DFARS 205.303. Release of information is prohibited to anyone concerning the identity or location of the person, company, or corporation to whom any contract has been awarded by DoD (including to a member of Congress) prior to public announcement.

d. Proposed contract terminations. Contracting officers will report proposed significant contract terminations through the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) to OCLL as required by DFARS 249.7001. The CLL coordinates congressional notifications as required by DFARS 249.7001 and DoDI 1400.25, Volume 351, which requires congressional notification for any termination involving a reduction in employment of 100 or more contractor personnel. The CLL may furnish other reported information to Congress, depending on the significance of the termination.

e. Stationing. Follow AR 5–10 prior to the public release or implementation of any significant changes in mission or operating levels, including anticipated changes in government-owned, contractor-operated facilities. If appropriate, reports will include recommendations on the content and release date to be provided to Congress.

f. Valorous awards. In accordance with the requirements and restrictions of DoDI 1348.33, Section 15, a Soldier's congressional representatives in the House and Senate will be notified if the Soldier is to be awarded the Medal of Honor, Military Service Cross, or Silver Star Medal. The CLL will provide the relevant congressional representatives with the Soldier's grade, name, title of award, and legal residence or domicile.

g. Combat casualty notifications. The CLL will notify relevant members of Congress and State Governors of Soldiers evacuated from a combat theater and admitted to a military treatment facility within the United States in accordance with Section 546 of the Fiscal Year 2004 National Defense Authorization Act (PL 108–136, section 546). Notifications will not occur prior to notification of a Soldier's next of kin, and are subject to the consent of the Soldier or, if unable to provide consent, information and consent may be provided by next of kin.

h. Other notifications. The CLL will provide informal notifications to congressional committees upon receipt of information about significant events known to be of particular interest to Congress. Legislative liaisons will clear these notifications with their division leadership, inform the CLL of the event and information intended for release, and will coordinate with LI&N to receive a legal review of the draft notification by OGC prior to release. Notifications that include the provision of Army documentation will be coordinated with the CRT in accordance of chapter 7 of this regulation.

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

Xx Xxxxxx 2020

INFORMATION FOR MEMBERS OF CONGRESS

SUBJECT: Activation of Additional Security Force Assistance Brigades

The U.S. Army announced today that it will activate additional Security Force Assistance Brigades (SFAB) at Fort Hood, Texas; Fort Carson, Colorado; and Joint Base Lewis-McChord, Washington in 2019 and 2020.

SFABs are specialized units whose core mission is to conduct advise-and-assist operations with allied and partner nation security forces. Establishing dedicated units to perform security force assistance (SFA) increases Army proficiency at these missions, strengthens our allies and partners, and improves Army readiness by reducing demand on brigade combat teams (BCT) to conduct non-decisive action operations.

Modeled on a BCT's organizational structure, SFABs consist of approximately 800 officers and non-commissioned officers who have proven expertise leading combat units and are specially trained to advise foreign security forces. SFABs can also serve as the leadership nucleus around which to grow a new BCT should the Army need to expand rapidly in response to a national emergency.

The decision to activate SFABs at these installations was based on strategic and operational considerations and installation capacity. The decision process prioritized the ability to man these specialized, volunteer units with the required senior grade personnel, the availability of installation infrastructure to support the training and deployment of an SFAB, and facility costs.

These three additional SFABs bring the total number in the Regular Army to five. The 1st SFAB activated at Fort Benning, Georgia, in October 2018 and is currently deployed to Afghanistan. The 2nd SFAB activated at Fort Bragg, North Carolina, in January 2019. The Army's sixth SFAB will be activated in the Army National Guard.

Recognizing that SFA operations are an enduring mission requirement, the Army is taking other steps to institutionalize the capability within the force. The Army established the Military Advisor Training Academy at the Maneuver Center of Excellence, Fort Benning, Georgia. The Army is also establishing a command element within Forces Command at Fort Bragg, North Carolina, to conduct training and readiness oversight of SFABs.

For further information, please contact Mr. Xxxxxx Y. Zzzzz, Office of the Chief Legislative Liaison, at xxxxx.y.zzzzz.civ@mail.mil or 703-697-xxxx, or Major Xxxxxxx Y. Zzzzz at xxxxx.y.zzzzz.mil@mail.mil or 703-614-xxxx.

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Office of the Chief of Legislative Liaison
Office of the Secretary of the Army

Figure 8–1. Sample Information for Members of Congress

Appendix A

References

Section I

Required Publications

Unless otherwise indicated, all Army publications are available on the Army Publishing Directorate website at <https://armypubs.army.mil/>.

AGO 2020-01

Assignment of Functions and Responsibilities within Headquarters, Department of the Army (Cited in Summary of Change)

AR 1-202

Army Congressional Fellowship Program (Cited in para 1-4c(15).)

AR 5-10

Stationing (Cited in para 8-3e.)

AR 25-22

The Army Privacy Program (Cited in para 7-2a.)

AR 25-30

Army Publishing Program (Cited in title page.)

AR 25-400-2

The Army Records Information Management System (ARIMS) (Cited in para 1-5.)

AR 360-1

The Army Public Affairs Program (Cited in para 2-5d.)

AR 380-5

Army Information Security Program (Cited in para 6-4c(1).)

AR 690-300

Employment (Cited in para 8-3b.)

DA Pam 25-403

Guide to Recordkeeping in the Army (Cited in para 1-5.)

DFARS 205.303

Announcement of contract awards (Cited in para 8-3c.) (Available at <https://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.)

DFARS 249.7001

Congressional notification on significant contract terminations (Cited in para 8-3d.) (Available at <https://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.)

DoDD 1344.10

Political Activities by Members of the Armed Forces (Cited in para 2-6c.) (Available at <https://www.esd.whs.mil/>.)

DoDD 5500.01

Preparing, Processing, and Coordinating Legislation, Executive Orders, Proclamations, Views Letters, and Testimony (Cited in para 3-2d.) (Available at <https://www.esd.whs.mil/>.)

DoDI 1348.33

DoD Military Decorations and Awards Program (Cited in para 8-3f.) (Available at <https://www.esd.whs.mil/>.)

DoDI 1400.25, Volume 351

DoD Civilian Personnel Management System: Coordination and Clearance Requirements for Personnel Reductions, Closures of Installations and Reductions of Contract Operations in the United States (Cited in para 8-3b.) (Available at <https://www.esd.whs.mil/>.)

DoDI 5400.04

Provision of Information to Congress (Cited in para 7-2c.) (Available at <https://www.esd.whs.mil/>.)

DoDI 5500.16

Relationship With the Surveys and Investigations (S&I) Staff, House Appropriations Committee (Cited in para 4–1.) (Available at <https://www.esd.whs.mil/>.)

DoDI 5545.02

DoD Policy for Congressional Authorization and Appropriations Reporting Requirements (Cited in [para 1–4c\(10\)](#).) (Available at <https://www.esd.whs.mil/>.)

OMB Circular No. A–19

Legislative Coordination and Clearance (Cited in para 3–1*b*.) (Available at <https://www.whitehouse.gov/omb/information-for-agencies/circulars/>.)

PL 104–191

Health Insurance Portability and Accountability Act of 1996 (Cited in para 7–1*f*.) (Available at <https://www.congress.gov/>.)

PL 108–136

National Defense Authorization Act for Fiscal Year 2004 (Cited in para 8–3*g*.) (Available at <https://www.congress.gov/>.)

PL 116–93

Consolidated Appropriations Act, 2020 (Cited in para 2–4*b*.) (Available at <https://www.congress.gov/>.)

5 Code of Federal Regulations § 733

Political Activity–Federal Employees Residing in Designated Localities (Cited in para 2–1.) (Available at <https://www.ecfr.gov/>.)

5 Code of Federal Regulations § 734

Political Activities of Federal Employees (Cited in para 2–1.) (Available at <https://www.ecfr.gov/>.)

5 USC 552

Public information; agency rules, opinions, orders, records, and proceedings (Cited in para 7–1*f*.) (Available at <https://uscode.house.gov/>.)

5 USC 552a

Records maintained on individuals (Cited in para 7–1*f*.) (Available at <https://uscode.house.gov/>.)

5 USC 7321 et seq.

Political participation (Cited in para 2–6*c*.) (Available at <https://uscode.house.gov/>.)

10 USC 1034

Protected communications; prohibition of retaliatory personnel actions (Cited in para 5–6*c*.) (Available at <https://uscode.house.gov/>.)

18 USC 1913

Lobbying with appropriated moneys (Cited in para 2–4*b*.) (Available at <https://uscode.house.gov/>.)

Section II**Related Publications**

A related publication is a source of additional information. The reader does not have to read a related publication to understand this regulation. Unless otherwise indicated, all Army publications are available on the Army Publishing Directorate website at <https://armypubs.army.mil/>.

AR 11–2

Managers' Internal Control Program

AR 25–50

Preparing and Managing Correspondence

DoDD 5142.01

Assistant Secretary of Defense for Legislative Affairs (ASD (LA)) (Available at <https://www.esd.whs.mil/>.)

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website at <https://armypubs.army.mil/>.

DA Form 5

Army Staffing Form

DA Form 11-2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

Appendix B

Internal Control Evaluation

B–1. Function

The function covered by this evaluation is legislative liaison.

B–2. Purpose

The purpose of the evaluation is to assist office managers in evaluating key internal controls. It is not intended to cover all controls.

B–3. Instructions

Answers must be based on actual testing of the key internal controls such as analysis, direct observation, or interviewing. Answers that indicate deficiencies must be explained and the corrective action indicated in supporting documentation. These internal controls must be evaluated at least once every five years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test questions

- a.* Are key internal controls identified in the governing Army regulation? (HQDA functional proponent only.)
- b.* Are required publications, as shown in AR 1–20, appendix A, available to legislative liaison personnel? (They do not have to be maintained on hand.)
- c.* Have discrepancies noted in the most recent audit or inspection been corrected?
- d.* Are records created and managed in accordance with AR 25–400–2?
- e.* Are procedures in place to ensure all personnel, including contractors, are aware of the provisions of this publication?
- f.* Have all personnel involved in the conduct of legislative liaison received appropriate HQDA and internal OCLL training?
- g.* Have appropriate security personnel (for example, information assurance security officers) been appointed?
- h.* Are incidents and violations reported properly?

B–5. Supersession

This evaluation replaces the evaluation checklist for legislative liaison previously published in AR 1–20, dated 2 July 2013.

B–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to Headquarters, Department of the Army, Office of the Chief of Legislative Liaison at usarmy.pentagon.hqda-ocll.mbx.crt-mail@mail.mil.

Glossary

Section I

Abbreviations

ACFP

Army Congressional Fellowship Program

AR

Army regulation

ASA (CW)

Assistant Secretary of the Army for Civil Works

ASA (FM&C)

Assistant Secretary of the Army (Financial Management and Comptroller)

CACO

Congressional Affairs Contact Officer

CARSOP

Congressional Actions Responsibilities Standing Operating Procedures

CBA

cost benefit analysis

CBO

Congressional Budget Office

CLL

Chief of Legislative Liaison

CRS

Congressional Research Service

CRT

Congressional Response Team

CSA

Chief of Staff, Army

CW

civil works

DCS

Deputy Chief of Staff

DFARS

Defense Federal Acquisition Regulation Supplement

DoD

Department of Defense

DoDD

Department of Defense Directive

DoDI

Department of Defense Instruction

GAO

Government Accountability Office

HQDA

Headquarters, Department of the Army

IMC

Information for Members of Congress

LI&N

Legislation, Investigations, and Nominations Division

OCLL

Office of the Chief of Legislative Liaison

OGC

Office of the General Counsel

OMB

Office of Management and Budget

OSD

Office of the Secretary of Defense

OSJA

Office of the Staff Judge Advocate

OTJAG

Office of The Judge Advocate General

PL

Public Law

SECARMY

Secretary of the Army

SMA

Sergeant Major of the Army

USA

Under Secretary of the Army

USC

United States Code

VCSA

Vice Chief of Staff of the Army

Section II**Terms**

This section contains no entries.

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