



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

OCJCS/LA
DISTRIBUTION: C, JEL

CJCSI 5501.01G
25 November 2013

CONGRESSIONAL LIAISON POLICY

References: See Enclosure G.

1. Purpose

a. To provide guidance to Joint Staff and Combatant Command action officers (AOs) on official contacts with Congress, whether initiated by the Joint Staff, Combatant Commands, Congress, or outside agencies, for any official purpose.

b. To provide guidance to Joint Staff and Combatant Command AOs on preparing witnesses for appearances before congressional committees, performing content and classification reviews of testimony/transcripts, and developing and reviewing proper questions and inserts for the record (QFRs /IFRs). This instruction establishes the duties of AOs before, during, and after congressional hearings.

c. To provide guidance to Joint Staff and Combatant Command AOs on Congressional Reporting Requirements (CRRs); specifically pieces of legislation directing a report be submitted by the Chairman of the Joint Chiefs of Staff, (CJCS), a Combatant Commander, or in cases where the Secretary of Defense (SecDef) delegates his authority to the Chairman to sign-out a report.

2. Superseded/Cancellation. CJCSI 5501.01F, "Congressional Liaison Policy," 1 April 2008, is superseded.

3. Applicability

a. This instruction applies to all personnel assigned to or employed by the Joint Staff and Combatant Commands who conduct official business with congressional personnel, including members of Congress, their staffs, and congressional committees. Non-official contacts with congressional personnel are not affected by this instruction.

Enclosure A

b. This instruction provides general guidance to assist all Combatant Command legislative offices and Joint Staff Directorates with congressional hearings, witness appearances or reporting requirements.

4. Policy

a. Reference a assigns the Assistant Secretary of Defense for Legislative Affairs (ASD/LA) responsibility for coordinating DoD participation in congressional hearings. Legislative matters involving Combatant Commands and members of the Joint Staff will be coordinated with ASD/LA through the Office of the Legislative Assistant to the Chairman of the Joint Chiefs of Staff (OCJCS/LA). Reference b outlines procedures for furnishing classified and unclassified information to Congress. It also contains instructions about security review of testimony, provides a sample IFR, and establishes procedures for obtaining administrative and policy clearances. Reference c prescribes the organization and functions of the Joint Staff.

b. When congressional personnel contact, or request contact with, members of the Joint Staff and/or Combatant Commands, report this to OCJCS/LA.

(1) OCJCS/LA will obtain approval from the Director, Joint Staff, before the Joint Staff initiates any contact with congressional personnel. Personnel assigned to J-2 who are representing the Defense Intelligence Agency in contacts with Congress do not require formal DJS approval before responding to congressional requests. J-2 is authorized to approve such requests but should notify OCJCS/LA for information.

(2) The Combatant Commands will coordinate testimony/statements/transcripts and all QFRs/IFRs with OCJCS/LA. The Combatant Commands will keep OCJCS/LA informed of contacts and requests for contacts with congressional personnel.

5. Definitions. Not applicable.

6. Responsibilities

a. Before Hearing

(1) Requests for witnesses are normally received by OCJCS/LA via invitation letter from the relevant congressional committee. If a Joint Staff or Combatant Command office is contacted directly, the individual notified should inform OCJCS/LA immediately to coordinate a reply with ASD/LA and other Executive Branch offices. Joint Staff witnesses will be selected by the Chairman, the Vice-Chairman (VCJCS), the Assistant to the Chairman (ACJCS)

or the Director or Vice Director, Joint Staff (DJS or VDJS), in consultation with ASD/LA. Senior leadership within each combatant command will select its witnesses. Enclosure A provides a hearing checklist.

(2) When a statement for the record is prepared for a hearing it should be submitted to OCJCS/LA 15 working days prior to the hearing to ensure proper review by the Executive Branch. A sample format for the witness statement and cover sheet is in Enclosure B. Visual aids, charts, and handouts should be used with discretion and must be cleared with the committee in advance by OCJCS/LA. If charts are used in the statement, at least two black-and-white original paper copies must also be submitted to OCJCS/LA.

(3) The statement will be coordinated by OCJCS/LA through the Office of the Secretary of Defense Office of Security Review (OSR), and the Office of Management and Budget (OMB), along with other executive agencies participating in the hearing. Advance paper and electronic copies of the statement must be delivered to the committee, in most cases, 48 hours before the hearing. The committee staff determines the number of copies within the invitation letter. Additionally, Enclosure F is provided as a reference. NOTE: According to OMB, an opening statement is any prepared statement constituting introductory remarks beyond a speaker's identification of official station, official role or office's role, or traditional salutations to the committee -- presumably a witness would not have to write down such information. Anything beyond this as a prepared written statement constitutes an opening statement.

(4) All witness statements must receive final clearance from OCJCS/LA, OSR, and OMB before submission to the committee.

(5) On the occasion where a witness has multiple hearings and chooses to use the same statement, OCJCS/LA must request and receive additional clearance for each individual hearing.

b. During Hearing. Unless instructed otherwise, an AO from the witnesses' office should attend the hearing and take notes, especially on any issues to which a witness is asked to respond for the record (see "Insert for the Record"). Enclosure C lists issues to consider during the hearing.

c. After Hearing

(1) The AO should coordinate with OCJCS/LA and initiate the research on "Inserts for the Record" responses. There is an important difference between an IFR and a QFR. A witness answers a question with an IFR when not able to provide an immediate response during the hearing. A QFR is a

question submitted to the witness after the hearing. Sample formats can be found in Enclosure D of this instruction.

(2) Documents and taskings (transcripts, QFRs, IFRs) coming out of the hearings will be sent first to ASD/LA or the DoD Comptroller, tasked to OCJCS/LA, and then forwarded to the appropriate witness for action.

(3) Policies governing review of QFRs/IFRs were modified on 1 April 2005. As of this date, all QFR/IFR submissions prepared for CJCS/VCJCS review have required General Officer/Flag Officer (GO/FO) review at the VDJS level. The GO/FO will review and approve all submissions prepared by his or her directorates. The GO/FO review and approval will be recorded on the Joint Staff Form 136 that is associated with the package.

d. Transcript Review. Joint Staff Form 149 (Enclosure E) will accompany hearing statements, transcripts, IFRs, and QFRs for review and editing. It helps ensure proper staffing and provides very specific instructions for reviewing transcripts and statements. NOTE: Reviewing congressional testimony is a courtesy extended to the witness by most (not all) congressional committees. Therefore, committee deadlines to return transcripts must be met or the Joint Staff and Combatant Commands will lose the opportunity to provide input in the future.

e. Congressional Reports

(1) ASD/LA identifies the Joint Staff as lead for the following CRRs:

(a) Congressionally directed SecDef reports upon delegation of authority to the Chairman, or upon determination by ASD/LA that the reporting requirement in question would best be answered by the Joint Staff.

(b) Congressionally directed CJCS reports.

(c) Congressionally directed Combatant Commander reports.

(2) Upon notification by ASD/LA that the Joint Staff is the lead agency for a CRR, OCJCS/LA will work with Joint Directorate (JDIR) Executive Assistants to determine which JDIR will have lead. The assigned AO within that JDIR will be responsible for all coordination between agencies.

(3) For SecDef delegated and congressionally directed CJCS reports, the Joint Staff AO is responsible for all aspects of the reporting requirement, to include, but not limited to: writing of the report, all edits, congressional submission memorandums, and obtaining all coordination and review for the documents.

(4) For congressionally directed Combatant Commander reports, the Joint Staff AO is responsible for the following:

(a) Contacting the combatant command counterpart who will physically write the report.

(b) Setting due dates within the parameters of the guidance issued by the Secretary of the Joint Staff (SJS).

(c) Obtaining the final draft report prior to the combatant commander signing it and sending the report out for coordination through the appropriate Joint Staff and ASD agencies. This includes review/approval by the Top 5.

(d) Consolidating all edits/comments from the Joint Staff and ASD agencies and forwarding those to the Combatant Command AO for final edits. Once the Combatant Command AO has adjudicated all edits, the Combatant Commander or designee will sign the report and submit it directly to Congress, with a courtesy copy sent to the CJCS.

7. Summary of Changes

- a. Updated references.
- b. Removed redundant templates and samples of QFRs and IFRs.
- c. Updated Joint Staff Form 149.
- d. Added congressional reports instructions.

8. Releasability. This instruction is approved for public release; distribution is unlimited. DoD Components (to include the Combatant Commands), other Federal agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page--
http://www.dtic.mil/cjcs_directives. Joint Staff activities may also access or obtain copies of this manual from the SIPRNET Directives Electronic Library.

9. Effective Date. This instruction is effective upon receipt.

For the Chairman of the Joint Chiefs of Staff:


FREDERICK S. RUDESHEIM
Major General, USA
Vice Director, Joint Staff

Enclosures:

- A - Hearing Checklist
- B - Sample Cover Sheet Format and Witness Statement Instructions
- C - Witness Preparation Notes
- D - Sample Format and Instructions For Inserts for the Record and Questions for the Record by Committee
- E - Sample Format and Instructions for Joint Staff Form 149 "Congressional Testimony Review"
- F - Copies of Witness Statements per Committee
- G - References

ENCLOSURE A

HEARING CHECKLIST

1. Is the hearing open or closed?
2. Which congressional committee or committees are conducting the hearing? Which members and staffers are likely to be present? Discuss with OCJCS/LA.
3. What is the location, room number, and time of the hearing or hearings? OCJCS/LA should provide this information.
4. Ensure all changes to statements and supplemental material go through the witness, Joint Staff, OCJCS/LA, OSR, and OMB review processes, **with the final clearance given by OCJCS/LA.**
5. Are the final versions of the statement and charts in the proper electronic format? Have the paper copies (**required by the committee, see Enclosures B and F**) been delivered to OCJCS/LA and the committee?
6. Is the witness statement classified following security instructions? How many copies are required? Discuss with OCJCS/LA.
7. Who else has been asked to testify, especially from the Department of Defense and other Executive Branch departments? Which department or command will take the lead?
8. Is the witness prepared to address the basic strategy underlying the project?
9. Have other hearings been held on this issue? What happened? What are the crossover issues? Discuss with OCJCS/LA.
10. Is there specific material within the overall topic that the Combatant Command and/or Joint Staff will probably be asked to address? Set a definitive role for the witness as “our view of the issue.”

11. Are there any specific points upon which the Chairman of the Joint Chiefs of Staff, ASD/LA, the Combatant Command, or other sections of the Executive Branch have differing views? Will these differences come up in the hearings? Discuss with OCJCS/LA.

12. Does Congress have a view different from the Joint Staff or Combatant Command? Discuss with OCJCS/LA.

13. What are the Chairman, Combatant Command, and Joint Staff positions on these matters? Be sure to get “the latest” position from the principals and accurately point out areas of agreement and disagreement.

14. A backup book is usually helpful to support the witness. When will it be available to the witness? Is a hearing working group drawn from across the staff necessary to properly work testimony, preparation, and after-hearing information? Discuss with OCJCS/LA.

15. If copies of other witness statements are available, obtain them and resolve any obvious differences in expected testimony.

16. Remind the Combatant Command and/or Joint Staff witness that, unless a personal opinion is clearly requested, the Executive Branch and the Department of Defense’s position must be presented in response to all questions.

17. Schedule time with OCJCS/LA to review congressional committee agenda and member profiles/interests. Provide these to the witness for review/study.

18. Schedule a witness murder board to prepare the witness as desired.

ENCLOSURE B

SAMPLE COVER SHEET FORMAT AND WITNESS STATEMENT
INSTRUCTIONS

(COVER SHEET)

APPROPRIATE CLASSIFICATION ONLY IF CLASSIFIED

COMMITTEE NAME

STATEMENT OF

(RANK) (FULL NAME) (SERVICE)

(TITLE or POSITION)

(DIRECTORATE/COMMAND)

BEFORE THE (COMMITTEE NAME)

ON (SUBJECT OF THE HEARING)

(DATE)

COMMITTEE NAME

APPROPRIATE CLASSIFICATION ONLY IF CLASSIFIED

Declassification
Instructions

Chairman (last name) or **Mr.** or **Madam** Chairman, Senator
(or Congressman/Congresswoman) (Ranking member's last name), and
members of the committee: Indent paragraphs; use Times New Roman, 12-
point font for Microsoft Office Word.

Double-space the entire statement. Provide the committee with the
correct number of copies per invitation letter or Enclosure F.

ENCLOSURE C

WITNESS PREPARATION NOTES

1. Preparation

a. Joint Staff AOs obtain committee background book; become familiar with the members and their committees, professional staff, and issues involved; and consider potential hidden agendas. OCJCS/LA will provide background information to the Joint Staff witnesses.

b. Arrive 15 to 30 minutes before the hearing or briefing begins. Confirm that all security clearances have been passed if it is a closed hearing. OCJCS/LA escort will introduce Joint Staff witnesses to committee members and key staff before the hearing begins. Combatant Command AOs escort their witnesses to the hearing. Be prepared to engage in a pre-hearing meeting with the committee membership.

2. The Hearing/Briefing

a. The hearing will start with the committee or subcommittee chairman welcoming the witnesses and reading (or delivering extemporaneously) an opening statement. The committee or subcommittee chairman might also ask committee members to make opening statements; to include a summary of his/her prepared text. These remarks help the witnesses “zero in” on the direction of the hearing, which could be different from what was originally conveyed and/or published.

b. The committee or subcommittee chairman will ask witnesses for their opening statements and follow with a question and answer session. The hearing ends with the committee or subcommittee chairman’s concluding remarks. Usually, the committee or subcommittee chairman and other committee members will talk informally with the witnesses during breaks and after the hearing.

3. Issues to Consider

a. Members may ask a series of questions designed to lead the witness to respond in a certain way that achieves preplanned results.

b. If faced with a contentious issue, the recommended course of action is to identify and discuss those aspects within the question and/or discussion that can be agreed with, then address other collateral issues as necessary to convey the DoD view. Taking a question for the record may also be used to progress beyond a contentious issue.

c. Congressional members may often ask a complex, multi-faceted question with several parts. Witnesses are encouraged to use a note pad and pencil (provided at the witness table) to take notes while the questions are being asked to ensure continuity, completeness, and focus in the answer.

d. Unclassified visual aids, charts, and handouts should be used with discretion and must be cleared with the committee in advance by OCJCS/LA. **No classified documents should enter an unclassified hearing room. If it is a classified hearing, the documents should be numbered and signed for.**

e. Answer questions with anecdotes, when appropriate, to bring to life the main points of a response.

f. Remember that Joint Staff witnesses are speaking on behalf of the Chairman of the Joint Chiefs of Staff and the Executive Branch, unless specifically asked for a personal opinion (see subparagraph h below).

g. Answer, without embellishment, only the questions asked and avoid jargon or acronyms. Nothing is “off-the-record” in this arena.

h. Do not offer **your** personal opinion unless specifically asked. If asked, say something like “It is **my** opinion that”

i. If you do not know the answer, or if the final answer is still being developed, offer to provide the answer as an IFR. Two appropriate answers are:

(1) “I am glad you asked that question. As you are well aware, this is an area of continuing debate. The Joint Staff is finalizing action on this, and I will gladly provide you with the status as an insert for the record.”

(2) “This is a very complex issue for which I do not have an immediate answer. I can assure you that I have given the questions related to this issue a great deal of thought, but I do not have a solution at this time. I will provide it for the record.”

j. If a classified question is asked during an open hearing, it can be answered later in the closed session of the hearing or the witness can answer it as if it was an IFR to be provided later.

k. Be aware that, at open hearings, the media may quote your answers and statements. Because there is no time requirement in answering questions, pause before answering and choose your words carefully.

1. Be aware that the press might approach witnesses before or after an open hearing or during a break in an attempt to create an “ad hoc” press conference or get a printable quote. Be alert to their presence and mindful of their potential perspectives.

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ENCLOSURE D

SAMPLE FORMAT AND INSTRUCTIONS FOR INSERTS FOR THE RECORD
AND QUESTIONS FOR THE RECORD BY COMMITTEE

INSERTS FOR THE RECORD

CLASSIFICATION

Hearing Date:

Hearing Subject

Member: Congressman/Senator

Insert: Page#/Line#

(The information follows)

Committee-specific rules for completing IFRs for the House and Senate Armed Services Committee follow. Each answer will be in Times New Roman 12-point font from Microsoft Office Word. Continue to follow the system's instruction with a standard 1" margin.

This is an **answer only** format. Do not repeat the question asked in the transcript. All paragraphs should be indented.

Do not use undefined abbreviations or acronyms. Spell out million, fiscal year, etc. Do not abbreviate General or Admiral. Refer to all representatives as Mr., Ms., or Mrs.

Classified information is identified by [bracketing] in black lead **pencil** the words or numbers that are classified. Do not use paragraph markings. [Brackets] should be on the copy only. The highest classification should be typed at the top center and bottom center of the document on each page. If classified, remember to provide declassification information at the bottom of the page.

If the answer is more than one page, repeat hearing date; hearing subject; member's name; and insert page number and line number on all additional pages.

If you have any additional questions or concerns, please call OCJCS/LA, 703-614-1777/DSN 224-1777.

Declassification
Instructions

CLASSIFICATION

QUESTIONS FOR THE RECORD

CLASSIFICATION

CHARRTS No:

House or Senate Armed Services Committee

Hearing Date:

Hearing Subject:

Member: Congressman/Senator

Witness: Admiral

Question #

Question: Committee-specific rules for completing QFRs for the House and Senate Armed Services Committee follow. Each answer will be in Times New Roman 12-point font from Microsoft Office Word. Continue to follow the system's instruction with a standard 1" margin. QFRs are provided to OCJCS/LA through Congressional Hearings and Reporting Requirements Tracking System (CHARRTs). OCJCS/LA will formally task QFRs using the Joint Staff Form 149. Microsoft Office Word shells will be forwarded to Legislative Affairs POCs usually within 24 hours of receipt.

Answer: Answer should be provided in single space format. Do not use undefined abbreviations or acronyms. Spell out million, fiscal year, etc. Refer to all representatives as Mr., Ms., or Mrs. Do not abbreviate General or Admiral. Unclassified QFRs should be submitted on the NIPR and classified QFRs should be submitted on the SIPR. Classified information is identified by [bracketing] the words or numbers that are classified. Use black lead **pencil** instead of paragraph markings. The highest classification should be typed at the top center and bottom center of the original.

Declassification
Instructions

CLASSIFICATION

ENCLOSURE E

SAMPLE FORMAT AND INSTRUCTIONS FOR JOINT STAFF FORM 149
“CONGRESSIONAL TESTIMONY REVIEW”

CONGRESSIONAL TESTIMONY REVIEW		
Hearing Date		Committee
Subcommittee:		
Subject:		
Witness:		
OCJCS/LA ACTION OFFICER, Rm 2D920, PNT (703) 614-1777 / DSN 224		
For Review By:		
CJCS _____	AFRICOM _____	PACOM _____
VCJCS _____	CENTCOM _____	SOCOM _____
DJS _____	CYBERCOM _____	SOUTHCOM _____
VICE DIR (J-code) _____	EUCOM _____	STRATCOM _____
Joint Staff _____	NORTHCOM _____	TRANSCOM _____
<input type="checkbox"/>	Please review the witness <input type="checkbox"/> Statements <input type="checkbox"/> Transcripts <input type="checkbox"/> QFRs <input type="checkbox"/> IFRs for security, accuracy of data and correct policy. Make proposed changes directly on your copy and provide name, office and phone of person making change. Indicate if change is suggested or mandatory. Be sure to attach a justification to support all mandatory changes.	
<input type="checkbox"/>	Please edit transcript in accordance with the instructions outlined on the reverse of this form.	
<input type="checkbox"/>	Prepare answers only for the following inserts for the record (IFRs). Provide an original and one (1) copy of each (IFR). [Bracket] all classified info on the copy only. (Use JS Form IFR document template for correct format/committee). Page/Line number(s):	
<input type="checkbox"/>	Prepare responses to the attached list of questions for the record ____QFRs. Provide an original and one (1) copy of each QFR. [Bracket] all classified info on the <u>copy only</u> . (Use JS Form QFR document template for correct format/committee).	
<input type="checkbox"/>	Please provide Vice Director Level coordination.	
<input type="checkbox"/>	Other instructions:	
<input type="checkbox"/>	NOTE FOR JS ONLY: PLEASE RETURN THE COMPLETED ELECTRONIC PACKAGE TO OCJCS/LA NO LATER THAN 1200hrs ON THE SUSPENSE DATE.	
<input type="checkbox"/>	NOTE FOR COCOMS ONLY: TESTIMONY PACKAGES MUST BE APPROVED BY TESTIFYING WITNESS.	
Signature: X	Routing Date:	Suspense:

HOW TO REVIEW CONGRESSIONAL TRANSCRIPTS

WHY: You are reviewing the congressional testimony of either the CJCS, VCJCS, Combatant Commanders, SecDef, DepSecDef, or Joint Staff member. The privilege of review is a **courtesy** extended to the witness by most congressional committees; therefore, committee deadlines for return of this transcript **must be met**. Failure to meet the deadline could result in the committee withdrawing this privilege and the review may only take place in the committee office.

HOW:

1. Please review the portions that pertain to your functional area of responsibility.
2. Please Return **ONLY** the pages that contain your edits by the suspense date.
3. Spell out acronyms first time used.
4. Use standard proofreader markings.
5. Please review the transcript for classified information (if you find classified information in an open/unclassified hearing transcript, please notify the Joint Staff Legislative Team, OCJCS/LA); reserve the use of brackets to only mark classified information.
6. Please correct grammatical errors; context changes will not be included (per committees' rules).
7. Edits can be returned via hard copy (.pdf/scan and email) or soft copy (w/track changes and email).

TREAT THIS DOCUMENT AS CLOSE HOLD UNTIL SECURITY AND POLICY REVIEW CLEARANCE IS OBTAINED.

RELEASE OF THIS TRANSCRIPT OR ANY PART THEREOF TO PARTIES OTHER THAN THE WITNESS IS STRICTLY PROHIBITED. AGAIN, THE COMMITTEE PROVIDES A COPY AS A COURTESY ONLY. PUBLIC RELEASE DECISION WILL BE MADE BY THE CONGRESSIONAL COMMITTEE OF JURISDICTION.

ENCLOSURE F

COPIES OF WITNESS STATEMENTS PER COMMITTEE

	HAC Def Subc	SAC Def Subc	HAC MC	SAC MC	HASC	SASC	HBC	SBC	HIRC
<u>Unclassified Statements</u>									
NLT 2 working days prior to hearing	50	75	75	75	80	75	75	75	50

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Enclosure F

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ENCLOSURE G

REFERENCES

- a. DoD Directive 5142.01, 15 September 2006, “Assistant Secretary Defense for Legislative Affairs (ASD(LA))”
- b. DoD Instruction 5400.04, 17 March 2009, “Provision of Information to Congress”
- c. Joint Staff Manual 5100.01 Series, “Organization and Functions of the Joint Staff”

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