



THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

MAR - 3 2007

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Congressional Testimony Coordination and Clearance Procedures

The Department is fully committed to working with the Congress as it pursues its legislative responsibilities. It is essential that we communicate with the Congress in a timely, clear, and unified manner.

In the coming weeks, the 110th Congress plans to adhere to an aggressive hearing schedule, and prompt delivery to the Hill of coordinated and approved testimony, statements, questions for the record, inserts for the record, and transcripts will help establish an early, positive, and professional rapport. The Department is committed to both meeting various House and Senate Committee rules regarding timely submissions of testimony before an appearance and providing prompt responses after a hearing's conclusion.

The attached DoD/OGC memorandum, dated May 4, 2006, provides specific guidelines concerning the coordination and clearance processes of Congressional testimony. It covers procedures for ASD/LA coordination, DoD Security Review, and OMB clearance via the DoD Office of Legislative Counsel. It also stresses the necessity of e-mailing the testimony/statement to OLCTestimony@dodgc.osd.mil at least 3 days prior to scheduled appearances before Congress to ensure OMB approval. The attached flow chart graphically depicts this process and its non-negotiable timelines.

It is absolutely essential that the DoD Office of Security Review have sufficient time to complete the Security Review process in order to obtain clearance for public release of DoD information, as prescribed in DoDD 5400.4, DoDD 5230.9, and DoDI 5230.29. This service now includes a twice daily courier run for unclassified and classified Congressional Security Review requests from the Executive Services

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Directorate Mail and Distribution Center (3C843). Documents may also be delivered directly to the Office of Security Review at 1777 North Kent Street, Suite 12047. Facsimile numbers are 703-696-4687 (unclassified) or 703-696-4521 (classified). Unclassified cases may be e-mailed to secrev1@whs.mil. All testimony, statements, questions for the record, inserts for the record, and transcripts will receive a Security Review to protect classified information and to assure consistency within DoD policy.

All Service testimony related to budgetary issues must be cleared through OUSD(C) before transmission to OMB in order to keep the Department's senior leadership informed on such pending issues. Without pre-hearing visibility into upcoming budget-related testimony, OSD senior leadership is unable to engage OMB and fellow OSD counterparts to discuss such matters.

This memorandum will be disseminated throughout your organizations, and I am asking DoD leadership to ensure compliance with this guidance.

A handwritten signature in black ink, appearing to read "Andrew Engel". The signature is written in a cursive style with a large initial "A" and "E".

Attachments:
As stated



GENERAL COUNSEL

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MAY 04 2006

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DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Congressional Testimony Coordination and Clearance Procedures

Office of Management and Budget (OMB) Circular A-19 directs the Department of Defense (DoD) to clear draft testimony/statements with OMB before providing them to the Congress. This memorandum reiterates guidance concerning this policy and implementing Departmental directives.

DoD components must coordinate all draft testimony/statements (whether or not they are being submitted for the record) with the Assistant Secretary of Defense for Legislative Affairs, gain approval of DoD Security Review, and secure OMB clearance via the DoD Office of Legislative Counsel (OLC). **To provide the best chance for OMB clearance, your draft testimony/statement must be emailed to the Office of Legislative Counsel (OLCTestimony@dodgc.osd.mil) no later than 3 days prior to the scheduled appearance before the Congress. Otherwise, there is no guarantee that the testimony will be cleared.** Testimony submissions must be accompanied by the name of the action officer who will be the primary POC for the principal's statement, the information for the hearing (date, time, and committee), confirmation of DoD Security Review approval, and the time at which the committee has requested to receive the testimony statement.

All DoD components must work in close partnership to ensure that draft testimony/statements are properly coordinated and cleared to facilitate a timely delivery to the Congress. If your DoD component has not already done so, please appoint a general point of contact to monitor testimony coordination. The military departments may continue to coordinate with their respective legislative offices in lieu of OLC.

William J. Haynes II





OFFICE OF LEGISLATIVE COUNSEL Testimony Clearance Flow Chart

Security and OMB Review are MANDATORY.



DoD Component

DoD components notify OLC of hearing and witness to testify, and sends the witness statement to Security Review 5 days before transmission to OLC. (*DoD Directive 5400.4*) Services notify OUSD(C) of hearing and witness to testify on budget-related matters.



DoD Security Review

Once cleared, the statement is sent by the component to the OLC Testimony inbox with the DoD Security Review clearance certification attached. **Statements must be received in OLC 3 days before the scheduled hearing with the Office of Security Review clearance certification.** (*DoD GC Memorandum of May 4, 2006*)



OLC

OLC transmits the statement cleared by Office of Security Review for OMB review and interagency coordination. (*OMB Circular A-19*)



OMB

OMB clears the statement, or sends comments to OLC.



OLC

OLC will either notify the component of statement's OMB-clearance, or transmit OMB comments to component. OMB will be given component contact information if issues require extensive resolution.



Congress

OLC transmits OMB-cleared statement back to component, who distributes the statement to the Congress via OSD LA.

