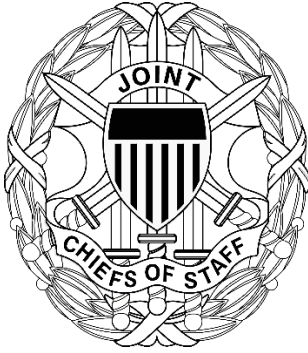


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# **CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION**

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OCJCS/LA  
DISTRIBUTION: A, B, C

CJCSI 5501.01J  
10 February 2025

## **CONGRESSIONAL LIAISON POLICY**

### **References:**

- a. DoDD 5142.01, 15 September 2006, "Assistant Secretary Defense for Legislative Affairs (ASD(LA))"
- b. DoDI 5400.04, 17 March 2009, "Provision of Information to Congress"

1. Purpose. This instruction provides guidance to Joint Staff and Combatant Command (CCMD) action officers (AOs) regarding:

- a. Official contacts with Congress, whether initiated by the Joint Staff, CCMDs, Congress, or outside agencies, for any official purpose.
- b. Witness preparation 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 AO duties before, during, and after congressional hearings.
- c. Congressional Reporting Requirements (CRRs); specifically, pieces of legislation directing a report be submitted by the Chairman of the Joint Chiefs of Staff (CJCS) or a Combatant Commander, or in cases where the Secretary of Defense (SecDef) delegates his authority to the CJCS to sign-out a report.

2. Superseded/Cancellation

- a. CJCS Instruction (CJCSI) 5501.01H, 14 October 2022, "Congressional Liaison Policy" is hereby superseded.
- b. Director, Joint Staff Memorandum (DJSM) 0008-22, "Legislative Engagement Guidance," is hereby cancelled.

3. Applicability. This instruction applies to all personnel assigned to or employed by the Joint Staff and CCMDs who conduct official business with

**UNCLASSIFIED**

# UNCLASSIFIED

CJCSI 5501.01J  
10 February 2025

congressional personnel, including members of Congress, their staffs, and congressional committees. Non-official contacts with congressional personnel are not affected by this instruction.

## 4. Policy

a. Reference (a) assigns the Assistant Secretary of Defense for Legislative Affairs (ASD/LA) responsibility for coordinating Department of Defense (DoD) participation in congressional hearings. Legislative matters involving CCMDs and members of the Joint Staff will be coordinated with ASD/LA or the Office of the Chairman of the Joint Chiefs of Staff/Legislative Affairs (OCJCS/LA) as necessary.

b. Reference (b) outlines procedures for furnishing classified and unclassified information to Congress; contains instructions about security review of testimony; and establishes procedures for obtaining administrative and policy clearances.

c. OCJCS/LA will obtain approval from the Director, Joint Staff before the Joint Staff initiates any contact with congressional personnel.

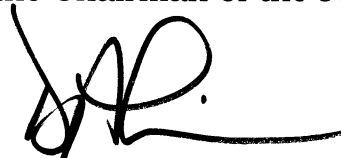
d. The CCMDs will coordinate written statements and QFRs/IFRs with OCJCS/LA.

5. Summary of Changes. This instruction updates references and incorporates DJSM 0008-22, "Legislative Engagement Guidance."

6. Releasability. UNRESTRICTED. This directive is approved for public release; distribution is unlimited on the Non-classified Internet Protocol Router Network. DoD Components (to include the CCMDs), other Federal agencies, and the public may obtain copies of this directive through the Internet from the CJCS Directives Electronic Library at <<http://www.jcs.mil/library>>. Joint Staff activities may also obtain access via the SECRET Internet Protocol Router Network directives Electronic Library web sites.

7. Effective Date. This INSTRUCTION is effective upon signature.

For the Chairman of the Joint Chiefs of Staff:



DOUGLAS A. SIMS II, LTG, USA  
Director, Joint Staff

**UNCLASSIFIED**

CJCSI 5501.01J  
10 February 2025

Enclosures:

- A – Responsibilities
- B – Hearing Checklist
- C – Witness Preparation Notes

**UNCLASSIFIED**

**UNCLASSIFIED**

CJCSI 5501.01J  
10 February 2025

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## ENCLOSURE A

### RESPONSIBILITIES

#### 1. Before Hearing

a. Requests for witnesses are normally received by OCJCS/LA via invitation letter from the relevant congressional committee. Joint Staff witnesses will be selected by the CJCS; Vice Chairman of the Joint Chiefs of Staff (VCJCS); Director, Joint Staff (DJS); or Vice Director, Joint Staff (VDJS), in consultation with ASD/LA. Senior leadership within each CCMD will select the CCMD's witnesses. Enclosure B provides a hearing checklist.

b. 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.

c. The statement will be coordinated by OCJCS/LA through the Office of the Secretary of Defense (OSD) 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.

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.

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

e. 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.

2. 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.

### 3. After Hearing

a. The AO should coordinate with OCJCS/LA and initiate the research on IFR 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.

b. Documents and taskings (transcripts, QFRs, IFRs) coming out of 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.

c. All QFR/IFR submissions prepared for CJCS/VCJCS require review at the Joint Staff Directorate (J-Dir) 2/3-star level.

### 4. Congressional Engagements

a. In accordance with reference (d), OCJCS/LA is directly responsible for maintaining liaison and relationships with Congress. DJS approval for members of the Joint Staff to participate in congressional briefings or hearings is only needed for:

(1) Three-star participation in briefings/hearings.

(2) Unilateral Joint Staff briefings/hearings (no OSD counterpart participation, regardless of rank of Joint Staff briefer/witness).

(3) Non-defense oversight requests for a briefing or hearing.

(4) Open hearings in which there is Joint Staff participation (regardless of rank of Joint Staff briefer/witness).

b. All other briefings or hearings not mentioned above do not require DJS approval. J-Dirs and Special Staff will coordinate with OCJCS/LA for briefer or witness identification, preparation and participation.

### 5. Congressional Reports

a. ASD/LA identifies the Joint Staff as administrative facilitator for the following CRRs:

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

# UNCLASSIFIED

CJCSI 5501.01J  
10 February 2025

(2) Congressionally directed CJCS reports.

(3) Congressionally directed Combatant Commander reports.

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

c. 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 and editing the report and congressional submission letters, and obtaining all coordination and review of the documents.

d. For congressionally directed CCMD reports, the CCMD LA AO is responsible for:

(1) Contacting the CCMD counterpart, who will physically write the report.

(2) Officially tasking (via Correspondence and Task Management System and/or Enterprise Task Management Software Solution) the CCMD to respond to the congressionally directed report.

(3) Setting due dates within the parameters of the guidance issued by the Secretary, Joint Staff, Actions Division.

(4) Once the Combatant Commander or designee signs and submits the report to Congress, a courtesy copy will be sent to the CJCS.

# UNCLASSIFIED

**UNCLASSIFIED**

CJCSI 5501.01J  
10 February 2025

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**UNCLASSIFIED**



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CJCSI 5501.01J  
10 February 2025

## ENCLOSURE B

### 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.
5. Are the final versions of the statement and charts in the proper electronic format? Has the statement 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 DoD 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 CCMD 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 CJCS, ASD/LA, the CCMD, 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 CCMD? Discuss with OCJCS/LA.

# UNCLASSIFIED

# UNCLASSIFIED

CJCSI 5501.01J  
10 February 2025

13. What are the CJCS, CCMD, 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 CCMD and/or Joint Staff witness that, unless a personal opinion is clearly requested, the Executive Branch and the DoD’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.

# UNCLASSIFIED

## 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. CCMD 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 chair welcoming the witnesses and reading (or delivering extemporaneously) an opening statement. The committee or subcommittee chair 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 chair will ask witnesses for their opening statements and follow with a question-and-answer session. The hearing ends with the committee or subcommittee chair concluding remarks. Usually, the committee or subcommittee chair 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.

# UNCLASSIFIED

CJCSI 5501.01J  
10 February 2025

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.**

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 CJCS and the Executive Branch, unless specifically asked for a personal opinion (see subparagraph h below).

g. Answer, without embellishment, only the questions asked, avoiding 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.

l. 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

# UNCLASSIFIED

**UNCLASSIFIED**

CJCSI 5501.01J  
10 February 2025

conference or get a printable quote. Be alert to their presence and mindful of their potential perspectives.

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**UNCLASSIFIED**

CJCSI 5501.01J  
10 February 2025

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## GLOSSARY

### PART I-ABBREVIATIONS AND ACRONYMS

AO	action officer
ASD/LA	Assistant Secretary of Defense for Legislative Affairs
CCMD	Combatant Command
CCR	Congressional Reporting Requirement
CJCS	Chairman of the Joint Chiefs of Staff
DJS	Director, Joint Staff
DOD	Department of Defense
IFR	Insert(s) for the Record
J-Dir	Joint Staff Directorate
OCJCS/LA	Office of the Chairman of the Joint Chiefs of Staff/Legislative Affairs
OMB	Office of Management and Budget
OSD	Office of the Secretary of Defense
OSR	Office of Security Review
QFR	Question(s) for the Record
VCJCS	Vice Chairman of the Joint Chiefs of Staff
VDJS	Vice Director, Joint Staff

**UNCLASSIFIED**

CJCSI 5501.01J  
10 February 2025

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