HEADQUARTERS
DEPARTMENT OF THE ARMY
Washington, DC, 1 December 1990

DEPARTMENT OF THE ARMY
MEMORANDUM 340-6

OFFICE MANAGEMENT

PREPARATION OF PAPERS RELATING TO LEGISLATION (Other than Appropriation Bills) EXECUTIVE ORDERS, AND PROCLAMATIONS

		PAGE
SECTION I.	GENERAL	
	PURPOSE	1
	IMPACT ON NEW MANNING SYSTEM	1
	REFERENCES/PUBLICATIONS	1
	RESPONSIBILITIES	2
	COMMENTING ON PROPOSED OR PENDING LEGISLATION	3
	PAPERS RELATING TO PROPOSED LEGISLATION AND RELATED MATTERS	3
	HANDLING UNUSUAL CASES	4
	REQUIREMENTS APPLICABLE TO ALL PAPERS	4
SECTION II.	LEGISLATIVE PROPOSALS INITIATED BY THE DEPARTMENT OF THE ARMY	6
	GENERAL	6
	PREPARATION	6
	PROCESSING	7
	EXCEPTIONS	9
	PROPOSAL IDENTIFICATIONS	6
SECTION III.	REPORTS ON BILLS	
	GENERAL	10
	PREPARATION	10
	PROCESSING	12
	REPORT ON IDENTICAL BILL	12
SECTION IV.	COMMENTS ON PROPOSED LEGISLATION AND REPORTS OF THE OTHER MILITARY DEPARTMENTS, THE JOINT STAFF, THE OFFICE OF THE SECRETARY OF DEFENSE, AND AGENCIES OUTSIDE THE DEPARTMENT DEFENSE	
	GENERAL	1 3
	PREPARATION	1 3
	PROCESSING	1 3

SECTION V. ENROLLED ENACTMENTS, PROPOSED EXECUTIVE ORDERS AND PROCLAMATIONS — PAGE

GENERAL 14
ENROLLED ENACTMENTS 14
EXECUTIVE ORDERS AND PROCLAMATIONS 16

APPENDIX (EXAMPLES) PAGE

A. Action Memorandum Proposing Legislation..... 17

B. Basis for Cost and Budget Data..... 19

C. Draft Legislative Proposal..... 20

D. Sectional Analysis for a Legislative Proposal..... 22

E. Letter Transmitting a Legislative Proposal to the Congress..... 23

F. Memorandum Requesting Resolution of Differences..... 26

G. Report to a Congressional Committee or the Office of Management and Budget..... 28

G-1 Memorandum Forwarding to OCLL a proposed OMB Transmittal Letter and DOD Report on a Bill. 32

H. Letter Transmitting a Report on a Bill to the Office of Management and Budget..... 33

I. Coordination Memorandum for Report on an Identical Bill..... 34

J. Letter Requesting Clearance for Report on an Identical Bill to the Office of Management and Budget..... 35

K. Memorandum on Proposed Legislation, Proclamation, or Executive Order of the Office, Secretary of Defense, or Another Military Department..... 36

K-1 Memorandom Forwarding to OCLL a DA Report to OSD concerning Pending Legislation..... 37

L. Memorandum on Proposed Legislation, Proclamation, or Executive Order of an Agency Outside the Department of Defense..... 38

PAGE

M. Memorandum on a Proposed Report of the Office, Secretary of Defense, or of the Other Military Departments..... 39

N. Memorandum on a Proposed Report of an Agency Outside the Department of Defense..... 40

O. Report to the Office of Management and Budget Recommending Approval of an Enrolled Enactment..... 41

P. Letter Transmitting Veto Message or Memorandum of Disapproval to the Office of Management and Budget..... 42

Q. Veto Message..... 43

R. Memorandum of Disapproval..... 44

S. Draft Executive Order..... 45

T. Draft Proclamation..... 46

U. Letter Transmitting Proposed Executive Order or Proclamation to the Office of Management and Budget..... 47

SECTION I
General

1. **PURPOSE**:

This memorandum establishes procedures for preparing and processing papers regarding legislation and related matters, other than appropriations bills, in which the Department of the Army (DA) has an interest. The President, acting through OMB, must approve all Executive Branch legislative initiatives.

2. **IMPACT ON NEW MANNING SYSTEM**: This memorandum does not contain information that affects the New Manning System.

3. **REFERENCES**:

a. Required publications are listed below.

(1) AR 1-20 (Legislative Liaison).

(2) DA Memo 340-15 (Staff Action Process).

(3) OMB Cir A-19 (Legislative Coordination and Clearance). (This publication is available from the Office of Management and Budget Publications, Room 236, New Executive Office Bldg., 726 Jackson Pl. NW, Washington, DC 20503.)

b. Related publications are listed below. (A related publication is merely a source of additional information. The user does not have to read it to understand this memorandum.)

(1) DOD Instruction 5500.4 (Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon).

(2) DOD Instruction 5550.7 (Standardization of Terminology, Form, and Style of Legislation Prepared in the Department of Defense).

(3) DOD Directive 5142. 1 (Assistant to the Secretary of Defense (Legislative Affairs)).

(4) DOD Directive 5500.1 (Preparation and Processing of Legislation, Executive orders, Proclamations, and Reports and Comments Thereon).

4. **RESPONSIBILITIES**:

a. The Chief of Staff, US Army (CSA) or the CSA designee, will approve--

(1) Legislative proposals of the Army Staff.

(2) Positions, reports, comments, and concurrences of the Army Staff on legislative proposals as required within this memorandum.

b. The Chief of Legislative Liaison (CLL) will--

(1) Coordinate all papers relating to proposed legislation, Executive orders, and proclamations, as required, within the Army Secretariat, with the Department of Defense (DOD), and the Office of Management and Budget (OMB).

(2) Issue to heads of Army Staff agencies instructions for processing legislative proposals for inclusion in the DOD Legislative Program for each session of the Congress.

(3) Assign action responsibility to the Army Staff agency having primary interest for commenting on proposed legislation or on report on proposed legislation of other agencies.

c. The Judge Advocate General (TJAG) will draft all legislation, Executive orders, and proclamations proposed by DA except on civil works matters relating to the Corps of Engineers.

d. Heads of Army Staff action agencies will--

(1) Initiate proposals for legislation vital to the discharge of their responsibilities.

(2) Prepare comments on proposed legislation or on reports on legislation prepared by other agencies, on behalf of DA.

(3) Coordinate within the Army Staff all papers relating to proposed legislation, Executive orders, and proclamations.

5. **COMMENTING ON PROPOSED OR PENDING LEGISLATION**:

a. OCLL will solicit the views of the other Services, and the Office of the Joint Chiefs of Staff on proposed or pending legislation. The Office of the Secretary of Defense (OSD) must approve each submission.

b. The DOD position is then submitted to OMB for coordination with other Federal departments and agencies within the Executive Branch. This coordination will make certain that the views expressed are consistent with the Administration's legislative program.

6. **PAPERS RELATING TO PROPOSED LEGISLATION AND RELATED MATTERS**:

DA PREPARES OR PROCESSES PAPERS IN THE FOLLOWING GENERAL CATEGORIES:

a. HQDA Legislative proposals for inclusion in the DOD Legislative Program for each session of Congress **(SEE SECTION II)**.

b. Reports to committees of the Congress on pending bills **(SEE SECTION III)**.

c. DA comments **(SEE SECTION IV)** on--

(1) Legislative proposals initiated by OSD or another Service.

(2) Proposed reports for which OSD or another Service has responsibility for preparing.

d. Reports to OMB **(SEE SECTION V)** on--

(1) Enrolled enactments.

(2) Executive orders.

(3) Proclamations.

7. **HANDLING UNUSUAL CASES**:

Instructions for handling unusual cases not covered in this memorandum will be obtained from the Investigations and Legislative

Division, Office of the Chief of Legislative Liaison (OCLL), Office of the Secretary of the Army (OSA) (Telephone number 697-2106).

8. REQUIREMENTS APPLICABLE TO ALL PAPERS:

a. Suspense dates.

(1) Reports on enrolled enactments must be prepared within 48 hours (excluding Sundays); **no extension may be obtained.**

(2) An Army Staff agency normally will have not more than--

(a) 14 days to prepare a report on a bill.

(b) 7 days to comment on proposed reports of other departments and agencies.

(Less time is usually specified due to external requirements particularly pending hearings or congressional deadlines.)

(3) If an Army Staff agency determines that it cannot meet a suspense date, the Investigations and Legislative Division, OCLL should be consulted immediately so that an attempt may be made to obtain an extension.

b. Format:

(1) Proposals, reports, comments, and concurrences prepared under this memorandum for forwarding outside DA will be prepared in final form (without signature block) by the action office. The appropriate formats set forth in the appendixes will be followed; these formats will be modified only as necessary.

(2) Correspondence prepared for the signature of the Secretary of the Army will be typed on DA letterhead. This correspondence will not be stapled, and will not contain a signature block. (**See** DA Memo 340-15.

c. Legislative drafting. TJAG will prepare all drafts of legislation, Executive orders, and proclamations proposed by DA. The only exception is matters relating to civil works functions of the Corps of Engineers.

(1) The assigned Army Staff action office will accomplish all necessary coordination within the Army Staff, including TJAG. When the proposal, report, comment, or concurrence would have fiscal impact on DA, the action agency will coordinate with the Comptroller of the Army (COA). When an Army Staff Agency submits its draft to OCLL, it does so as a coordinated action for the CSA. Accordingly, appropriate Army staff concurrences must be obtained prior to submission to OCLL.

(2) Nonconcurrences are normally resolved by the Army Staff agency head who has primary responsibility for the proposal, report, comment, or concurrence. If differences cannot be resolved, the office will state the reason for nonresolution and forward the action to the CSA. (See DA Memo 340-15). OCLL will be advised.

(3) OCLL will accomplish all other necessary coordination within the Army Secretariat, DOD, and OMB.

9. This memorandum is not applicable to the annual submission of the Authorization and Appropriation Bills, which are prepared by OSD. As part of that process, Contingency Fund proposals are also made separate from this Memorandum. However, to be included in the Army's Legislative Program, all submissions must follow the procedures outlined in this Memorandum.

SECTION II

LEGISLATIVE PROPOSALS INITIATED BY THE DEPARTMENT OF THE ARMY

1. **GENERAL**:

a. Heads of Army Staff offices will initiate proposals for legislation necessary to carry out their responsibilities.

b. For each session of the Congress, the CLL will issue implementing instructions for processing DA legislative proposals for inclusion in the DOD Legislative Program.

c. Legislative proposals require a substantial amount of time and effort to prepare, and often take substantial periods of time to even be introduced in Congress. Accordingly, care must be given at the outset to prepare accurate, well thought out proposals.

2. **PREPARATION**:

The initiating Army Staff office will propose legislation by Action Memo-randum containing the following information (See sample at Appendix A):

a. A statement of objectives and justification of need for the proposed legislation.

b. A summary of similar proposals introduced in the Congress in recent years, or a statement that no similar proposal has been introduced.

c. Cost and budget data, by fiscal year. Information shown below will be included:

(1) An estimate of cost or expected savings covering a 5-year period, if the proposal is enacted. If less than 5 years, estimates should cover the effective duration of the legislation. If such information cannot be accurately determined, or reasonably estimated,this should be stated and the reasons given. A statement of the basis for cost and budget data (See Appendix B) should be attached to the Action Memorandum; it should not be incorporated in the papers

forwarded to the Congress. This statement should explain and justify estimates for reviewers and evaluators of programs and associated financial requirements. A list of other interested or affected Government departments or agencies should be included. As appropriate, the statement also should include the following:

(a) Assumptions of prospective strengths and workloads.

(b) Basic methods chosen to achieve objectives.

(c) Organizational or geographic issues.

(d) Adjustments in procedures.

(e) Types or workloads.

(f) Other pertinent information.

(2) If the legislation will result in increased costs, a statement whether any increase has been included in estimates for appropriations submitted through regular channels. Any legislation requiring additional funds must be coordinated with the Comptroller of the Army before it is submitted to OCLL.

d. A statement fulfilling requirements of section 2953, title 5, United States Code (5 USC 2953), if the proposal entails an estimated annual expenditure of appropriated funds of more than $1 million.

e. Civil rights and environmental impact considerations in the analysis of proposed and pending legislation, where appropriate, under OMB Circular A-19.

f. The Agency technical point of contact for the legislative proposal.

3. **PROCESSING**:

a. The Action Memorandum should be addressed through the Chief of Staff to the Office of the Chief of Legislative Liaison (If initiated by an Assistant Secretary, it should be sent directly to OCLL).

b. Upon approval by CSA, or his designee, the Action Memorandum is forwarded to CLL for coordination with the appropriate offices within the Army Secretariat. Once approved in concept, the CLL will send the Action Memorandum to TJAG for--

(1) Legislative drafting of the bill. (**See** Appendix C)

(2) Preparation of a sectional analysis, if the bill contains more than one section. (**See** Appendix D)

(3) Preparation of letters to the Speaker of the House of Representatives and the President of the Senate. (**See** Appendix E) The initiating agency will furnish TJAG such additional justification for the legislation as may be required for inclusion in the letter to the Speaker.

(4) Once drafted, TJAG will forward the draft bill, sectional analysis, and Speaker letter through the initiating agency to OCLL.

c. The CLL will coordinate the final proposal within the Secretariat and then forward it to OSD, JCS, and the other services for coordination. If the proposal must be revised as a result of coordination, the initiator will accomplish the revision with TJAG, and return the proposal to the CLL. The initiating office will prepare a memorandum thru OCLL to OSD requesting a resolution of the differences (**See** Appendix F), when disagreement exists among the military departments concerning--

(1) The desirability of the proposal.

(2) The content of the draft bill or proposed Speaker letter.

d. After completion of interservice coordination, the proposal, if approved by OSD, will be forwarded by OSD to OMB for clearance.

e. Upon notification of clearance by OMB, the CLL will notify the initiating office. Any revision of the proposal directed by OMB will be accomplished by the initiator and coordinated with TJAG. The letters to the President of the Senate and the Speaker of the House must be identical. After necessary revision, the proposal will be returned to the CLL for submission to the appropriate Army Secretariat official for signature and dispatch to the Congress.

f. Within 15 days after notification that the proposal has been cleared for submission to the Congress, the initiating office will furnish the CLL an information paper describing the legislation. This information paper will be provided to appropriate members of Congress.

4. **EXCEPTIONS**:

a. Proposals for private relief and legislative proposals pertaining to civil functions of the Corps of Engineers normally will not be included in the DOD Legislative Program. Letters forwarding such proposals to the Speaker of the House of Representatives and the President of the Senate will not refer to interservice coordination unless such coordination has in fact been accomplished. The second paragraph of these letters will include the following statement:

"The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this proposal for consideration of the Congress. The Department of the Army recommends its enactment."

b. The proposed Speaker letter (in a above) and its enclosures will be forwarded to OMB for clearance by a letter of transmittal (**See** Appendix E).

5. **PROPOSAL IDENTIFICATIONS:**

a. Proposed bills circulating within the Army are given an "A" number, according to the Congress at that time (e.g. A 102-1 is first Army proposal during 102d Congress).

b. Proposed bills approved by DA and circulating within DOD are given "MISC" numbers by OSD (e.g, MISC 2135).

c. Proposed bills approved by OSD and circulating within OMB or forwarded to Congress are given DOD numbers according to the Congress (e.g., DOD 102-1).

d. Once introduced by a member of Congress, DA proposals will have designated bill numbers (e.g., S. 211, H.R. 1715).

SECTION III

REPORTS ON BILLS FOR WHICH DA HAS REPORTING RESPONSIBILITY

1. **GENERAL:**

When a congressional committee requests a report on a bill for which DA is assigned reporting responsibility by OSD, the CLL will assign action to the Army staff office having primary interest in the subject. This is the most important tasking, as it requires the Army to respond on behalf of DOD, and requires additional paperwork. Army staff offices assigned reporting responsibility are required to coordinate with all relevant Army staff offices before submitting the report to OCLL. OCLL will coordinate the draft within the Secretariat and forward it to OSD.

a. The tasked Army office will, upon receipt of a request, assign an action officer and immediately advise SALL-IL of the name of the action officer and confirm the suspense date.

b. The action office will prepare, in final form (without signature block), the following documents, both in duplicate:

(1) A report to the committee presenting the views of DOD.

(2) A letter to OMB requesting advice concerning submission of the report.

c. On a bill which is outside the purview of DOD, the report should simply defer to the appropriate department or office, without comment on how the bill might be improved.

d. The above documents will be forwarded to OCLL by a cover memorandum (Apendix G-1)

2. **PREPARATION**:

a. The format in Appendix G will be used to prepare a report on a bill Use of the first person will be avoided. Opinions and recommendations will be limited to those which relate to the interest of DA, DOD, or the Administration.

b. The report will--

(1) Identify the bill.

(2) State that reporting responsibility has been delegated to DA.

(3) State the purpose of the bill.

(4) State the position of DOD on the bill. If DOD has no interest in the legislation, a noncommittal or deferral position should be expressed, rather than a position of no objection. If changes in the bill are recommended, the amendatory language necessary to accomplish the recommendations normally will be included. If deemed appropriate, a substitute draft bill may be submitted. The following should be included:

(a) Reasons for the position taken when appropriate.

(b) Action recommended by DOD.

(5) State either of the following where appropriate:

(a) The estimated fiscal effect of the proposal over the next 5 years.

(b) The fiscal effect cannot be determined, if appropriate.

(6) Fulfill the requirements of 5 USC 2953, if the proposal entails an estimated annual expenditure of appropriated funds of more than $1 million.

(7) Include civil rights and environmental impact considerations, where appropriate, under OMB Circular A-19.

(8) Include competitiveness impact statements, where appropriate, as imposed by section 5421 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418).

(9) State that coordination in DOD has been accomplished under established procedures. No such statement will be made when reports

do not require coordination within DOD (for example, those relating to civil works functions of the Corps of Engineers).

(10) State that, from the standpoint of the Administration's program, OMB does not object to submission of the report.

c. The format in Appendix H will be used for the letter to OMB. When appropriate, additional information may be included.

3. **PROCESSING**:

a. The proposed report and letter to OMB, with one copy of the bill itself, will be transmitted by Action Memorandum (**See** Sample at Appendix G), to the CLL. List the office point of contact on the memorandum. Upon receipt, OCLL will accomplish necessary coordination within the Army Secretariat and DOD before forwarding the report to OMB for clearance. OCLL will make any necessary corrections at this stage.

b. If a revision of the report is necessary as a result of coordination, the action office will accomplish the revision and return the report to the CLL. When a disagreement exists among the military departments concerning the proposed report, the action office will prepare a memorandum to OSD requesting a resolution of the differences (See Appendix F).

c. On receipt of clearance from OMB, the CLL will submit the report to the appropriate Army Secretariat official for signature and forwarding to the Congress.

4. **REPORT ON IDENTICAL BILL**:

When the responsible Army Staff office determines that a proposed report on a bill should be substantially identical to a report forwarded to OMB or to a congressional committee on an identical bill introduced in the preceding Congress, the proposed report will be prepared in final form. It will be forwarded to the CLL, together with an interservice coordination memorandum and letter to OMB (both in duplicate and in the formats set forth in Appendix I and J) and one copy of the bill itself. Necessary technical changes in the proposed report (if any) will be noted in the memorandum and the letter.

SECTION IV

Comments on Proposed Legislation and Reports of the Executive Branch

1. **GENERAL**: The Army receives requests from OMB, DoD, and other executive branches to provide the Army's input on proposed legislation or comments on proposed legislation. In these cases an office within OSD, or another service, has reporting responsibility and the Army is simply providing service views. The CLL will assign action responsibility to the Army Staff office having primary interest in a subject.

2. **ACCOUNTABILITY:** CLL will assign responsibility immediately upon receipt. The tasked Army office will log in the action, assign an Action Officer, and advise OCLL of the name of the Action Officer.

3. **PREPARATION**:

a. The action office will prepare a memorandum forwarding the proposed comment or concurrence of DA (**SEE** Appendix G-1). Each Action Memorandum will contain the name and number of the technical expert and attach a draft of the proposed response. Comment or concurrences relating to proposed legislation will be prepared as shown in Appendices K - N.

b. If DA does not concur with the proposed legislation or report, the reasons for nonconcurrence will be fully stated. If changes are recommended, the exact language necessary to accomplish the recommendations will be included. If deemed appropriate by the action office, substitute proposed legislation or a substitute report will be submitted.

4. **PROCESSING**:

The memorandum expressing the comment or concurrence of DA will be transmitted by Action Memorandum in accordance with **Appendix K-1,** to the CLL. The memorandum will represent the Army Staff position and include all coordination accomplished and the name of the responsible action officer. Upon receipt, OCLL will coordinate the proposed comment or concurrence within the Army Secretariat; the memorandum then will be forwarded to the other military departments, JCS, and OSD.

SECTION V

ENROLLED ENACTMENTS, PROPOSED EXECUTIVE ORDERS, AND PROCLAMATIONS

1. **GENERAL**:

A request from OMB for a report or comments on an enrolled enactment, proposed Executive order, or proclamation will be assigned, prepared, coordinated, and processed in the same manner as a report on a bill to a committee of the Congress (**See** Section III). The report will be made by letter to the Director, Office of Management and Budget in the form similar to a report on a bill. (**See** Appendix H) However, the last paragraph, regarding advice received from OMB, will not be used.

2. **ENROLLED ENACTMENTS**:

a. An enrolled enactment is a bill which has already passed both houses of Congress and is awaiting the President's signature. A request from OMB for a report on an enrolled enactment requires a recommendation of DA that the President either approve or disapprove the act. The report must be submitted to the CLL in sufficient time to permit interservice coordination and transmittal to OMB within 48 hours (excluding Sundays) after receipt of the request by DOD. Because the Constitution limits the time the President has to consider an enrolled enactment, no extension of time for preparing the report can be granted. The report will be given priority; it will be forwarded between offices by special messenger. When practicable, telephonic concurrences may be used.

b. A report recommending approval of an enrolled enactment by the President will be in the format shown in Appendix O. This report will--

(1) Be complete in itself.

(2) Not normally exceed one page.

(3) Contain the following:

(a) Identification of the enrolled enactment.

(b) Specific action recommended.

(c) Purpose or effect of the enactment, if not fully stated in its title.

(d) Reasons for the recommendation.

(e) Fiscal effect so far as known to DOD.

(f) A statement that the report has been coordinated under procedures prescribed by the Secretary of Defense (when the report presents the view of DOD). (If the enrolled enactment pertains solely to civil functions of the Corps of Engineers, the report will not contain the coordination paragraph or refer to DOD.)

c. If an enrolled enactment is identical or similar to legislation proposed by DA (or a bill on which DA has reported favorably during the current Congress), the report may be transmitted by the action agency to the CLL by Memorandum without coordination in the Army Staff. The CLL will submit the report to the appropriate Army Secretariat officials for signature; the report will be supported by either of the following:

(1) The proposal submitted to the Congress.

(2) The report on the bill.

d. If an enrolled enactment is not of the type specified in c above, and approval is to be recommended, the report will be prepared, coordinated, and processed in the same manner as a report on a bill.

e. If it is recommended that the President disapprove (veto) an enrolled enactment, the report will be prepared and processed as follows:

(1) The report will be made in the form of a letter to the Director, Office of Management and Budget (in duplicate) for the signature of the appropriate Army Secretariat official (**See** Appendix P). If the Congress is in session, a memorandum of disapproval will be prepared (**See** Appendix R). The veto message or memorandum of disapproval will be typed double-spaced on legal-size bond paper (in duplicate) and addressed to the House of the Congress in which the measure originated. The veto message or memorandum of disapproval will--

(a) State fully the reasons for disapproval.

(b) Be an enclosure to the letter to the Director, Office of Management and Budget.

(2) The report will be processed by Action Memorandum.

3. **EXECUTIVE ORDERS AND PROCLAMATIONS**:

A proposal for an Executive order or a proclamation desired by DA will be initiated, coordinated, and processed within DA in the same manner as a proposal for legislation. The proposed Executive order or proclamation and a letter of transmittal to OMB will be prepared in the format shown in Appendices T or U, and V. The CLL will forward the proposal to OSD, for approval and transmittal by OSD to OMB.

APPENDIX A

EXAMPLE OF ACTION MEMORANDUM

DALO-TST

MEMORANDUM THRU CHIEF OF STAFF, ARMY

FOR CHIEF OF LEGISLATIVE LIAISON

SUBJECT: Proposed Legislation Regarding Elimination of the Operating Expense (Surcharge) for Specific Categories of Personnel Eating in Appropriated Fund Dining Facilities--ACTION MEMORANDUM

1. Purpose: To obtain draft amendatory legislation to exempt specified categories of personnel from paying surcharge for meals consumed in appropriated fund dining facilities.

2. Discussion:

a. Military members and their families frequently endure inconveniences and hardships which are related directly to the uniqueness of the military system. The Army is reviewing existing policies with regard to their impact on soldier quality of life, morale and unit cohesion. One issue that has created concern and discontent for commanders and many of their soldiers is the requirement to pay the surcharge.

b. The Army has endeavored without success to exempt various categories of personnel including family members during PCS moves, family members at remote sites, officers in troop leadership positions, officers in isolated locations, and family members for the Thanksgiving and Christmas meals. Of these, the holiday meal surcharge is the only exemption DOD has approved.

c. At the June 1987 meeting of the DOD Food Planning Board, the Army was directed to take the lead and prepare a jointly coordinated legislative initiative to change the law on dining facility surcharge exemptions. Legislation amending the surcharge provisions for spouses and dependent children of junior enlisted personnel (E1 through E4) was enacted in Public Law 99-145, Section 813.

d. The Manual for the Department of Defense Food Service Program, DOD 1338.10M, provides exemptions which have been implemented as applicable by each service (TAB B); however, DOD

General Counsel has offered the opinion that under current law, the Secretary of Defense does not have the authority to grant surcharge exemptions (TAB C). Prior to the enactment of 37 U.S. Code, Section 1011, the surcharge provision enacted annually in the DOD Appropriation Act provided an exception for the imposition of the surcharge "under unusual or extraordinary conditions". This exception was not retained when the surcharge provision was permanently codified under 37 U.S. Code, Section 1011 by the enactment of Section 413 of Public Law 96-513 in 1980. Although the language of the law changed, DOD retained the administrative exemptions listed in DOD 1338.10M (TAB B).

e. To implement additional surcharge exemptions, title 37, U.S. Code, must be amended. This section states that the Secretary of Defense shall establish rates for meals sold at messes, and the rates shall be sufficient to provide reimbursement of food costs and operating expenses. The only exemptions provided for are nonprofit youth groups and family members of E1 thru E4 soldiers (TAB D).

f. The cost to implement this initiative is estimated to be less than $1 million.

g. The proposed surcharge exemption categories are necessary either because personnel are executing officially assigned duties for the primary benefit of the government and/or they are consistent with DA and the other Services' desires to enhance the quality of life of soldiers and their families.

h. The proposed categories and rationale are stated at TABs A and B.

i. ASA(FM), ASA(I&L), ASA(M&RA), OTSG, and OTJAG have no legal objection. OCLL has noted.

3. Recommendation: That the submission of subject amendatory legislation be approved.

4 Encls

JIMMY D. ROSS
Lieutenant General, GS
Deputy Chief of Staff
for Logistics

APPENDIX B

EXAMPLE OF DRAFT OF A LEGISLATIVE PROPOSAL

BASIS FOR COST AND BUDGET DATA

1. Computations are based on an FY ___ military strength of ___.

2. Based on the proposed military man-years set forth in the strength plan for FY ___, it is estimated that $___ will be necessary to pay cash awards during FY ___ if proposed legislation is adopted. This estimate was computed using as a basis the civilian personnel participation in the Incentive Awards Program and assuming that military participation would be about the same (a method of computation which parallels that of the Department of the Air Force).

3. The estimate does not provide for administering the military portion of the program, as suggestion committees with executive secretaries paid from appropriated funds are already set up in the Department of the Army. It is believed that these committees could absorb most of the work with possible slight increases in staffing.

4. This cost does not include an estimated first-year benefit to the Army of $___ if this program is adopted.

Comparative Statistics-- FY _____ through _____

Incentive Award Program

Group	Strength (average)	Suggestions received	Suggestions adopted	Percent adoption	Awards paid to civilians	Savings
Civilian	_____	_____	_____	_____	_____	_____
Military	_____	_____	_____	_____	_____	_____

5. (If the proposal entails an estimated annual expenditure of appropriated funds in excess of $1 million the requirements of section 2953, title 5, United States Code, will be fulfilled in the paragraph.)

APPENDIX C

EXAMPLE OF DRAFT OF A LEGISLATIVE PROPOSAL

A BILL

To amend titles 5 and 37, United States Code, to provide members of the Senior Reserve Officers' Training Corps expanded health insurance coverage under chapter 81 of title 5 and to revise the pay entitlement during field training for such members.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8140 of title 5, United States Code, relating to compensation for work injuries for members of the Reserve Officers' Training Corps, is ammended

(a) By revising paragraph (a)(2) to read:

"(2) while performing authorized travel to or from, or while attending under the auspices of the Secretary of the Military Department concerned

(A) voluntary training conducted by the Secretary of the Military Department concerned or his representative who is at the educational institution where the unit of the program is maintained, or

(B) field training or cruise as contemplated by chapter 103 of title 10."; and

(b) in paragraph (c) by deleting "deemed $150" and inserting in lieu thereof "the amount of pay entitled under the provisions of section 209(c) of title 37 for attending field training or practice cruises."

Sec. 2. Section 209(c) of title 37, United States Code, relating to the basic pay for cadets and midshipmen in the Senior Reserve Officers' Training Corps, is amended to read:

"(c) a cadet or midshipman in the Senior Reserve Officers' Training Corps

"(1) is entitled to pay while attending field training or practice cruises to satisfy the requirements of section 2104(b)(6)(B) of title 10, United States Code, for admission to advance training, and

"(2) under regulations prescribed by the Secretary, concerned, and to the extent provided for by appropriations, may be paid

(A) while performing voluntary training, conducted under the auspices of the Secretary or his representative who is at the educational institution where the unit to which the cadet or midshipman is affiliated, and

(B) while performing field training or practice cruises under section 2109 of title 10, United States Code, at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 203(c) of this title."

Sec. 3. The amendments made by the first section of this Act shall be effective only with regard to injuries for which compensation would be payable under chapter 81 of title 5, United States Code, as amended by this Act, that occur after the effective date of this Act.

APPENDIX D

EXAMPLE OF SECTIONAL ANALYSIS OF A LEGISLATIVE PROPOSAL

SECTIONAL ANALYSIS

Section 1(a) amends that part of chapter 81 of title 5, United States Code, that provides coverage of that chapter, relating to compensation for work injuries suffered by Federal employees during the performance of their duties, to members of the Senior Reserve Officers' Training Corps by expanding the coverage of section 8140 to include coverage over voluntary training when conducted for cadets and midshipmen under the auspices of the Secretary of the Military Department concerned or the representative of such Secretary at the educational institution where the unit of the program is maintained (normally the Professor of Military Science).

Subsection (b) of the first section is a technical amendment to update and make comparable to other beneficiaries under chapter 81 of title 5 the basis on which the compensation for the work-related injury is based. The amendment would change the current stated amount of $150 for such basis to the actual amount the cadet or midshipman would be receiving by referencing the current payment authority (37 U.S.C. 209(c)). Section 209(c) of title 37 references section 203(c) of title 37 which states the dollar figure currently applicable to be $313.20.

Section 2 amends the payment provision for members of the Senior Reserve Officers' Training Corps by authorizing pay, under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, for voluntary field training and practice cruises attended by cadets and midshipmen as well as changing the entitlement for such pay for required field training or practice cruises, as determined under the provisions of section 2109 of title 10, to an authorization to the Secretary concerned to provide pay, funds permitting.

Section 3 is an effective date clause to require that coverage of chapter 81 of title 5 for injuries suffered by members of the Senior Reserve Officers' Training Corps is prospective and applicable only for injuries occurring after the date of enactment of the Act.

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

APPENDIX E

EXAMPLE OF LETTER TRANSMITTING A LEGISLATIVE PROPOSAL TO THE CONGRESS

(NOTE: This is known as a "Speaker letter." Identical letters are sent to the Speaker of the House of Representatives and the President of the Senate.

Honorable (Full Name)

(Speaker of the House of Representatives) (President of the Senate)

Dear Mr. (Speaker) (President):

Enclosed is a draft of legislation "(To authorize disbursing officers of the Armed Forces to advance funds to members of an Armed Forces of a friendly nation, and for other purposes)."

This proposal is a part of the Department of Defense Legislative Program for the (102nd) Congress, and the Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army, which has been designated the representative of the Department of Defense for this legislation, recommends that the proposal be enacted by the Congress.

(In this and succeeding paragraphs, state the objective of a need for the proposed legislation. Summarize related bills introduced during recent sessions of the Congress and action taken thereon. An example is shown below.)

<u>Purpose of the Legislation</u>

The purpose of the proposed legislation is to authorize officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard who are accountable for public money to make advances of funds, under exigent circumstances, to members of specified friendly foreign armed forces.

There is no legislative authority for disbursing officers of the Armed Forces of the United States to make such advances now. On the other hand, disbursing officers of the armed forces of Britain and Canada do have authority to make advances to members

of the Armed Forces of the United States as well as to each other in peace or war. In the interest of maintaining friendly relations, it is desirable that the Armed Forces of the United States have legislative authority to reciprocate the benefits offered by Britain and Canada. In addition, it is felt that such legislation should enable advances of funds to military personnel of other nations as well as Britain and Canada. The circumstances under which advances should be made could be determined by the Secretary of Defense and the Secretary of the Treasury, respectively, subject to the existence of bilateral agreements providing for reimbursement and reciprocity.

(In this paragraph, furnish the cost and budget data required by paragraph II2c of this memorandum. Six examples follow.)

Cost and Budget Data

Example 1: It is estimated that enactment of this proposal will result in savings of approximately $_____.

Example 2: The enactment of this proposal will cause no apparent increase in budgetary requirements for the Department of Defense.

Example 3: Any additional cost resulting from the enactment of this proposal will be negligible and will be absorbed in applicable appropriations.

Example 4: It this legislative proposal is enacted, it is estimated that the cost to the Department of Defense will be $____ for FY___ and $____ annually for the next 4 years. This amount has (not) been included in any estimate for appropriations submitted through budget channels by the Department of Defense.

Example 5: If this legislative proposal is enacted, the cost to the Department of Defense is estimated for 5 years as follows:

	FY 91	FY 92	FY 93	FY 94	FY 95
Army	$____	$____	$____	$____	$____
Navy	$____	$____	$____	$____	$____
Marine Corps	$____	$____	$____	$____	$____
Air Force	$____	$____	$____	$____	$____
Total	$____	$____	$____	$____	$____

This amount has (not) been included in any estimate for appropriations submitted through budget channels by the Department of Defense.

Example 6: If this legislative proposal is enacted, it is estimated that its implementation will result in an annual increased cost of:

Army	$____
Navy	$____
Marine Corps	$____
Air Force	$____
Total	$____

This amount has (not) been included in any estimate for appropriations submitted through budget channels by the Department of Defense.

Environmental, Civil Rights, and Competitiveness Impact Consideration

This proposal has no environmental or civil rights impact.

Sincerely,

Encl
Draft of legislation

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX F

EXAMPLE OF MEMORANDUM REQUESTING A RESOLUTION OF DIFFERENCES

MEMORANDUM FOR GENERAL COUNSEL, DEPARTMENT OF DEFENSE
ATTN: Director, Legislative Reference Service

INFORMATION TO CHIEF OF LEGISLATIVE AFFAIRS
Department of the Navy

DIRECTOR, LEGISLATIVE LIAISON
Department of the Air Force

CHAIRMAN, JOINT CHIEFS OF STAFF
ATTN: Administrative Assistant

SUBJECT: Proposed (Legislation) (Proclamation) (Executive Order) (H.R. ____), (S.____), ___Congress, a bill) "_____"

1. References:

a. Department of the Army memorandum dated (_____), forwarding for coordination (proposed (legislation) (proclamation) (Executive order), subject as above). (Proposed report on subject bill.)

b. Department of the Navy memorandum dated (____), interposing no objection to the proposed (legislation) (proclamation) (Executive order) (report) of the Department of the Army subject to the recommendations contained therein.

c. Department of the Air Force memorandum (_____), concurring in the proposed (legislation) (proclamation) (Executive order) (report) of the Department of the Army.

2. Enclosed is a revised (draft (bill) (proclamation) (Executive order)) (Speaker letter) (report) which incorporates the recommendations of the Department of the Navy insofar as the Department of the Army concurs in those recommendations. (If the Department of the Army does not concur in any part of the Navy recommendation, omit paragraph 2 and renumber remaining paragraphs accordingly.)

3. For the reasons stated, the Department of the Army does not concur in the (following recommendation(s)) of the Department of the Navy: (Summarize the recommendation and state the reason for nonconcurrence.)

4. It is requested that the differences between the Department of the Army and the Department of the Navy be resolved and that the proposed (legislation) (proclamation) (Executive order) (report) be approved for submission to the Office of Management and Budget.

FOR THE CHIEF OF LEGISLATIVE LIAISON:

Encl
Rev. (Draft (bill) (proclamation) (Executive order) (Spkr Ltr) (Proposed report)

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

APPENDIX G

EXAMPLE OF A REPORT TO A CONGRESSIONAL COMMITTEE OR THE OFFICE OF MANAGEMENT AND BUDGET

(Forward to OCLL with Cover Memorandum in Accordance with Appendix G-1)

Honorable (FULL NAME) Chairman, Committee on (Name) (United States Senate) (House of Representatives) Dear Mr. Chairman:	) To a Committee
Honorable (Full Name) Director, Office of Management and Budget Dear Mr. (Surname):	) To OMB

(Identify the bill and indicate that the Department of the Army has reporting responsibility.)

Example:

Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 12354, 102nd Congress, a bill "To authorize the expenditure of appropriated funds for insurance covering the operation of motor vehicles in foreign countries." The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

(State the purpose of the bill. Two examples follow. Use the second example only if the purpose and effect of the bill are clearly stated in its title.)

Example 1:

The purpose of the bill is to provide departments and agencies of the Government with a means of satisfying claims of third parties arising out of automobile accidents resulting from: (a) the operation of private motor vehicles in foreign countries by the agents of such departments and agencies while in the scope of their employment, and (b) the operation of official motor vehicles in foreign countries by such agents. This would be accomplished by authorizing the use of appropriated funds for the payment of premiums or fees for contracts of indemnification or insurance of officers, employees, and agents for their liability, or that the United States, in such cases.

Example 2:

The title of the bill states its purpose.

(State the position of the Department of the Army, acting on behalf of the Department of Defense.)

Example:
The Department of the Army on behalf of the Department of Defense (favors) (is opposed to) the bill.

(State the reasons for the position taken and, if pertinent, include the gist of existing law on the subject.)

Example:
The laws of some foreign countries and the provisions of international agreements with other countries in which forces are stationed require that official United States vehicles be insured. The legal obligation devolving upon the United States in such countries runs to the vehicle and not to the driver. Consequently, liability results regardless of whether or not the accident took place while the driver was discharging duties in the scope of his or her employment. To meet the requirements imposed by host country laws and international agreements, a recurring provision in the annual Department of Defense Appropriation Act authorizes the use of appropriated funds for insurance on official vehicles in those countries, e.g., section 603 of the Department of Defense Appropriation Act, 1966 (79 Stat. 863). The chief disadvantage of the recurring authority is that it is not applicable unless insurance of official vehicles is required by local law. The authorization in H.R. 12354 is considerably broader in that official vehicles could be insured in all countries. In addition, the bill provides that agents of Government departments and agencies may be insured while operating private vehicles in the scope of their employment.

(State the action recommended by the Department of the Army, acting on behalf of the Department of Defense. Three examples follow.)

Example 1:
For the foregoing reasons, the Department of the Army, on behalf of the Department of Defense (strongly) recommends that the bill (not) be favorably considered.

Example 2:
For the foregoing reasons, the Department of the Army on behalf of the Department of Defense recommends that the bill be amended in accordance with the enclosed substitute draft bill and, as thus amended, be favorably considered.

Example 3:

Inasmuch as enactment of the bill would not affect the operations of the Department of Defense, the Department of the Army on behalf of the Department of Defense defers to the views of the Department of Justice as the agency having primary interest in this matter.

(State the fiscal effects of the bill, so far as they are known in the Department of Defense. Four examples follow.)

Example 1:

The enactment of this bill will cause no apparent increase in budgetary requirements of the Department of Defense.

Example 2:

If this bill is enacted, it is estimated that the annual cost to the Department of Defense will be $____. This amount has not been included in any estimates for appropriations submitted through budget channels by the Department of Defense.

Example 3:

The fiscal effects of this legislation are not known to the Department of Defense.

Example 4:

If this legislative proposal is enacted, the cost to the Department of Defense is estimated for five years as follows:

	FY 91	FY 92	FY 93	FY 94	FY 95
Army	$____	$____	$____	$____	$____
Navy	$____	$____	$____	$____	$____
Marine Corps	$____	$____	$____	$____	$____
Air Force	$____	$____	$____	$____	$____
Total	$____	$____	$____	$____	$____

This amount has (not) been included in any estimate for appropriations submitted through budget channels by the Department of Defense.

(If the proposal entails an estimated annual expenditure of appropriated funds in excess of $1,000,000, the requirements of Section 2953, Title 5, United States Code, will be fulfilled in one or more paragraphs.)

*(State civil rights and environmental impact considerations, where appropriate.)

*(State coordination in the Department of Defense as follows:)

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

DA MEMO 340-6

(State clearance of the Office of Management and Budget as follows:)

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

Encl
(Substitute draft bill)

APPENDIX G-1

EXAMPLE OF MEMORANDUM FORWARDING TO OCLL A PROPOSED OMB TRANSMITTAL LETTER AND DOD REPORT ON A BILL

DAPE-HRP-C

MEMORANDUM FOR CHIEF OF LEGISLATIVE LIAISON, ATTN: CHIEF LEGISLATIVE COUNSEL

SUBJECT: (Name of Bill)

1. In accordance with your tasker of 19 Jul 91, attached is a proposed report for the Department of Defense (See Example at Appendix G). A transmittal document to the Office of Management and Budget is also attached (See Example at Appendix H).

2. On behalf of the Army, this office believes the legislation should be (supported with changes) (supported as written) (opposed).

3. This report has been coordinated with all relevant Army Staff Officers, including _____.

4. DAPE action officer, who may be contacted for technical questions, is _____ at phone _____.

CC: ASA(MRA)
OGC

Signature Block

ENCLOSURE

- TRANSMITTAL LETTER TO OMB
- PROPOSED DOD REPORT TO CONGRESS

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX H

EXAMPLE OF A LETTER TRANSMITTING A REPORT ON A BILL TO THE OFFICE OF MANAGEMENT AND BUDGET (OMB)

(FORWARD TO OCLL WITH COVER MEMORANDUM IN ACCORDANCE WITH APPENDIX G-1)

Honorable (FULL NAME)

Director, Office of Management and Budget

Dear Mr. (Surname):

The Chairman of the Committee on _____, (United States Senate) (House of Representatives), requested the views of the Secretary of Defense with respect to (S.___), (H.R.___), ___th Congress, a bill "To _____." The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

(State legislative history, identifying similar or related bills introduced during the last 4 years and affected or related laws.)

The enclosed report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Army, on behalf of the Department of Defense, requests advice as to whether there is any objection to the submission to Congress of the enclosed report.

Sincerely,

Encl
Proposed report

(No Signature Block)

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX I

EXAMPLE OF COORDINATION MEMORANDUM FOR REPORT ON AN IDENTICAL BILL

MEMORANDUM FOR GENERAL COUNSEL, DEPARTMENT OF DEFENSE
ATTN: Director, Legislative Reference Service

CHIEF, LEGISLATIVE AFFAIRS
Department of the Navy

DIRECTOR, LEGISLATIVE LIAISON
Department of the Air Force

CHAIRMAN, JOINT CHIEFS OF STAFF
ATTN: Administrative Assistant

SUBJECT: H.R. ____, 102nd Congress, a bill "To _____ _____."

1. The Department of the Army proposes to submit a report on subject bill substantially identical to that submitted to the Chairman of the Senate Government Operations Committee on S.___, 102nd Congress, an identical bill.

2. The enclosed report is identical to the report submitted on S.___, 102nd Congress, except for the following technical revision:

a. In the fourth paragraph of the report on S.___ it was stated that the fiscal effects of the bill were not known to the Department of Defense. It is now estimated that if H.R.___ is enacted, the cost to the Department of Defense will be approximately $100,000.

b. The statutory citation to Joint Resolution No. 14, in the third paragraph, has been changed from 26 Stat. 670 to 26 Stat. 671.

FOR THE CHIEF OF LEGISLATIVE LIAISON:

Encl
Proposed Report

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX J

EXAMPLE OF LETTER REQUESTING CLEARANCE OF REPORT ON AN IDENTICAL BILL TO THE OFFICE OF MANAGEMENT AND BUDGET

Honorable (FULL NAME)

Director, Office of Management and Budget

Dear Mr. (SURNAME):

SUBJECT: Proposed Report on H.R.___, 102nd Congress

The Department of the Army, on behalf of the Department of Defense, has been requested to submit a report on subject bill which is identical with H.R.___ of the ___d Congress.

Please advise whether there is objection to submitting the same report on subject bill as was prepared on H.R.___ and submitted to you for clearance on _____ (except for the following modifications:).

Sincerely,

Encl
Proposed report

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX K

EXAMPLE OF MEMORANDUM ON PROPOSED LEGISLATION, PROCLAMATION, OR EXECUTIVE ORDER OF THE OFFICE, SECRETAR OF DEFENSE, OR OF ANOTHER MILITARY DEPARTMENT

(Forward to OCLL with Cover Memorandum in Accordance with Appendix K-1)

MEMORANDUM FOR GENERAL COUNSEL, DEPARTMENT OF DEFENSE
ATTN: Director, Legislative Reference Service

INFORMATION TO CHIEF OF LEGISLATIVE AFFAIRS
Department of the Navy

DIRECTOR, LEGISLATIVE LIAISON
Department of the Air Force

CHAIRMAN, JOINT CHIEFS OF STAFF
ATTN: Administrative Assistant

SUBJECT: Proposed (Legislation) (Proclamation) (Executive order) "_____."

1. Reference is made to your (memorandum) (legislative routing slip), dated (_____), forwarding for coordination proposed (legislation) (proclamation) (Executive order), subject as above.

2. The Department of the Army (concurs in) (interposes no objection to) the proposed (legislation) (proclamation) (Executive order) (subject to the recommendations contained in the following paragraphs) does not concur in the proposed (legislation) (proclamation) (Executive order) for the reasons set forth in the following paragraphs.

3. (State in detail recommendations and reasons therefor, or reasons for nonconcurrence. Include specific language to carry out recommendations.)

FOR THE CHIEF OF LEGISLATIVE LIAISON:

APPENDIX K-1 (COVER MEMORANDUM)

EXAMPLE OF MEMORANDUM FORWARDING TO OCLL A DA REPORT TO OSD CONCERNING PENDING LEGISLATION

DAPE-HRP-C

MEMORANDUM FOR CHIEF OF LEGISLATIVE LIAISON, ATTN: CHIEF LEGISLATIVE COUNSEL

SUBJECT: (Name of Bill)

1. In accordance with your tasker of 19 July 91, attached is a proposed report for the Department of the Army (Encl 1).

2. On behalf of the Army, this office believes the legislation should be (supported with changes) (supported as written) (opposed).

3. This report has been coordinated with all relevant Army Staff Officers, including _____.

4. DAPE action officer, who may be contacted for technical questions, is _____ at phone _____.

CC: ASA(MRA)
OGC

Signature Block

Encl

(Attach Appendix K format if proposal is legislation from services, JCS, or OSD

(Attach Appendix L format if proposal is legislation from NON-DOD Agency)

(Attach Appendix M format if proposal is a report from services, JCS, or OSD)

(Attach Appendix N format if proposal is a report from NON-DOD Agency)

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX L

EXAMPLE OF MEMORANDUM ON PROPOSED LEGISLATION, PROCLAMATION, OR EXECUTIVE ORDER OF AN AGENCY OUTSIDE THE DEPARTMENT OF DEFENSE

(Forward to OCLL with cover Memorandum in Accordance with Appendix K-1)

MEMORANDUM FOR GENERAL COUNSEL, DEPARTMENT OF DEFENSE
ATTN: Director, Legislative Reference Service

INFORMATION TO CHIEF OF LEGISLATIVE AFFAIRS
Department of the Navy

DIRECTOR, LEGISLATIVE LIAISON
Department of the Air Force

CHAIRMAN, JOINT CHIEFS OF STAFF
ATTN: Administrative Assistant

SUBJECT: Non D/D (Item) (E.O. DOC.) (No.___), (OMB) (GSA) (Department of State) (Transportation) (____) Proposed (Legislation) (proclamation) (Executive order), "_____"

1. Reference is made to your (memorandum) (legislative routing slip), dated (___), forwarding for coordination a report on proposed (item) (legislation) (proclamation) (Executive order), subject as above.

2. The Department of the Army (concurs in) (interposes no objection to) (report on subject item) the proposed (legislation) (proclamation) (Executive order) (subject to the recommendations contained in the following paragraphs) (does not concur in the proposed (legislation) (proclamation) (Executive order) for the reasons set forth in the following paragraphs).

3. (State in detail recommendations and reasons therefor, or reasons for nonconcurrence. Include specific language to carry out recommendations.)

FOR THE CHIEF OF LEGISLATIVE LIAISON:

(No Signature Block)

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX M

EXAMPLE OF MEMORANDUM ON A PROPOSED REPORT OF THE OFFICE, SECRETARY OF DEFENSE OR OF THE OTHER MILITARY DEPARTMENTS

(Forward to OCLL with Memorandum in Accordance With Appendix K-1)

MEMORANDUM FOR CHIEF OF LEGISLATIVE AFFAIRS
Department of the Navy

INFORMATION TO GENERAL COUNSEL, DEPARTMENT OF DEFENSE
Attn: Director, Legislative Reference Service

DIRECTOR, LEGISLATIVE LIAISON
Department of the Air Force

CHAIRMAN, JOINT CHIEFS OF STAFF
ATTN: ADMINISTRATIVE ASSISTANT

SUBJECT: (H.R.___) (S.___), ___nd Congress, a bill "To _____ _____."

1. Reference is made to your memorandum dated (___), forwarding for coordination proposed report on subject bill.

2. The Department of the Army (concurs in) (interposes no objection to) the proposed report (subject to the recommendations contained in the following paragraphs) (does not concur in the proposed report for the reasons set forth in the following paragraphs).

3. (State in detail recommendations and reasons therefor, or reasons for concurrence. Include specific language to carry out recommendations.)

FOR THE CHIEF OF LEGISLATIVE LIAISON:

(No Signature Block)

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, DC 20310-1600

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

APPENDIX N

EXAMPLE OF MEMORANDUM ON A PROPOSED REPORT OF AN AGENCY OUTSIDE THE DEPARTMENT OF DEFENSE

(Forward to OCLL with cover Memorandum in Accordance with Appendix K-1)

MEMORANDUM FOR CHIEF OF LEGISLATIVE AFFAIRS
Department of the Navy

INFORMATION TO GENERAL COUNSEL, DEPARTMENT OF DEFENSE
Attn: Director, Legislative Reference Service

DIRECTOR, LEGISLATIVE LIAISON
Department of the Air Force

CHAIRMAN, JOINT CHIEFS OF STAFF
Attn: Administrative Assistant

SUBJECT: Non D/D (Item) (E.O. DOC.) (No.___) (OMB) (GSA) (Department of (State) (Transportation) (___)) Report on (H.R.___) (S.___), (___nd Congress) (_____), ("To _____.")

1. Reference is made to your memorandum dated (___), forwarding for coordination proposed report on subject bill.

2. The Department of the Army (concurs in) (interposes no objection to) the proposed report (subject to the recommendations contained in the following paragraphs) (does not concur in the proposed report for the reasons set forth in the following paragraphs).

3. (State in detail recommendations and reasons therefor, or reasons for nonconcurrence. Include specific language to carry out recommendations).

FOR THE CHIEF OF LEGISLATIVE LIAISON:

(No Signature Block)

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

APPENDIX O

EXAMPLE OF REPORT TO THE OFFICE OF MANAGEMENT AND BUDGET RECOMMENDING APPROVAL OF AN ENROLLED ENACTMENT

(Forward to OCLL with cover Memorandum in Accordance with Appendix K-1)

Honorable (FULL NAME)

Director, Office of Management and Budget

Dear Mr. (SURNAME):

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment (H.R.___) (S.___), ___nd Congress, "To _____."

The Department of the Army on behalf of the Department of Defense recommends approval of the enrolled enactment.

This act provides for (purpose of the bill).

The enactment of this measure (**is urgent**) (is considered desirable) (is recommended) because (insert here the reasons for Department of Defense position).

Approval of the enactment will (indicate fiscal effect upon the Department of Defense in form similar to that set forth in APPENDIX E or H).

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

(No Signature Block)

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

APPENDIX P

EXAMPLE OF LETTER TRANSMITTING VETO MESSAGE OR MEMORANDUM OF DISAPPROVAL TO THE OFFICE OF MANAGEMENT AND BUDGET

Honorable (FULL NAME)

Director, Office of Management and Budget

Dear Mr. (SURNAME):

The Department of Defense recommends that the President withhold his approval from enrolled enactment (H.R.___) (S.___), ___nd Congress, "To _____."

The reasons for this recommendation are in the draft of a (Veto Message) (Memorandum of Disapproval) enclosed for the signature of the President, should he approve the proposed action.

If approved, the act would (indicate fiscal effect upon the Department of Defense in form similar to that set forth in APPENDIX E or G)

The enclosed (Veto Message) (Memorandum of Disapproval) has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

Encl

APPENDIX Q

EXAMPLE OF VETO MESSAGE

TO THE (SENATE) (HOUSE OF REPRESENTATIVES): (Address the branch of Congress in which the measure originated.)

I return herewith, without my approval, (S.___))H.R.___). (title of Act). (If purpose or effect of Act is not shown in title, state here.)

(The salient reasons for not approving the Act should be set forth briefly in one or more paragraphs.)

There should be an appropriate concluding paragraph such as the following: Approval of the Act would have the effect of granting benefits to the estate of _____, which are denied in other cases with similar facts. There are no circumstances present in this case which would warrant singling it out for preferential treatment to the discrimination of thousands of similar cases.

THE WHITE HOUSE

(DATE)

APPENDIX R

EXAMPLE OF MEMORANDUM OF DISAPPROVAL

TO THE (SENATE (HOUSE OF REPRESENTATIVES): (Address the branch of Congress in which the measure originated.)

I have withheld may approval of (S.___) (H.R.___), title of the Act). (If purpose or effect of Act is not shown in title, state here.)

(The salient reasons for not approving the Act should be set forth briefly in one or more paragraphs.)

There should be an appropriate concluding paragraph such as the following: Approval of the Act would have the effect of granting benefits to the estate of _____, which are denied in other cases where the facts are similar. There are no circumstances present in this case which would warrant singling it out for preferential treatment to the discrimination of thousands of similar cases.

THE WHITE HOUSE

(Date)

APPENDIX S

EXAMPLE OF A DRAFT OF AN EXECUTIVE ORDER

APPROVING A SEAL FOR THE PANAMA CANAL COMMISSION

WHEREAS the Panama Canal Commission created by the Panama Canal Act of 1979 (Public Law 96-70; 93 Stat. 452 has, under authority of said act, caused to be made and has adopted a corporate seal; and

WHEREAS the Administrator of the Panama Canal Commission and the Secretary of Defense have recommended that I approve such seal the design of which and is hereby made a part of this order, and which is described as follows:

A view of a lower lock chamber of the Panama Canal, showing the bow end of a ship in an upper chamber, behind a closed gate, flanked on the left by a control house and on the right by a towing locomotive and three lamp standards. The ship colors to be dull read hull with white trim, white superstructure, white kingposts, and gray funnel. The lock walls, control house and lamp standards to be white. The control house roof to be dull red. The lock gate and towing locomotive to be gray. The sky to be light blue and the water to be azure blue. All to be encircled with a white band edged in navy blue and containing the inscription "PANAMA CANAL COMMISSION* COMISION DEL CANAL DE PANAMA*"

AND WHEREAS it appears that such seal is of suitable design and appropriate for use as the corporate seal of the Panama Canal Commission, and agency of the United States Government, I hereby approve such seal as the corporate seal of the Panama Canal Commission.

THE WHITE HOUSE

APPENDIX T

EXAMPLE OF A DRAFT OF A PROCLAMATION

NATIONAL P.O.W.-M.I.A. RECOGNITION DAY, 1991

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

THROUGHOUT AMERICAN history our prisoners of war have been called upon to make uncommon sacrifices. In fulfilling their duty as citizens of the United States they have defended American ideals while suffering unimaginable indignities under the absolute control of the enemy. They remained steadfast even while their treatment contravened international understandings and violated elementary considerations of compassion and morality.

All Americans ought to recognize the special debt we owe to our fellow citizens who, in the act of serving our Nation, relinquished their freedom that we might enjoy the blessing of peace and liberty. Likewise, we must remember the unresolved casualties of war - our servicemen who are still missing. The pain and bitterness of war endure for their families, relatives and friends - and for all of us. Our Nation will continue to seek answers to the many questions that remain about their fate.

NOW THEREFORE, I GEORGE BUSH, President of the United States of America, do hereby proclaim Friday, July 17, 1991, as National P.O.W.-M.I.A. Recognition Day, a day dedicated to all former American prisoners of war, to those still missing, and to their families. I urge all Americans to join in honoring those who made the uncommon sacrifice of being held captive in war, and to honor as well their loved ones who have also suffered valiantly and patiently. I also call on appropriate officials of the Federal, State and local governments, as well as private organizations, to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord nineteen hundred ninety-one, and of the Independence of the United States of America the two hundred and fifthteenth.

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

APPENDIX U

EXAMPLE OF LETTER TRANSMITTING PROPOSED EXECUTIVE ORDER OR PROCLAMATION TO THE OFFICE OF MANAGEMENT AND BUDGET

Honorable (FULL NAME)

Director, Office of Management and Budget

Dear Mr. (SURNAME):

The enclosed draft of a proposed Executive ord r, entitled the "Military Pay and Allowance Benefits Act of 1980," is forwarded with the request that it be submitted to the President for his approval and signature. Implementation of certain provisions of this law will require amendment of Executive Order 11157, as amended.

The attached draft Executive order will effect these necessary changes. The Executive order contains the following:

- Revisions necessary for implementation of Incentive Pay for Submarine Duty.

- Implementation instructions for Special Pay for Career Sea Duty, including sea pay authorization for newly entitled commissioned and warrant officers.

- For the purposed of this Act,m definition of the terms "field duty," "sea duty," "ship" or "vessel," and "away from home port."

- Revision required to permit service members without dependents above the grade of E-6 to elect to receive a basic allowance for quarters rather than accept assigned Government quarters.

It is recommended that this Executive order be forwarded to the President.

Sincerely,

(No Signature Block)

Encl
Proposed (E.O.)