



Department of Defense **INSTRUCTION**

NUMBER 5500.16

February 15, 2013

USD(C)/CFO

SUBJECT: Relationship With the Surveys and Investigations (S&I) Staff, House
Appropriations Committee

References: See Enclosure 1

1. **PURPOSE.** In accordance with the authority in DoD Directive (DoDD) 5118.03 (Reference (a)), this instruction reissues DoD Instruction (DoDI) 5500.16 (Reference (b)) to establish policy, assign responsibilities, and prescribe procedures governing the relationship of the Department of Defense with the S&I Staff, House Appropriations Committee (HAC).

2. **APPLICABILITY.** This instruction applies to OSD, the Military Departments, the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, all other organizational entities within the Department of Defense (referred to collectively in this instruction as "the DoD Components").

3. **POLICY.** It is DoD policy to make such administrative arrangements as are necessary to facilitate the conduct of inquiries by the HAC S&I Staff.

4. **RESPONSIBILITIES.** See Enclosure 2.

5. **PROCEDURES.** See Enclosure 3.

6. **RELEASABILITY. Unlimited.** This instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. **EFFECTIVE DATE.** This instruction:

- a. Is effective February 15, 2013.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoD Instruction 5025.01 (Reference (c)). If not, it will expire effective February 15, 2023 and be removed from the DoD Issuances Website.



Robert F. Hale
Under Secretary of Defense (Comptroller)/
Chief Financial Officer, Department of Defense

Enclosures

1. References
2. Responsibilities
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Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5118.03, "Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO)," April 20, 2012
- (b) DoD Instruction 5500.16, "Relationship with the Surveys and Investigations (S&I) Staff, House Appropriations Committee," October 21, 1996 (hereby cancelled)
- (c) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012
- (d) Section 72a of Title 2, United States Code
- (e) DoD Directive 5205.07, "Special Access Program (SAP) Policy," July 1, 2010
- (f) DoD Instruction 5400.04, "Provision of Information to Congress," March 17, 2009
- (g) DoD Manual 5200.01, Volumes 1-4, "DoD Information Security Program," February 24, 2012, Volumes 2 and 3, as amended
- (h) Office of Management and Budget Circular No. A-11, "Preparation, Submission, and Execution of the Budget," current edition
- (i) DoD Instruction 7650.01, "Government Accountability Office (GAO) and Comptroller General Requests for Access to Records," January 27, 2009, as amended

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF FINANCIAL OFFICER, DEPARTMENT OF DEFENSE (USD(C)/CFO). In addition to the responsibilities in section 2 of this enclosure and as the principal staff advisor to the Secretary of Defense for budgeting, auditing, and fiscal functions in accordance with Reference (a), the USD(C)/CFO:

a. Establishes administrative procedures and guidance covering the relationship of the DoD Components with the S&I Staff, serves as the principal DoD liaison to the S&I Staff, and makes such arrangements as are necessary to facilitate the conduct of S&I Staff inquiries.

b. Through the Deputy Comptroller (Budget and Appropriations Affairs) and the Office of the Deputy Comptroller (Program/Budget), coordinates matters related to S&I Staff inquiries with the appropriate OSD and DoD Components and directs S&I staff members who are conducting inquiries to the appropriate DoD points of contact.

2. OSD COMPONENT HEADS AND THE CJCS. The OSD Component heads and the CJCS will pursue DoD-wide coordination of inquiries involving their respective functional areas. When notification of an impending inquiry has been received from the Deputy Comptroller (Budget and Appropriations Affairs), each principal staff assistant to the Secretary of Defense or Joint Staff Director affected by the inquiry will designate and advise the Deputy Comptroller (Budget and Appropriations Affairs) of the office within that organization and the individual who will serve as the OSD or CJCS Staff Coordinator (referred to in this instruction as “Staff Coordinator”) for that particular inquiry.

3. SECRETARIES OF THE MILITARY DEPARTMENTS AND THE DIRECTORS OF DEFENSE AGENCIES. The Secretaries of the Military Departments and the Directors of Defense Agencies will make all arrangements necessary for S&I staff teams to conduct inquiries within their respective component. These arrangements will include, but not be limited to:

a. The designation of an office to receive all notifications of impending inquiries.

b. Assignment of responsibility to a specific individual within the Military Department or Defense Agency for dealing with the S&I Staff and with the Staff Coordinator on each inquiry as it is announced.

c. Advising the Deputy Comptroller (Budget and Appropriations Affairs) and the Staff Coordinator, as appropriate, of individuals the S&I Staff may contact.

4. THE DIRECTOR, WASHINGTON HEADQUARTERS SERVICES (WHS) AND THE ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS (ASD(LA)). At the request of the Deputy Comptroller (Budget and Appropriations Affairs), the Director, WHS, under the authority, direction and control of the Director of Administration and Management, and the ASD(LA) will review the active DoD security clearances of S&I investigators and provide results to the Deputy Comptroller.

ENCLOSURE 3

PROCEDURES

1. GENERAL. Pursuant to section 72a of Title 2, United States Code (Reference (d)), the S&I Staff conducts investigations of the organization and operation of Executive Branch agencies to assist the HAC in actions under its jurisdiction. The S&I Staff reports directly to the HAC Chair. It is completely separate from committee staffs that deal individually with agency budget requests.

2. INITIATION OF INQUIRIES

a. Inquiries are initiated by majority vote of a subcommittee of the HAC, with participation by both the subcommittee chair and the ranking minority member. Upon approval of the chair and ranking minority member of the HAC, the inquiry is directed to the S&I Staff for action.

b. The Chief, HAC S&I Staff, advises the Secretary of Defense by letter of the impending inquiry. An information copy of the letter is provided to the ASD(LA).

3. ASSIGNMENT OF INQUIRIES

a. Following notification from the Chief, HAC S&I Staff, the Deputy Comptroller (Budget and Appropriations Affairs) will:

(1) Determine the OSD Component of primary responsibility and request that an individual from that Component be designated as Staff Coordinator. If the subject of the inquiry is in a functional area under the jurisdiction of the CJCS, the CJCS designates the individual who will serve as Staff Coordinator for that particular inquiry.

(2) Forward the name of the individual designated as Staff Coordinator to the S&I Staff. Henceforth, the Staff Coordinator will be the principal coordinator between the S&I team and the Department of Defense for the conduct of that particular inquiry.

(3) Inform the designated representative or central coordinating office within a Military Department whenever an inquiry is expected to involve its operations. Each Defense Agency will also be advised of each inquiry in which it has an interest. The Military Department or Defense Agency then designates a principal coordinator within that organization for matters about the inquiry. Such individuals normally will be from the same functional area as the Staff Coordinator.

(4) Notify the Chief, HAC S&I Staff, of the names of DoD individuals who are to be contacted to get the inquiry underway.

b. The Deputy Comptroller (Budget and Appropriations Affairs), upon receipt from the S&I Staff of a list of its investigators who will be participating in an inquiry, forwards the list to the ASD(LA) or Director, WHS, as appropriate. Once the ASD(LA) or Director, WHS, has confirmed the active DoD security clearance of each investigator, the Deputy Comptroller provides a list of investigators and their active DoD security clearance to the Staff Coordinator, the affected Military Department central coordinating offices, and any Defense Agency that may be involved in the inquiry.

4. CONDUCTING INQUIRIES

a. DoD personnel are notified, in advance, of the active DoD security clearances of S&I staff members assigned to an inquiry.

b. The DoD will control the availability of special access material to the S&I Staff, in accordance with established procedure and DoDD 5205.07 (Reference (e)).

(1) A request for S&I Staff access to DoD Special Access Program (SAP) information must be submitted to the Director, Special Programs, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. This request must be approved by the chair or ranking member of the HAC subcommittee that has oversight for the program in question (in cases of administrative urgency, the S&I Staff Director's or designated senior minority staff member's signature can be accepted). The request must include justification for the requested access, the duration of the requested access, and necessary security data on the investigators for which the access is requested.

(2) The Director, Special Programs, evaluates the request and notifies the appropriate SAP Central Office within OSD, the Office of the CJCS, or the Military Departments to process the request.

c. The Deputy Comptroller (Budget and Appropriations Affairs) will customarily receive an investigator's travel itinerary before that investigator visits DoD facilities or requests information. The Staff Coordinator will take the lead in making arrangements and arrange for travel and appointment schedules with Military Department coordinators or with other DoD offices.

d. When the S&I staff team requests information or data from DoD, the Staff Coordinator obtains such information or data. This will enable the Staff Coordinator to be knowledgeable of the material being requested and prevent unnecessary administrative delays in obtaining the information or data. The Staff Coordinator requests that the S&I staff team advise them on any unresolved problems that may arise in the conduct of the inquiry. All possible steps will be taken to ensure that S&I staff members receive the full cooperation of DoD organizations in conducting the inquiry.

e. S&I staff teams normally visit DoD installations unaccompanied. The OSD staff, Joint Staff, Military Departments, or Defense Agencies coordinators will not arrange for DoD officials to accompany S&I teams, except in unusual circumstances, or at the S&I team chief's request.

f. Information and data will be provided to S&I staff members in accordance with DoDI 5400.04 (Reference (f)). Maximum cooperation and all needed information will be provided to S&I staff members in the conduct of their inquiries, subject to the following conditions:

(1) Classified information that is pertinent to the subject of the inquiry must be properly safeguarded and provided in accordance with DoD Manual 5200.01 (Reference (g)).

(2) Information that is in draft form (e.g., pre-decisional information that has not been reviewed, coordinated, or approved by the Secretary of Defense or a representative) will not be released. Information in this category generally consists of draft policies, studies, or analyses that have not been fully coordinated within the Department of Defense and, as such, do not reflect a position to which the Secretary of Defense or the Department of Defense can be held accountable.

(3) Budget estimates and supporting materials for any given fiscal year, with the exception of internal DoD planning and budgeting documents like Program Budget Decisions and Program Decision Memorandums, will be made available upon transmittal of the President's Budget for that year to the Congress. Thereafter, any other material provided to the Appropriations Committees may be furnished. Office of Management and Budget Circular No. A-11 (Reference (h)) establishes the policies on premature disclosure of Presidential recommendations.

(4) DoDI 7650.01 (Reference (i)) governs the release of out-year financial planning data.

(5) Requests for information, in any form, that is under the joint or exclusive cognizance of another Executive Branch agency (i.e., intelligence information under the cognizance of the Director of Central Intelligence) will be referred to that agency for review and approval of release.

5. RESTRICTION OF DATA RELEASE. The conditions cited in paragraph 4f of this enclosure that prevent the provision of data to S&I staff members should arise infrequently. When such conditions do occur, DoD personnel will make every possible effort to discover some alternate means to satisfy requests for data acceptable to the S&I Staff and the Department of Defense. In those cases where requests for data cannot be satisfied, there will be no disclosure of material, except in accordance with the procedures in Enclosure 4 of Reference (f).

GLOSSARY

ABBREVIATIONS AND ACRONYMS

ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
CJCS	Chairman of the Joint Chiefs of Staff
DoDD	DoD Directive
DoDI	DoD Instruction
HAC	House Appropriations Committee
SAP	Special Access Program
S&I	Surveys and Investigations
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer of the Department of Defense
WHS	Washington Headquarters Services