



Department of Defense INSTRUCTION

NUMBER 5545.02
December 19, 2008

ASD(LA)

SUBJECT: DoD Policy for Congressional Authorization and Appropriations Reporting Requirements

- References:
- (a) DoD Directive 5545.2, "DoD Policy for Congressional Authorization and Appropriations Reporting Requirements," July 22, 1996 (hereby canceled)
 - (b) DoD Directive 5142.01, "Assistant Secretary of Defense for Legislative Affairs (ASD(LA))," September 15, 2006
 - (c) Section 480 of title 10, United States Code
 - (d) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release, August 6, 1999
 - (e) OMB Circular A-19, "Legislative Coordination and Clearance," Revised September 20, 1979

1. PURPOSE. This Instruction reissues Reference (a) as a DoD Instruction in accordance with the authority in Reference (b) to establish policy and assign responsibilities for the collection of information and control of the paperwork burden consistent with Reference (c).

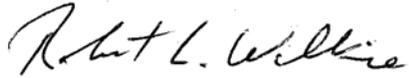
2. APPLICABILITY. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other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

3. POLICY. It is DoD policy that appropriate action shall be taken in response to all statutory requirements contained in authorization and appropriations acts and in response to congressional concerns expressed in House, Senate, and conference reports on those acts.

4. RESPONSIBILITIES. See Enclosure.

5. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

6. EFFECTIVE DATE. This Instruction is effective immediately.



Robert L. Wilkie
Assistant Secretary of Defense for
Legislative Affairs

Enclosure
Responsibilities

ENCLOSURE

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS (ASD(LA)).

The ASD(LA), in addition to the responsibilities in paragraph 4, shall:

a. Manage and assign all congressional reporting requirements contained in DoD authorization and appropriations acts and requests for reports in the congressional reports that accompany them.

b. Review the DoD and military construction authorization and appropriations acts and committee reports to identify all reporting requirements contained in those acts and reports, as assisted by concurrent reviews by DoD Components.

c. Coordinate and oversee assignment of reports with the DoD Components as necessary and assign required reporting responsibilities to the appropriate DoD Components.

(1) After appropriate review, update the Congressional Hearings and Reporting Requirements Tracking System (CHARRTS) Web Site with final assignments of reporting requirements thereby making official each assignment.

(2) Provide an electronic tracking and status report capability concerning such reporting requirements based upon DoD Component input to CHARRTS to include Components uploading electronic copies of interim and final reports to that system.

(3) Receive DoD Component requests for reassignment of reporting requirements to another Component, review and mediate such requests between the concerned Components, and advise the Components of the final decision. Upon concurrence, transfer the reporting requirement and update CHARRTS. If necessary, require appropriate Component to draft and transmit an interim response to the respective congressional committee(s).

2. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I), in addition to the responsibilities in paragraph 4, shall:

a. Identify, assign, coordinate, and track the responses to all congressional reporting requirements and requests for reports contained in intelligence authorization acts and the congressional reports that accompany them, in coordination with the ASD(LA) and other concerned DoD Components, and with the Office of the Director of National Intelligence. The USD(I) shall establish appropriate procedures for this process.

b. Distribute classified annexes to the defense and intelligence authorization and appropriations acts and congressional reports that accompany them for review by the Heads of the DoD Components in accordance with paragraph 4.a. of this enclosure.

3. GENERAL COUNSEL, DEPARTMENT OF DEFENSE (GC, DoD). The GC, DoD, in addition to the responsibilities in paragraph 4, shall:

a. Upon enactment of DoD authorization and appropriations acts, review each to determine what new and additional authorities and responsibilities are assigned specifically to the Secretary of Defense.

b. In coordination with the concerned OSD Principal Staff Assistant, draft delegations of authority as necessary. The delegations shall incorporate the assignments made by the ASD(LA) on statutory reporting requirements.

4. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Review the DoD and military construction authorization and appropriations acts and accompanying reports to identify statutory requirements and congressional recommendations, suggestions, reporting requirements and requests for reports, and expressions of concern that apply to their respective Components.

b. Make recommendations concerning assignment of responsibility for preparing required reports by submitting a preliminary list of accepted reporting requirements to the ASD(LA).

(1) Once the preliminary assignment of remaining reporting requirements has been completed, any contested assignments shall be identified to the ASD(LA), including the Component it believes the report should be assigned to and supported by a substantive explanation for the proposed transfer.

(2) In order to satisfy congressional report deadlines, upon the decision by the ASD(LA) to transfer a report, either the Component requesting the transfer of assignment or the Component to which the report is finally assigned shall draft an interim report as directed by the ASD(LA).

(3) After coordination, final assignments of reports to Components shall be posted on CHARRTS.

c. Prepare and submit all unclassified reports to Congress in accordance with the assignments made by the ASD(LA) and the Secretary of Defense delegation of authority and responsibility as described in Reference (b).

d. Provide the ASD(LA) with electronic copies through CHARRTS of all unclassified reports, interim reports, transmittal letters, and requests to close reporting requirements prepared by their Component for submission to the Congress or any of its committees.

e. Using CHARRTS, submit, as appropriate, status updates on late reports to the ASD(LA) to include actions taken in response to both statutory and congressional committee reporting requirements and the estimated completion dates of assigned reports.

f. Any report that falls under paragraph 6.1. of DoD Instruction 5230.29 (Reference (d)) shall be submitted to the DoD Office of Security Review for clearance prior to its transmission to the Congress. The Inspector General of the Department of Defense, as an independent and objective officer in the Department of Defense, is exempt from the policy review provisions of this Instruction.

g. Prior to the release of any report outside the Executive Branch, forward any report that addresses pending legislation or contains specific legislative recommendations to the Office of Legislative Counsel, GC, DoD, for coordination with the Office of Management and Budget (OMB) for clearance pursuant to OMB Circular A-19 (Reference (e)). The Military Departments shall forward such reports directly to OMB for clearance. This requirement shall not apply to the Office of the Inspector General of the Department of Defense.