



**INSPECTOR GENERAL**  
**DEPARTMENT OF DEFENSE**  
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ALEXANDRIA, VIRGINIA 22350-1500

February 2, 2017

## **INSPECTOR GENERAL INSTRUCTION 5545.1**

### **CONGRESSIONAL AFFAIRS ACTIVITIES**

#### **FOREWORD**

This instruction provides the policy and procedures for how the DoD Office of Inspector General conducts congressional affairs activities.

This instruction will expire 10 years from its issuance date.

The primary office of responsibility for this instruction is the Office of Legislative Affairs and Communications. This instruction is effective immediately.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink, appearing to read "Steven A. Stebbins", is positioned above the printed name and title.

Steven A. Stebbins  
Chief of Staff

3 Appendices

**CONGRESSIONAL AFFAIRS ACTIVITIES**

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## CHAPTER 1 GENERAL

- A. Purpose.** This instruction provides policy and procedures for congressional affairs activities in the DoD Office of Inspector General (OIG).
- B. Cancellation.** This instruction cancels IG Instruction 5545.1, *Congressional Affairs Activities*, September 9, 2008.
- C. Summary of Changes.** Updates to this instruction include revisions to policy, procedures, and responsibilities. Changes also include updates reflecting organizational changes in the OIG. The Office of Communications and Congressional Liaison is renamed the Office of Legislative Affairs and Communications (OLAC).
- D. Applicability.** This instruction applies to the OIG.
- E. References.** (See Appendix A.)
- F. Acronyms and Abbreviations.** (See Appendix B.)
- G. Policy.**
1. According to references (a) and (b), the OIG keeps Congress fully and currently informed of misuse and deficiencies related to DoD programs and operations through a variety of methods, to include the Semiannual Report (SAR) to Congress.
  2. The OIG cooperates with members of Congress, Congressional Committees, and their respective staffs to the fullest extent possible, per reference (a) and DoD needs and requirements.
  3. Pursuant to paragraph 2.2 of reference (c), nothing in that directive can prevent the IG from fulfilling his or her duties pursuant to reference (a).
  4. The OLAC serves as the OIG focal point for congressional relations.
- H. Responsibilities.**
1. The **IG** provides policy direction regarding relations with the Legislative Branch.
  2. The **Director, OLAC:**
    - a. Oversees the OIG's participation in congressional activities.
    - b. Supervises the OLAC and ensures the implementation of established policies and procedures in dealing with Congress.

c. Provides advice and reports to the DoD IG and the Principal Deputy Inspector General (PDIG).

3. The **OLAC**:

a. Prepares the SAR to Congress.

b. Receives and tracks incoming congressional correspondence and other inquiries in coordination with the Executive Secretariat.

c. Alerts the OIG to relevant pending legislation and provides comments, as appropriate.

d. Arranges congressional meetings involving the OIG. The OLAC will provide before and after meeting support, including identifying key issues of discussion, preparing OIG personnel for their participation, and providing a summary of each meeting.

e. Provides before and after hearing support when an OIG representative is invited to testify before Congress.

f. Works with Components to initiate legislative proposals when appropriate, per references (c) and (d).

4. The **Components**:

a. Carry out the policies and procedures contained in this instruction.

b. Promptly notify the OLAC and Executive Secretariat of congressional correspondence and information requests.

5. The **Executive Secretariat** coordinates with OLAC on all incoming congressional correspondence that requires IG Front Office attention or response.

## CHAPTER 2 CONGRESSIONAL ACTIVITIES

**A. General.** This chapter describes the procedures the OLAC uses when informing or interacting with Congress.

**B. Semiannual Report to Congress.**

1. The OLAC coordinates with the Components (to include requesting a security review from the Office of Security (OSEC)) to prepare the SAR to Congress required by Section 5 of reference (a). The SARs to Congress summarize the activities of the OIG during the 6-month periods ending March 31 and September 30 of each year.

2. The Components provide the OLAC SAR Program Manager information summarizing OIG activities, audits, evaluations, and investigations during each 6-month reporting period and also provide a narrative on ongoing OIG activities. The OLAC maintains past final SAR reports for reference in future reporting periods.

a. As required by Section 8(f)(1) of reference (a), the Deputy Inspector General (DIG) for Policy and Oversight coordinates with the Defense Contract Audit Agency to review information on the number and types of contract audits performed.

b. DIGs, for each Component providing submissions, are responsible for the accuracy of Component submissions provided to the SAR Program Manager. The Chief of Staff is responsible for the Mission Support Team submission and the Director, OLAC, is responsible for the OLAC submission.

3. The OLAC develops timelines for Component contributions and host meetings, including an introductory session, at the beginning of the SAR process, and an after action discussion of lessons learned, called a “hotwash,” after the OIG delivers the SAR to the OSD.

4. The OLAC coordinates the SAR throughout the OIG and submits it for final approval to the IG, or current agency head. Once approved, the OLAC sends the SAR to the OSD, not later than April 30 and October 31, according to reference (a).

**C. Congressional Reporting Requirements.**

1. The OLAC staff reviews legislation and congressional reports to identify requirements assigned to the OIG or issues that could affect ongoing OIG projects.

2. As determined by the Director, OLAC, the OLAC staff will distribute pending legislation to relevant Components for information and comments.

3. The Components review proposed legislation assigned, and provide any comments to the OLAC within prescribed suspenses, as established by the OLAC or the proponent congressional office.

4. The OLAC recommends to the Engagement Board regarding which Component should fulfill reporting requirements contained in final legislation and report language. The IG, or PDIG, makes the final determination on any disputed tasking.

5. The OLAC arranges meetings or discussions with congressional staff regarding reporting requirements, mentioned in Chapter 2, paragraph C.1., as appropriate, to clarify intent and outline how OIG will execute the requirement.

6. Components must prepare reports within the required timeframes established by Congress. Components and the OLAC will continuously collaborate regarding the development of reports. If a Component determines it will not meet a required timeframe, it must notify the OLAC.

**D. Congressional Correspondence.**

1. The OLAC receives and responds to all correspondence from congressional offices, including correspondence referred from other DoD Components and the Government Accountability Office (GAO).

2. The OLAC coordinates with the Executive Secretariat to task the appropriate Component to prepare a response to congressional correspondence, if it is clear which Component should be tasked. In these cases, the OLAC acknowledges receipt to the congressional office, also sending a copy of the acknowledgement to the tasked Component, within 5 calendar days of receipt of the inquiry. Some congressional requests will require the Engagement Board to determine whether the OIG should perform a requested review.

3. If a Component refuses tasking, then the Component notifies the OLAC within 3 calendar days of receipt of the tasking, in writing or through e-mail. The OLAC works with the Component to resolve the disputed tasking.

4. The Components prepare complete and accurate interim and final responses to congressional correspondence. The responses should provide as much information as possible within the guidelines of the Freedom of Information Act (FOIA) and the Privacy Act. The Components assign the proper security classification for responses and enclosures per references (e) through (i).

5. Responses:

a. The first interim response from a Component to a congressional inquiry is generally due to the OLAC within 14 calendar days after the date the OLAC acknowledges receipt of the correspondence.

b. Interim responses from a Component are due every 90 calendar days after the date of the previous response (120 calendar days for the Defense Criminal Investigative Service (DCIS)) until a final response is issued. The OLAC will consult with DCIS to determine if circumstances exist that make it inappropriate to send interim responses to congressional offices on a periodic basis. Components will prepare timely interim or final responses sooner than these timelines if reportable developments occur relating to the subject of the inquiry.

c. Components prepare all responses according to OLAC signature standards. The OLAC will advise the Components when they should change the signature block for the IG's or PDIG's signature.

d. The Director, OLAC, signs correspondence to members of Congress and approves correspondence for the IG's or PDIG's signature.

6. The OLAC tracks the status of all congressional correspondence to ensure Components meet their assigned suspense dates, and reviews proposed responses to determine if Components fully addressed the issues raised in the congressional correspondence. In determining actions required by the Components, the OLAC will obtain additional information from congressional staff, as appropriate.

7. The OLAC maintains a record keeping system for the correspondence received from congressional offices.

**E. Providing Work Products to Congress.** The OLAC coordinates with the OSEC regarding the delivery of any classified or sensitive reports to Congress.

1. OIG policy provides the widest dissemination of OIG reports consistent with the requirements of references (d) through (i). (See Appendix C for a matrix detailing the distribution of OIG products to Congress.)

2. The OLAC provides copies of all audit, inspection, and evaluation reports to the Chair and Ranking Members of the six principal congressional oversight committees. (See Appendix C for further information.)

3. The principal congressional oversight committees are:

- a. Senate Committee on Appropriations, Subcommittee on Defense.
- b. Senate Committee on Armed Services.
- c. Senate Committee on Homeland Security and Governmental Affairs.
- d. House Committee on Appropriations, Subcommittee on Defense.

- e. House Committee on Armed Services.
- f. House Committee on Oversight and Government Reform.

4. In addition to the six principal oversight committees, the OLAC also distributes intelligence related reports to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

5. Depending on the subject matter, the OLAC may provide copies of reports to members of Congress, committees, and subcommittees outside of the six oversight committees. If reports contain classified information, the OLAC will coordinate release with the appropriate Component and the OSEC.

6. Administrative Investigations (AI) will advise the OLAC of reports that will be proactively released pursuant to reference (m) before posting to the Internet to ensure congressional awareness of these reports.

7. All reports requested by members of Congress, required by legislation, or required by report language will include a transmittal letter. The Component issuing the report will draft and forward a preliminary transmittal letter to the OLAC. The OLAC reviews and finalizes the letter before the IG, PDIG, or Director, OLAC, signs the letter.

8. The Components provide final reports to the OLAC within 5 business days prior to anticipated public release. As deemed appropriate by the IG, PDIG, or Director, OLAC, the OLAC, in conjunction with the Executive Secretariat, will provide copies of selected final reports to the Office of the Assistant Secretary of Defense for Legislative Affairs prior to public release.

**F. Preparing and Submitting Comments on Legislation.** The OLAC follows the coordination and clearance guidance of reference (j).

1. OIG Components will review existing, as well as proposed, DoD-specific legislation and regulations per Section 4(a)(2) of reference (a).

2. The OLAC oversees the preparation and submission of OIG comments on legislation. The OLAC tasks the appropriate Component to comment on the following legislative actions:

- a. Legislation received from the DoD Office of Legislative Counsel, including the annual DoD legislative program, pursuant to references (c) and (d).

- b. Appeals to provisions in annual authorization and appropriation bills per reference (c).

- c. Members of Congress or congressional committee staff members seeking OIG comment on legislation.



d. Congressional actions that the OLAC identifies as impacting OIG programs and operations.

3. If tasked to review legislation, Components will coordinate deadlines with the OLAC and provide comments in a timely manner.

4. The OLAC consolidates Component responses and provides IG or PDIG approved responses to the requesting entities.

**G. Congressional Hearings.** The OLAC follows the coordination and clearance guidance of reference (j).

1. The OLAC serves as the focal point of contact for OIG participation in hearings before congressional committees. The OLAC immediately notifies the IG and the PDIG upon receipt of an invitation to provide testimony for a congressional hearing.

2. The IG or PDIG designates the appropriate subject matter expert to represent the OIG at the hearing and designates a Component to lead preparation of a draft statement.

3. The Director, OLAC, designates an OLAC congressional liaison staff member to work with congressional staff and the Components.

a. This lead OLAC staff member prepares OIG personnel for congressional hearings, and assists the lead Component in preparing backup material.

b. This preparation may include arranging a simulated hearing environment to portray Congressional members' actions and concerns that could be raised during the hearing.

c. Preparation also includes requesting members' of Congress questions in advance, suggesting questions to Congressional staff for the hearing, and requesting introductory meetings with the Chair or Ranking Member of the committee holding the hearing.

4. The OLAC lead staff member coordinates, as appropriate, with other witnesses from the DoD, other Executive Branch departments or agencies, and the GAO.

5. The Component with the subject matter expert for the hearing prepares the statement and ensures:

a. The statement's factual accuracy.

b. Coordination with the OLAC and other appropriate Components takes place. The Components must provide this coordination within 24 hours of receiving the request.

6. The OLAC provides the prepared hearing statement to the DoD Office of Security Review for security review purposes only, and provides copies to the congressional committee

holding the hearing. Per reference (k), the policy review provisions of reference (l) do not apply to the independent and objective OIG.

7. The OLAC provides a representative to escort and advise the witness and Component subject matter expert(s) during the hearing.

8. Following the hearing, the OLAC:

a. Assists the OIG witness with review of the committee transcript. If different from the witness' Component, the lead Component will review the accuracy of the transcript's content and technical references. The OLAC edits committee transcripts, if provided, for grammar. Finally, the IG reviews the hearing transcript before the OLAC returns the updated transcript to the congressional committee.

b. Assigns questions for the record, as provided after the hearing, to the appropriate Component. The committee record is usually open for 2 weeks after the hearing. During this time, members of Congress on the committee may submit questions before closing the "official" part of the hearing.

c. Returns any information provided for the record to the congressional committee with the transcript per timeframes established by the committee.

#### **H. Participation in Meetings.**

1. The OLAC serves as the central point of contact for the following:

a. Congressional office requests to meet with a Component. OIG personnel will forward all such meeting requests to the OLAC for coordination and further action, regardless of where or how the meeting takes place.

b. OIG requests to meet members of Congress or congressional staff. All Components or personnel must make congressional office meeting requests to the OLAC. Such meeting requests require the approval of the respective Component Head.

2. The OLAC briefs the IG and the PDIG weekly on proposed meetings with members of Congress and their staff via the Weekly Activity Report.

3. The OLAC communicates within 5 business days to the appropriate members of Congress or their staffs to coordinate the requested meeting.

4. The OLAC provides a representative to attend meetings between the Components, members of Congress, and their congressional staffs. The OLAC advises the IG, PDIG, and the appropriate Component Head of significant issues raised during a meeting. If the meeting results in additional requests for information or further action, the OLAC coordinates the response to the Member of Congress or staff with the appropriate Component.

**APPENDIX A  
REFERENCES**

- a. United States Code, Title 5, Appendix, *Inspector General Act of 1978*, as amended
- b. DoD Directive 5106.01, *Inspector General of the Department of Defense (IG DoD)*, April 20, 2012, as amended August 19, 2014
- c. DoD Directive 5142.01, *Assistant Secretary of Defense (Legislative Affairs) (ASD(LA))*, September 15, 2006
- d. DoD Instruction 5400.04, *Provision of Information to Congress*, March 17, 2009
- e. DoD 5400.7-R, *DoD Freedom of Information Act Program*, September 4, 1998, as amended April 11, 2006
- f. DoD 5400.11-R, *Department of Defense Privacy Program*, May 14, 2007
- g. IG Instruction 5400.7, *Freedom of Information Act Program*, April 16, 2010
- h. IG Instruction 5400.11, *Privacy Act Program*, January 29, 2010
- i. DoD Manual 5200.01, Volumes 1-4, *DoD Information Security Program*, February 24, 2012, as amended March 19, 2013
- j. Office of Management and Budget Circular A-19, *Legislative Coordination and Clearance*, September 20, 1979
- k. DoD Instruction 5230.29, *Security and Policy Review of DoD Information for Public Release*, August 13, 2014
- l. DoD Directive 5230.09, *Clearance of DoD Information for Public Release*, August 22, 2008, as amended March 16, 2016
- m. IG Memorandum for Deputy Inspector General, Administrative Investigations, *Proactive Release under DoD OIG Privacy Act System of Records Notice*, June 1, 2016 (available on OIG Internet webpage under policy references and instructions)
- n. IG Memorandum for DoD OIG Component Heads, *Proactive Release of Reports*, June 1, 2016 (available on OIG Internet webpage under policy references and instructions)

**APPENDIX B  
ACRONYMS AND ABBREVIATIONS**

AI	Administrative Investigations
Confid.	confidential
DCIS	Defense Criminal Investigative Service
DIG	Deputy Inspector General
FOIA	Freedom of Information Act
FOUO	for official use only
GAO	Government Accountability Office
OIG	Office of Inspector General
OLAC	Office of Legislative Affairs and Communications
PDIG	Principal Deputy Inspector General
SAR	Semiannual Report
SCI	sensitive compartmented information
TS	top secret

**APPENDIX C  
DISTRIBUTION OF THE OFFICE OF INSPECTOR GENERAL  
WORK PRODUCTS TO CONGRESS**

	Report Distribution* (Congressional Committee)	Upon Request (Committee Chairman or Ranking Member letter)**	Upon Request any Member of Congress
<b>UNCLASSIFIED REPORTS</b>			
Published Reports <sup>(1)</sup>	X	X	X
<b>CLASSIFIED REPORTS</b>			
Published Reports (Confid./Secret) <sup>(1)</sup>	(See Note 2)	(See Note 2)	(See Note 2)
Published Reports (TS/SCI) <sup>(1)</sup>	(See Note 2)	(See Note 2)	(See Note 2)
<b>FOUO INFORMATION</b>			
Published Reports <sup>(1)</sup>	X	X	(See Note 3)
Draft Reports		(See Note 4)	(See Note 4)
Working Papers		(See Note 4)	(See Note 4)
<b>CRIMINAL INVESTIGATIONS</b>			
Criminal Invest. – Closed		(See Notes 3,5)	(See Notes 3,5)
Criminal Invest. – Open		(See Note 6)	(See Note 6)
<b>AI/HOTLINE</b>			
Hotline Reports – Closed		(See Notes 3,5)	(See Notes 3,5)
Military Reprisal Investigation – Closed		(See Notes 3,5)	(See Notes 3,5)
Civilian Reprisal Investigation – Closed		(See Notes 3,5)	(See Notes 3,5)
Senior Official Investigation – Closed		(See Notes 3,5)	(See Notes 3,5)
Administrative Investigation – Open		(See Note 6)	(See Note 6)

**APPENDIX C (continued)**  
**DISTRIBUTION OF THE OFFICE OF INSPECTOR GENERAL**  
**WORK PRODUCTS TO CONGRESS**

\*See Chapter 2, paragraph E. for further information on report distribution.

\*\*Requestors with a nexus to specific reports or the mission of the OIG.

1. The OIG published reports include final Audit, Investigative Policy Oversight, Audit Policy and Oversight, Inspections and Evaluation, Intelligence and Special Plans and Operations reports.
2. The OLAC and OSEC will coordinate on the preparation and delivery of classified and sensitive reports to Congress.
3. Discretionary access to FOUO information contained in IG published reports or Reports of Investigation, excluding Privacy Act protected information except when waived by an individual, requires approval by the originating Component Head or the IG.
4. Discretionary access to draft reports and working papers requires approval by the originating Component Head or the IG. Consideration is given to immediate need based upon imminent hearings or the drafting of legislation.
5. Discretionary access to investigative case files requires approval by the originating Component Head or the IG. Closed investigations, with FOIA or Privacy Act exempt information redacted, are provided to congressional requestors.
6. Discretionary access to FOUO information regarding open investigations, including investigative case files, requires approval by the originating Component Head or the IG in discussion with the U.S. Attorney coordinating the case.