



# Department of Defense **DIRECTIVE**

**NUMBER 5500.01**

June 15, 2007

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GC, DoD

**SUBJECT:** Preparing, Processing, and Coordinating Legislation, Executive Orders, Proclamations, Views Letters, and Testimony

- References:**
- (a) DoD Directive 5500.1, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon," May 21, 1964 (hereby canceled)
  - (b) Office of Management and Budget Circular A-19, Legislative Coordination and Clearance, revised September 20, 1979
  - (c) Executive Order 11030, "Preparation, Presentation, Filing, and Publication of Executive Orders and Proclamations," June 19, 1962
  - (d) Inspector General Act of 1978, as amended

## 1. REISSUANCE AND PURPOSE

This Directive reissues Reference (a) to update policy and practice in accordance with References (b) and (c) in the preparing, processing, and coordinating of legislation, Executive orders, proclamations, views letters, and testimony.

## 2. APPLICABILITY AND SCOPE

This Directive

2.1. Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of 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").

2.2. Covers preparation and processing of all legislation, Executive orders, and proclamations, and views letters of interest to the Department of Defense.

2.3. Also covers clearance by the Office of Management and Budget (OMB) of all draft testimony and statements to Congress, with the exception of those arising out of the Military Departments, the Office of the Inspector General of the Department of Defense, and those concerning appropriation matters.

### 3. POLICY

It is DoD policy that:

3.1. A single coordinated DoD position shall be expressed and transmitted to the White House, OMB, and to the Congress with respect to each legislative proposal, Executive order, or proclamation originating within the Department, or submitted to the Department of Defense for comment.

3.2. No such proposals or comments may be submitted to the White House or OMB without prior approval of the General Counsel of the Department of Defense (GC DoD), or to the Congress without prior approval of the GC DoD, in consultation with the Assistant Secretary of Defense for Legislative Affairs (ASD(LA)), acting on behalf of the Secretary of Defense in accordance with the procedures established pursuant to this Directive.

3.3. All legislative proposals, Executive orders, or proclamations originating in the Department of Defense will be transmitted to the OMB or to the Congress over the signature of the GC DoD, unless other provision is established authorizing the signature of a Secretary of a Military Department or another designee.

3.4. Testimony or hearing statements, other than those from the Military Departments, shall not be submitted to the Congress (whether on or off the record) without prior OMB clearance obtained through the GC DoD.

3.5. When unresolved differences arise during the development of a views letter on proposed legislation, or any other matter subject to this Directive, the GC DoD, in consultation with the Secretaries of the Military Departments, the Under Secretaries of Defense, the Assistant Secretaries of Defense, and the Assistants to the Secretary of Defense, may act to resolve such differences by developing a recommendation of resolution for review by the Secretary of Defense.

3.6. No provisions of this Directive or any supplement hereto or instruction hereunder issued by the GC DoD shall be construed to prevent a Secretary of a Military Department or a member of the Joint Chiefs of Staff from presenting to the Congress, on his or her own initiative, after first so informing the Secretary of Defense, any recommendation relating to the Department of Defense that he or she may deem proper.

3.7. No provisions of this Directive or any supplement hereto or instruction hereunder shall be construed to prevent the Inspector General of the Department of Defense from executing the duties provided for in accordance with the Inspector General Act of 1978 (Reference (d)), and related DoD Issuances.

3.8. OMB circular A-19 (Reference (b)) that delineates the relationship of the Department of Defense to the OMB with respect to legislative matters, and such Executive orders (Reference (c)) as prescribe the rules of processing Executive orders and proclamations, shall be complied with by all officials, Military Departments, and other DoD offices and agencies.

#### 4. RESPONSIBILITIES

4.1. The GC DoD may designate a DoD Component to act on behalf of the Department of Defense on such matters the GC DoD deems advisable, and may, from time to time, issue instructions or memorandums supplementing this Directive.

4.2. The GC DoD Office of Legislative Counsel, under the GC DoD, shall:

4.2.1. Be responsible for all matters concerning or relating to legislation, as well as coordinating legislation in the Department of Defense and securing OMB clearance; this does not include liaison with the Congress which is the responsibility of the ASD(LA).

4.2.2. Be responsible for all matters concerning Executive orders and proclamations, the preparation and coordination of views letters on pending legislation in the Congress, as well as securing OMB clearance of all testimony and statements other than those arising from the Military Departments, and those concerning appropriation matters. These responsibilities include:

4.2.2.1. In consultation with the ASD(LA), developing policies, plans, and programs for the legislative program of the Department of Defense;

4.2.2.2. Coordinating the views of appropriate DoD elements on all matters relating to legislation, Executive orders, and proclamations;

4.2.2.3. Determining the relationship of the DoD position on all such matters regarding the Administration and the Executive Branch of the Government in its entirety;

4.2.2.4. Securing OMB clearance of all testimony and statements for the Congress, other than those arising from the Military Departments; and

4.2.2.5. Managing the preparation of necessary views letters on pending legislation that transmit the DoD position on all such matters to the Congress and other interested parties.

5. EFFECTIVE DATE

This Directive is effective immediately.

  
Gordon England  
Deputy Secretary of Defense 6-15-07