



## DCMA Manual 4502-10

### Congressional Affairs

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**Office of Primary Responsibility**

**Corporate Governance Capability**

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**Approved by:**

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**Purpose:** In accordance with the authority in DoD Directive 5105.64, "Defense Contract Management Agency (DCMA)," this Manual implements policies and defines procedures as defined in DCMA Instruction 4502, under the higher authority referenced in DoD Instruction 5400.04, "Provision of Information to Congress."

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## SECTION 1: GENERAL ISSUANCE INFORMATION

**1.1. APPLICABILITY.** This issuance applies to all DCMA activities unless higher-level regulations, policy, guidance, or agreements take precedence.

**1.2. POLICY.** It is DCMA policy to:

a. Make available timely and accurate information and records under established authorities, procedures, and practices so the public, Congress, and the media may assess and understand the facts about DCMA and its mission, programs, and operations.

b. Protect from release information that is protected by federal laws, regulations, and policies.

c. Protect individuals' privacy and civil liberties rights, consistent with federal laws, regulations, and policies in accordance with DCMA-INST 4502-12 "Privacy and Civil Liberties".

d. Promote transparency and accountability by adopting a presumption in favor of disclosure in all decisions involving requests for information via the Freedom of Information Act and congressional, media, and public inquiries.

e. Respond promptly to requests for information from the public in a spirit of cooperation and consistent with the intent of statutes, regulations, policies, and other guidance pertaining to government release of information to the public.

f. Execute this Manual in a safe, efficient, effective, and ethical manner.

## SECTION 2: RESPONSIBILITIES

### 2.1. DIRECTOR, DCMA. The Director, DCMA will:

- a. Provide adequate funding and personnel to establish and support an effective DCMA Congressional Affairs (CA) Program.
- b. Approve or delegate approval of DCMA replies to congressional inquiries, formal requests for information, reports required by legislation, and other key submissions.
- c. Approve or delegate approval of DCMA replies to requests for input on legislation and other congressionally related matters from the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Assistant Secretary of Defense for Legislative Affairs (ASD(LA)), and other DoD officials as required.
- d. Ensure all DCMA personnel expeditiously support the preparation of responses and other inputs to Congress, USD(A&S), ASD(LA), and other DoD officials, as applicable, within assigned deadlines.

### 2.2. COMPONENT HEADS AND CAPABILITY MANAGERS. Component Heads and Capability Managers will:

- a. Coordinate with CA on all matters related to Congress and legislation, including visits, briefings, and other direct engagements with, and requests from, congressional members and staff.
- b. Ensure the expeditious preparation and/or review of proposed responses to congressional inquiries, formal requests for information, briefings, reports mandated by legislation, requirements to testify, and other key submissions within assigned deadlines.
- c. Ensure the expeditious preparation and/or review of proposed responses to requests for input on legislation, briefings, testimony, and other congressionally related matters from USD(A&S), ASD(LA), and other senior DoD officials within assigned deadlines.

### 2.3. GENERAL COUNSEL (GC). GC, in addition to the requirements in paragraph 2.2., will:

- a. Ensure the expeditious review of proposed responses to congressional inquiries, formal requests for information, reports mandated by legislation, requirements to testify, and other key submissions within a reasonable period of time.
- b. Ensure the expeditious review of proposed responses to requests for input on legislation, testimony, and other congressionally related matters from USD(A&S), ASD(LA), and other DoD officials, as applicable, within assigned deadlines.
- c. Review and advise on DCMA legislative proposals with Component Heads, Capability Managers, and CA.

**2.4. EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS (FB).** The Executive Director, FB, in addition to the requirements in paragraph 2.2., will:

- a. Be the DCMA primary point of contact (POC) for the Under Secretary of Defense (Comptroller) (USD(C)) on all appropriations legislation matters.
- b. Support communication and congressional engagement alignment by keeping Director, Strategic Communication (DCC) informed of FB's interaction with USD(C) on appropriations legislation matters.

**2.5. EXECUTIVE DIRECTOR, CORPORATE OPERATIONS (DC).** The Executive Director, DC, in addition to the requirements listed in paragraph 2.2., will provide oversight for the CA Program through the Director, DCC.

## **SECTION 3: CONGRESSIONAL ENGAGEMENT**

### **3.1. CONGRESSIONAL ENGAGEMENT PLAN.**

a. A Congressional Engagement Plan (CEP) is important to informing Congress about DCMA's mission, programs, operations, and accomplishments. It supports well-informed legislation, thereby giving DoD the opportunity to increase DCMA's support to the warfighter and return on investment. It will be a fiscal year annual plan approved or delegated for approval by the Director.

b. The Director, DCC, will lead development and execution of the plan, coordinating internally with Component Heads and Capability Managers, and externally with USD(A&S) and ASD(LA). FB will coordinate with USD(C), keeping DCC informed and ensuring communication and engagement alignment in the development and execution of the CEP.

c. The CEP will be on the resource page for this Manual.

### **3.2. BRIEFING CONGRESSIONAL MEMBERS AND STAFF.**

a. When requested, DCMA will brief congressional members and staff on the Agency's mission, programs, operations, and accomplishments. Director, DCMA will approve or delegate approval for all briefings to congressional members and staff. CA will generally receive these requests from USD(A&S) or ASD(LA), or FB will receive them from USD(C).

b. DC will coordinate the approval of all briefings to congressional members and staff other than those for the appropriations committees and subcommittees, unless determined otherwise by the Director or Deputy Director.

c. DC will coordinate the preparation of all briefings to congressional members and staff other than those that are budget-related.

d. FB will coordinate the preparation of all budget-related briefs. FB will include DCC in its coordination of briefs to ensure communication alignment and public releasability.

e. The process for developing and coordinating a congressional brief and example briefs are on the resource page for this Manual.

### **3.3. CONGRESSIONAL MEMBER AND STAFF VISITS.**

a. CA will be immediately notified of all requests for visits by congressional members and staff. This includes visits to non-DCMA activities during which DCMA personnel will participate. CA will notify USD(A&S), ASD(LA), and DCMA leadership of the request.

b. The applicable DCMA activity Commander or Director will host visits to their site. They will coordinate with CA and DCMA HQ Protocol to ensure the visit is planned and executed

correctly. They will also provide an after action report (AAR) to CA within 1 working day following the visit. A sample AAR is on the resource page for this Manual.

c. The Director, or the Deputy Director in the Director's absence, will host congressional member and staff visits to DCMA headquarters (HQ). If the Director and Deputy Director cannot be made available for the visit, a DCMA member of the Senior Executive Service (SES) will host the visit. DCC will coordinate all visits.

d. An AAR will be sent to USD(A&S) and ASD(LA) within 2 working days of any congressional member or staff visit to a DCMA activity.

## SECTION 4: CONGRESSIONALLY RELATED TASKING

**4.1. CONGRESSIONAL INQUIRIES.** Responses to congressional inquiries almost always have very short suspenses and will be processed with great urgency at every level of DCMA.

### **a. Signature Authority.**

(1) The signatory will normally be the official with the most direct cognizance over the issue. The authority to sign congressional inquiry responses from DCMA is limited to:

- (a) Director, DCMA.
- (b) Deputy Director, DCMA.
- (c) DCMA SES members.
- (d) Director, DC.
- (e) Executive Director, Human Capital (HC).

(f) Commanders of DCMA Regions and International Directorate, and Director of Special Programs Directorate.

(g) Deputies of paragraph 4.1.a(1)(c) through (f) if the Director/Commander is not available.

(2) Any of the persons identified in paragraph 4.1.a. are authorized to sign requests for extension of a suspense, plus the Director, DCC.

### **b. Receipt and Assignment.**

(1) Most congressional inquiries will be received by the DCMA Correspondence Control Team (CCT) via the USD(A&S) formal tasking system. The suspense date is normally 10 working days after DCMA receives the correspondence. If a written request is received by any other DCMA office, that office will notify CA immediately with the details of the contact and request. CA will coordinate with CCT to initiate a formal tasker. (See paragraph 4.1.d(1) for exceptions.)

(a) Upon receipt of the tasking, CCT will assign the tasker to CA.

(b) CA determines the nature of the issue(s), the DCMA component office of primary responsibility (OPR), any component offices of coordinating responsibility (OCRs), the signatory for the reply, and the suspense for the OPR to provide a proposed reply to CA. Based on CA's determinations, CCT will issue the formal task to the OPR and OCR(s).



(2) If the task is determined to be a matter not within DCMA's responsibilities within 24 hours of the original receipt of the inquiry, CA will provide a Secretary of Defense (SD) Form 391, "Secretary of Defense Correspondence Action Report," located on the resource page for this Manual to CCT for submission to USD(A&S) to decline acceptance of the tasking.

(3) If the task is not properly assigned to DCMA, and is outside the 24-hour window, CA must coordinate with the proper organization to transfer the tasking. CA will provide an SD Form 391 to CCT for submission to USD(A&S) to transfer the task to the proper organization.

### **c. Preparation of Responses.**

(1) Upon receipt of the tasker, the OPR and OCR(s) will notify CA by confirming receipt and identifying its action officer (AO) for the reply.

(2) The OPR will coordinate with the OCR(s) and send to CA a draft reply by the due date assigned by CA. The OPR will also coordinate, as required, with any external organizations in the preparation of the reply. The resource page for this Manual and Volumes 1 and 2 of DoD Manual 5110.04-M, "DoD Manual for Written Material" contain guidance on drafting replies to Congress. The draft reply must be approved by the component head, deputy, or other person authorized by the Component Head to approve draft replies to Congress for the component.

(3) CA will review the draft reply and coordinate with the OPR/OCR(s) as necessary to complete a satisfactory reply.

(4) Once CA completes its review, it will coordinate the draft reply with GC.

(5) Upon GC concurrence, CA will coordinate the reply with USD(A&S) and ASD(LA). If the reply requires coordination with other external organizations besides those the OPR has already contacted, CA will contact the CA office for the other organization(s).

### **d. Approval and Closeout.**

(1) Once all coordination of the draft reply is complete, CA will submit the response package for review and routing to the Director for approval and release. Guidance on how to prepare a proper response package and on the current routing process is on the resource page for this Manual.

(2) When the response is approved, it is sent to the signatory for signature.

(a) If the signatory is located at DCMA HQ, CA will mail and email the signed response to the applicable congressional office.

(b) If the signatory is not located at DCMA HQ, the signatory's office will mail the original date-stamped response to applicable congressional office within 1 working day of signature. That office will also email to CA a high-resolution PDF of the date-stamped response

within 1 working day of signature. The resolution requirement is listed on the resource page for this Manual.

(3) CA will provide copies of the signed response to the cognizant action offices responsible for preparing the reply. If the response is signed at the Region level, the Region will provide CA with a signed, date-stamped, high-resolution PDF of the reply and mail the original within 1 working day of signature.

(4) CA will provide CCT the appropriate form and materials to close out the tasker.

**e. Special Circumstances.**

(1) Requests received by telephone or email are considered informal requests and, depending on the circumstances of the request, will generally be tracked through CA instead of CCT.

(a) When CA receives a congressional request via the telephone, either directly or as notified by another DCMA office, it will determine whether the provision of an answer is simply a relay of low risk/low impact or otherwise benign information such as existing publicly releasable facts about DCMA's mission, programs, operations and accomplishments. If so, CA will answer the question. If warranted, CA will initiate a formal tasker with CCT. This guidance also applies to informal requests received by email.

(b) When a DCMA office other than CA receives a request via telephone, it should not attempt to answer the request at the time of contact unless the answer involves non-substantive information that has no significant effect if released. If the question(s) posed via telephone are of substance, advise the caller their request will be forwarded to CA and someone will make contact with the caller within 1 working day. The DCMA office must contact CA immediately with the details of the contact and request. Typical information to include when notifying CA is the caller's name, title, phone number, office they represent, and a brief summary of the issue. This guidance also applies to informal requests made by email.

(2) DCMA is sometimes tasked with preparing a response for signature by an official senior to the Director. These instances are usually accompanied with a very short suspense. The process described in paragraphs 4.1.a. through c. will apply, with the exception of the signature and mailing steps.

**4.2. CONGRESSIONALLY MANDATED REPORTS.** When DCMA is assigned by USD(A&S) to prepare a report required by Congress, CA will coordinate the creation of the report in the same manner as described in paragraph 4.1. for responses to congressional inquiries. The resource page for this Manual includes a sample congressional report.

**4.3. QUESTIONS FOR THE RECORD (QFR).** QFRs are questions posed by a member of Congress to be answered by the DoD for inclusion in the record of congressional hearings. They are assigned to DCMA by USD(A&S) or ASD(LA). The suspense for a QFR is usually extremely short, generally 2 to 3 days. The coordination process for providing the answer will

be highly compressed and usually done through a combination of face-to-face, email, and telephone. This does not obviate the need for CCT and CA to have a record of the QFR and the response.

**4.4. REQUESTS FOR EXTENSION.** Requests for extensions to congressional inquiries tasked by Office of the Secretary of Defense (OSD) require the completion of an SD Form 391. The DCMA OPR must provide justification for why the extension is required and the length of extension needed. The SD Form 391 will be processed by CA and provided to CCT. For extensions to informal requests, CA will contact the congressional member's office, provide the justification and length of extension requested. All extension requests must be sought within 24 hours of receipt of the inquiry or as soon as the need is identified. Requests for extension should be an exception; every effort must be made to timely complete the response. All extension requests must be accompanied by an interim response.

**4.5. INTERIM RESPONSES.** Interim responses are prepared similar to a congressional response and are required whenever an extension is needed. When possible, partial releases of information are encouraged. Interim responses should include the reason a full response is not possible at that time, an expected date of completion, and a DCMA POC.

**4.6. RELEASING AND HANDLING PROTECTED INFORMATION.**

a. No personally-identifiable information (PII) will be released to Congress by DCMA without a signed Privacy Act Release (PAR) from the constituent specifying the type of information that can be released.

b. If any PII is included in the incoming congressional inquiry or the response to the congressional inquiry, the document and the pages with PII must be marked properly (PII/FOUO as appropriate). Emails with this information must be digitally signed and encrypted.

c. PII considerations will be carried out in accordance with DCMA-INST 4502-12, "Privacy and Civil Liberties."

d. Controlled Unclassified Information (CUI) will not be released to Congress without a written request from a congressional committee chairperson. Pages must be marked appropriately, including attachments, in accordance with Volume 4 of DoD Manual 5200.01, "DoD Information Security Program: Controlled Unclassified Information (CUI)."

e. Any classified information requested from DCMA by a congressional member or staff will be forwarded to USD(A&S) and ASD(LA).

**4.7. RECORD OF CONGRESSIONALLY RELATED TASKINGS.** CA will maintain a log of all congressionally related taskings and responses.

**4.8. OTHER CONSIDERATIONS FOR CONGRESSIONALLY RELATED TASKINGS.**

**a. Suspense Dates.** USD(A&S) will assign suspense dates for all congressionally related taskers it assigns to DCMA. For inquiries sent directly to DCMA by a congressional member or staff, the suspense date will be 10 workdays. The initial response to verbal inquiries from congressional staff should be provided within 1 workday.

**b. Signature Method.** CA prefers the original copy of a response be hand-signed in ink. However, if this is not possible given any number of reasons, an electronic signature is acceptable.

**c. Formatting.** The requirements for formatting responses are included on the resource page for this Manual.

**d. Writing Style.** Replies should identify the meaning of acronyms the first time they are used. Responses to congressionally related tasking must address all issues contained in the tasking. The congressional member or staff likely have little or no knowledge of the procedures, policies, regulations, and/or statutes impacting the issue(s) in question, particularly in inquiries forwarded on behalf of a constituent. A clear and logical connection must be made between the inquiry and reply. Limiting the response to a concise and well-written recitation of the facts will increase the likelihood of understanding and acceptance by the recipient. Replies should normally not exceed one and one-half pages. Enclosures can be included, if warranted.

## SECTION 5: LEGISLATION ASSESSMENT

**5.1. ASSESSMENT.** As each chamber of Congress (House and Senate) releases its version of the defense authorization and appropriation bills, CA will immediately review it. DCMA GC and all HQ functional components will also be tasked to review the draft bill and provide feedback to CA for consolidation. This action initiates the process for developing impact papers, appeals and inputs to Statements of Administration Policy (SAP), which usually follow the release of draft legislation. Other DCMA components will receive the draft bill for information and be invited to give feedback, if desired. Other legislation impacting DCMA will also be reviewed when required.

**5.2. IMPACT PAPERS.** Shortly after each chamber of Congress (House and Senate) passes its version of the defense authorization and appropriation bills, USD(A&S) sends to its components a call for impact papers on the pending bills. The call is usually sent to component CA offices. Impact papers are internal to DoD and are not shared with Congress. The suspense for impact papers varies, but are often due within days of the call.

- a. Upon receipt of the call for impact papers, CA will immediately conduct an initial review of the bill and identify sections for which the Agency should consider submitting an impact paper.
- b. After completion of its review, CA will work with CCT to place the task into the DCMA tasking system, including sections of the bill recommended for review.
- c. The receiving components will assign an AO to review the task and make recommendations based on thorough analysis to their senior leader as to whether an impact paper from DCMA is warranted.
- d. If the Component Head determines an impact paper is warranted, their AO will draft the impact paper using the provided templates and submit it through their chain of command before submission to CA.
- e. CA will review submitted impact papers for clarity and format, and assemble them for the Director's approval.
- f. Once the Director approves, CA will submit the impact papers to USD(A&S).

**5.3. APPEALS.** Legislative and budgetary appeals are written for congressional staff with the expectation they will reference the document during conference deliberations over the defense authorization and appropriation bills. The process outlined in paragraph 5.2. will be used for preparing appeals.

**5.4. SAP.** SAPs are written for submission to the Office of Management & Budget (OMB) for the final White House response to the defense authorization and appropriation bills. The process outlined in paragraph 5.2. will be used for preparing appeals.

## **SECTION 6: CONGRESSIONAL TESTIMONY**

### **6.1. PREPARING CONGRESSIONAL TESTIMONY BY DCMA WITNESSES.**

a. CA will determine the purpose and focus of the hearing, which is usually found in the letter of invitation from the committee, congressional-appointed body or through email from the committee POC. Based on the scheduled date of the hearing, CA will determine the due date for the proposed written statement by using the guidance in the January 17, 2012 Deputy Secretary of Defense Memorandum, "Congressional Testimony and Coordination Clearance Procedures." The details of that guidance are on the resource page for this Manual.

b. The DCMA component most closely aligned with the hearing topic will be tasked to draft the written statement. CA will support the effort by providing examples, prior testimony or briefs, feedback on drafts, and available insight regarding the hearing, committee, and key committee members.

c. Upon receipt of the draft statement from the lead DCMA component, CA will review the draft, place into DCMA coordination and resolve/negotiate all comments. CA will obtain final approval from the lead Directorate and submit to the Director for approval.

### **6.2. SUPPORTING CONGRESSIONAL TESTIMONY BY NON-DCMA WITNESSES.**

a. DCMA will receive the request for coordination/input from the testifying agency/service, note the suspense date, and task to the relevant component(s) with a due date that allows, if possible, 4 working days for DCMA-wide coordination, and 2 working days for the Director or designee to approve for release.

b. Upon approval for release by the Director or designee, CA will ensure the Agency or service that requested coordination of the statement receives the comments or changes approved by the Director or designee.

## SECTION 7: LEGISLATIVE PROPOSALS

**7.1. PLANNING FOR LEGISLATIVE PROPOSALS.** Since even the smallest change in legislation requires significant staff work, personnel considering a submission should first discuss the proposal with their chain of command before pursuing it further. The component must also informally coordinate with other DCMA components having possible equities and are encouraged to seek guidance and assistance throughout the process from CA and HQ GC. Proposals must be approved by the Component Head before formal coordination with CA and GC.

**7.2. PROCESS FOR LEGISLATIVE PROPOSALS.** USD(A&S) normally releases a call for legislative proposals in the summer and with a short suspense such as 2 weeks. Therefore, DCMA's legislative proposal process will begin well before the call for proposals is sent by USD(A&S). The specific schedule for each year will be published in a tasking memo and posted on the resource page for this Manual. A notional timeline is below.

- a. No later than (NLT) March 31. A DCMA tasking memo is released soliciting input for legislative proposals. The contents of a proposal package are described in the tasking memo and on the resource page for this Manual.
- b. Component Heads submit proposal packages to CA NLT May 15.
- c. CA coordinates with GC to review and revise the package, supported by the proposing Component Head, and obtains the Director's approval NLT July 15.
- d. CA provides the proposal to USD(A&S) upon release of the call for legislative proposals.

## **SECTION 8: CONGRESSIONAL MONITORING AND RESEARCH**

**8.1. CONGRESSIONAL HEARINGS.** Upon request from DCMA leadership, CA will provide transcripts of hearings.

**8.2. LEGISLATIVE UPDATES.** CA will periodically issue a legislative update for the purpose of informing the Agency leadership and other interested employees. The schedule of the updates and the procedures for receiving them are on the resource page for this Manual.



## GLOSSARY

### G.1. DEFINITIONS.

**After Action Report.** One page summary discussing the high points and takeaways from a staffer visit to a contractor facility.

**Impact Papers.** One page summaries of how a given piece of legislation will impact the Agency or Department.

**Inquiry.** Correspondence from a congressional member or staff asking, or relaying from a constituent, a question or concern about an issue.

**Prepared Statement.** A statement, including supplemental material such as graphs or charts, prepared by a DoD witness for presentation to a congressional committee in open or executive session.

**QFR.** Question posed by a member of Congress to be answered by the DoD for inclusion in the record of congressional hearings.

**SAP.** A formal document produced by OMB expressing the Administration's official views on a bill. Federal agencies submit inputs to OMB for SAPs.

## GLOSSARY

### G.2. ACRONYMS.

AAR	After Action Report
AO	Action Officer
ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
CA	Congressional Affairs
CCT	Correspondence Control Team
CEP	Congressional Engagement Plan
CUI	Controlled Unclassified Information
DC	Corporate Operations Directorate
DCC	Strategic Communication Division
DCMA-INST	DCMA Instruction
FB	Financial and Business Operations
GC	General Counsel
HQ	Headquarters
NLT	No later than
OCR	Office of Coordinating Responsibility
OMB	Office of Management and Budget
OPR	Office of Primary Responsibility
PII	Personally-Identifiable Information
POC	Point of Contact
QFR	Question for the Record
SAP	Statements of Administration Policy
SD Form 391	Secretary of Defense Correspondence Action Report
SES	Senior Executive Service
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment
USD(C)	Under Secretary of Defense Comptroller

## **REFERENCES**

- Deputy Secretary of Defense Memorandum, "Congressional Testimony and Coordination Clearance Procedures," March 28, 2017
- DoD Manual 5110.04-M-V1, "DoD Manual for Written Material: Correspondence Management," October 26, 2010, as amended
- DoD Manual 5200.01-M-V4, "DoD Information Security Program: Controlled Unclassified Information (CUI)," February 24, 2012, as amended