



DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
914 CHARLES MORRIS CT SE
WASHINGTON NAVY YARD DC 20398-5540

REFER TO:

COMSCINST 5730.3
N9
26 June 2002

COMSC INSTRUCTION 5730.3

Subj: POLICIES AND PROCEDURES FOR HANDLING LEGISLATIVE AND CONGRESSIONAL MATTERS

Ref: (a) SECNAVINST 5730.5G
(b) OPNAVINST 5730.4E
(c) SECNAVINST 5700.9D
(d) COMSCINST 5730.2E
(e) SECNAVINST 5720.42F
(f) SECNAVINST 5212.5D

1. Purpose. To establish policy, assign responsibilities and provide procedural guidance for the Military Sealift Command Headquarters (MSCHQ), and its subordinate Area Commands and offices, in handling inquiries, legislative issues and other official business with member of Congress, their representatives and congressional committees, governed by references (a) and (b).

2. Background. Congressional committees and subcommittees have oversight of several issues affecting MSC -- including our national military strategy, the maritime industry and civilian employment policies -- and are required to obtain information on command operations to fulfill their oversight and decision-making responsibilities. Further, individual members of Congress, either as committee members or as representatives of their districts will make inquiries on behalf of their constituents. The objective of this instruction is to set standards for interacting with Congress and responding to congressional requests for information.

3. Security. The procedures for safeguarding classified information to be furnished to Congress shall be in accordance with the policies and procedures set forth in the DON Personnel Security Program (SECNAVINST 5510.30A) and DON Information Security Program Regulation (SECNAVINST 5510.36).

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4. Policy

a. It is the policy of Commander, Military Sealift Command (COMSC) that congressional inquiries, whether written or verbal, will be answered frankly, completely, expeditiously and will reflect a spirit of courtesy and helpfulness. Inquiries regarding problem or controversial areas should be answered straightforwardly with emphasis on corrective measures being taken. The goal of the response should be to cooperate fully with the member of Congress, congressional committees and their staffs by promptly providing the maximum information available.

b. Duplication of effort must be avoided; therefore, MSC's congressional liaison efforts, including those of its shore activities, will be closely coordinated with the Navy Office of Legislative Affairs (OLA), the Chief of Naval Operations (CNO) and the Assistant Secretary of the Navy (Financial Management and Comptroller) to ensure consistency and conformance with Navy policy.

c. It is imperative that the Command present consistent statements in all interactions with members of Congress and/or their staffs. Therefore, the Director, Strategic Planning (N9) must be informed immediately upon receipt of any oral or written constituent inquiries, congressional requests for information and briefing/meeting requests. N9 will inform higher authority, as necessary.

d. Congressional requests for information that seek the release of agency records designated classified, business sensitive or proprietary in nature will be forwarded to N9 for further coordination in accordance with MSC Freedom of Information/Privacy Act procedures.

e. In view of the inseparability of authorization and appropriation legislative issues, N9, MSC Comptroller (N8) and the Director, Public Affairs (N00P) must maintain the closest coordination in all congressional matters.

f. MSCHQ and shore activity management personnel who, in the course of their work, become aware of the necessity for new legislation to improve their operations should submit an appropriate recommendation, with supporting data, to N9 for processing and coordination. When requested, comments on proposed legislation, executive orders, proclamations and similar documents will be processed expeditiously.

g. Organizational abbreviations, abbreviations for systems, ship classifications and acronyms should be avoided. Lengthy names or titles and ship types should be spelled out initially, followed by the abbreviation or acronym in parentheses, after which the abbreviation may be used.

5. Responsibilities

a. Director, Government and Industry Relations (N92) is responsible for coordinating all legislative affairs and congressional relations for MSC, assisting the Commander, Deputy Commander and the MSC staff in the congressional and legislative aspects of plans and programs, developing and coordinating the command position on proposed legislation and serving as Liaison Officer with OLA on these matters.

b. MSCHQ Comptroller (N8) is responsible for all activities involving the General Accounting Office and the House Appropriations Committee, Surveys and Investigations Staff. The Comptroller is also responsible for clearing information involving MSC financial matters to be furnished to Congress.

c. The Director, Public Affairs (N00P) prepares required notification to Congress via OASD (PA) and OLA of all MSC contract awards of \$5 million or more. In accordance with reference (c), a Congressional notification/medial release must be prepared, cleared and forwarded to the Chief of Information (CHINFO), U.S. Navy, for coordination not less than one day before the Department of Defense officially announces the contract award.

d. MSC Area Commanders/Heads of MSC activities are responsible for the local conduct of all congressional relationships affecting matters under their jurisdiction, subject to the procedures outlined in paragraph 6. It is imperative that MSC Area Commanders and offices keep MSCHQ (N9) informed of significant matters relating to legislative affairs and congressional relations so that proper coordination can be achieved.

6. Guidelines for Furnishing Information to Congress

a. All written congressional inquiries will be routed to N92 for action. A formal written reply will be made within 10 working days of receipt. In instances where a final reply cannot be released within the stated timeframe, an interim reply will be made, telephonic or written, which indicates the reason for the delay and the anticipated date of the final reply.

b. All verbal congressional requests for information shall be referred to N92. If circumstances require an immediate reply to the inquiry by the receiving office, details of the request and the content of the reply shall be made a matter of written record to N92, as soon as practicable. Further, it is the general policy that the same control that exists over congressional replies furnished in writing also applies to information provided by telephone.

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c. When Program Managers/Functional Directors/Special Assistants are tasked to assist in responding to a congressional inquiry, background information or an initial draft will be provided upon which N92 will base a final reply. Due dates are monitored by N9, N02 and OLA, therefore, every effort should be made to meet the assigned suspense date.

d. Heads of shore activities who receive inquiries from members of Congress, either directly or by referral from N92, shall be responsible for replying directly to routine and non-policy matters, unless otherwise directed. A signed and dated copy of the final response must be forwarded to N92. Where applicable, copies must reference the Document Control Number assigned by OLA.

e. Congressional inquiries relating to policy matters and/or contractual business operations should also be referred to N92. In each instance of this kind, the inquiry should be acknowledged by an interim reply and forwarded to N92, with appropriate background data, for preparation of the final reply.

f. Occasionally, offices within MSC are requested to provide information directly to Office of Chief of Naval Operations (OPNAV), Secretary of the Navy (SECNAV) or U.S. Transportation Command (USTRANSCOM) to assist those organizations in responding to congressional inquiries. To ensure the expeditious handling of such requests, MSC offices shall respond directly to the requesting agency and provide an information copy of the data provided to N92 as soon as possible.

g. Final replies to congressional correspondence received at MSCHQ will be signed by N9. In instances where circumstances or the nature of the reply warrants signature by COMSC, N9 will forward the proposed response, along with the appropriate background information, to COMSC for final action.

h. Signature authority is delegated to MSC Area Commanders and the Director, APMC in instances where an inquiry is directly addressed to their respective organization, provided that decisions relative to addressing and resolving the presented issue(s) do not effectively establish new policy. A copy of the inquiry and a signed copy of the final reply will be forwarded to MSCHQ (N92).

7. Financial Information Requests. Requests for information from the Surveys and Investigations Staff of the House Appropriations Committee, the General Accounting Office and/or other external audit groups should be referred to MSCHQ (N8) for coordination as outlined in reference (d).

8. Non-Releasable Information. When deemed necessary, the disclosure of agency records to Congress will be coordinated with the MSC Freedom of Information Act/Privacy Act Office (N9F) in accordance with reference (e). Congressional requests seeking documents that originated in another command, service or government agency

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should be referred to N92 for proper coordination with N9F. In no instance will information be provided regarding the identity or location of companies or persons receiving contract awards prior to public announcement of such information.

9. Testimony and Briefings

a. All congressional requests for briefings or witnesses shall be promptly reported to N92. Whenever a briefing or hearing appears to result in an adverse or unfavorable reaction from a congressional member or staff assistant, the briefer or witness should immediately inform N92, who will further inform COMSC, N2 and N00P, as appropriate.

b. Prior to testifying before any congressional committee, N92 will coordinate witness preparation activities with MSC Counsel and the appropriate Program Managers/Functional Directors/Special Assistants. Witnesses should carefully review procedures outlined in the Navy Witness Guide (NAVSO 3036, Rev. Jan 95) regarding rehearsal of the presentation, preparation of a formal statement and review of transcripts. N92 will arrange for a briefing by OLA or the Appropriations Liaison Office under the Assistant Secretary of the Navy (Financial Management and Comptroller) whenever a prospective witness is in doubt as to Navy policy. It is also recommended that witnesses familiarize themselves with the contents of the pertinent posture statements, such as those of the Secretary of Defense, the SECNAV, the Chairman, Joint Chiefs of Staff, the Commander in Chief, USTRANSCOM and the CNO.

10. Visits

a. Members of Congress or their staffs may schedule visits to MSC facilities and ships through OLA or direct contact with MSC representatives. There are limited instances where individual members of Congress, their aides or staff members of a congressional committee may seek to visit a facility with little or no advance notification. In all instances, every possible courtesy, consistent with applicable security directives, shall be extended to the visitors. Visits without prior notice shall be reported to N92, as soon as practicable. Initial information should include identification of the visitors and the reason(s) for the visit.

b. Upon completion of all visits, a report will be forwarded to COMSC and N92. The visit report should summarize the areas covered by the visit, topics of discussion, pertinent questions asked and highlight any controversial matters or items of special interest covered during the visit (reference (f) applies).

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c. Navy activities are prohibited from participating directly in the solicitation of votes in an election. A request to conduct any form of a political campaign during a visit should be discouraged. If the request for such a visit is not voluntarily withdrawn, local approval or disapproval will not be given until guidance has been received from OLA, who shall be informed of the request via N92.

11. Legislation

a. MSC (N92) is the command's focal point for the tracking and analysis of proposed legislation. The office will research legislative initiatives to determine their impact on MSC's mission and formulate the command's official position, which will be staffed among the cognizant Program Managers/Functional Directors/Special Assistants.

b. When solicited by the Chief of Naval Operation's Assistant for Legal and Legislative Matters (N09BL), N92, in conjunction with MSC Counsel, will prepare comments on DOD-sponsored legislation, as well as that proposed by other federal agencies.

c. MSC (N92) is responsible for coordinating MSC's input to the annual DOD Omnibus Bill, which constitutes the framework for the annual National Defense Authorization Bill. Any MSC office or activity that determines new legislation is needed for the efficient discharge of its mission may submit such an initiative to N92 at any time. Legislative proposals of this nature will be vetted with MSC Counsel and COMSC for approval prior to being forwarded to the Navy's OLA. When submitting a proposal for consideration, the originator must include:

- The proposed text of the legislation
- A detailed explanation of what the proposal is designed to accomplish
- Justification of the need for the legislation
- Names of other federal agencies/departments that may have an interest in the initiative
- Estimates of the costs or savings attributable to the proposal over each fiscal year through the first 5-year period of operation
- Basis and method for determining cost and budget data

12. Congressional Information and Legislative Reference Service. MSC (N92) maintains a congressional information and legislative reference service and will respond to specific inquiries from the MSC staff on the status of bills, proposed changes, chances of passage and the overall legislative process. Inquiries may be made to (202) 685-5500/ DSN 325-5500.

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Distribution:

COMSCINST 5215.5

List I (Case A, B, C)

SNDL 41B (MSC Area Commanders)
41C (NFAF East/West)
41D (MSC Offices)
41E (APMC)
41M (TAGOS Project Office)