From: Secretary of the Navy

Subj: CONGRESSIONAL NOTIFICATION AND PUBLIC ANNOUNCEMENT PROCEDURES CONCERNING BASE CLOSURES, CONTRACT AWARDS AND OTHER ACTIONS HAVING SIGNIFICANT ECONOMIC OR PERSONNEL IMPACT

Ref: (a) 5 C.F.R. §351
(b) DoDI 1400.25, of 19 January 2011
(c) 10 U.S.C. §2687, Base Closures and Realignments
(d) SECNAVINST 12351.5G
(e) SECNAVINST 5450.4G
(f) Public Law 91-441
(g) Public Law 96-342
(h) SECNAV M-5214.1

Encl: (1) Congressional Notification Requirements
(2) Fact and Justification Sheet
(3) Sample Format for Congressional Notification

1. Purpose. To implement policies, prescribe procedures, and assign responsibilities for the coordination and clearance of Congressional notifications and public announcements governed by the processes described in references (a) through (g) covering base closures, contract awards, and other actions having significant economic or personnel impact.

2. Cancellation. SECNAVINST 5700.9E.

3. Applicability. This instruction applies to the Offices of the Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all U.S. Navy (USN) and U.S. Marine Corps (USMC) installations, commands, activities, field offices, and all other organizational entities within the Department of the Navy (DON).

4. Policy. Major changes in DON activities, operating forces, personnel levels, important programs, and awards of major contracts normally have significant economic impact in the geographic area concerned, and normally result in Congressional
and public interest. References (a) and (b) require all components of the DON to inform the Chief of Legislative Affairs (CLA) of all matters of potential congressional interest in order to inform appropriate Members and committees of Congress. There are four general types of actions that require Congressional notifications, in accordance with the specific requirements in paragraph (1) of enclosure (1): Base Closure Actions (BCA) and Realignment of Activities; Significant Personnel Actions (SPA); Contract Award Announcements; and Commercial Activities (CA).

5. Responsibilities

   a. CNO. Reference (b) directs that CNO will, for the USN, review all recommendations for the establishment and disestablishment of shore activities under the CNO’s command, as well as submit proposed establishment and disestablishment actions and significant changes to assigned missions to the SECNAV for approval.

   b. CMC. Reference (b) directs that CMC will, for the USMC, review all recommendations for the establishment and disestablishment of shore activities under the CMC’s command, as well as submit proposed establishment and disestablishment actions and significant changes to assigned missions to the SECNAV for approval.

   c. Reduction in Force (RIF) Action Sponsor. Responsibility for actions resulting in the RIF of civilians is contained in references (a) and (d). Proposals for changes in the DON may originate at any level or echelon. When a determination has been made that a change is warranted, the initiator (sponsor) of the action should prepare the Fact and Justification Sheet and the Sample Format for Congressional Notification, enclosures (2) and (3), and forward them through the appropriate chain of command to the coordinator.

   d. Coordinator. The designated coordinator will review the Fact and Justification Sheet and proposed Congressional notification, ensuring compliance with all requirements in this instruction. Requests should be staffed in accordance with internal guidelines within the coordinator command and then forwarded to the CLA. The coordinator for CAs is responsible for forwarding requests for Congressional notification of intent to study the transition of a function from in-house operation to commercial contract to the Assistant Secretary of Defense.
(Manpower, Reserve Affairs and Logistics). If the CA coordinator receives a request to delay notification from appropriate Office of Secretary of Defense (OSD) officials, he or she will notify the Office of Legislative Affairs (OLA). Unless so notified, OLA will carry out the Congressional notification plan.

e. CLA. CLA is responsible for forwarding requests for Congressional notification of BCAs, realignments, and SPAs to the Assistant Secretary of Defense (Legislative Affairs) and to the Department of Defense (DoD) Executive Secretariat. OLA will coordinate public announcements with the Chief of Information (CHINFO). OLA will also inform appropriate DON officials of any Congressional briefings or consultations which will be required prior to making formal Congressional notification. After Congressional notification is approved by appropriate OSD officials, OLA will carry out the Congressional notification plan. OLA will notify the appropriate coordinator when Congressional notification is made and the coordinator will take appropriate action. OLA will also notify CHINFO of the approval, and will coordinate the timing of the notification with the public announcement so that Members of Congress are informed of the action prior to any public announcement.

f. CHINFO. CHINFO will coordinate all actions with OLA. Upon receipt of the approved Fact and Justification Sheet from the coordinator, CHINFO will determine if a White House release is appropriate.

   (1) If a White House release is to be made, CHINFO will:

   (a) Prepare a proposed public release as appropriate based on the Fact and Justification Sheet and Sample Format for Congressional Notification.

   (b) Submit the proposed release to OLA for coordination with the Office of the Assistant Secretary of Defense (Legislative Affairs) (OASD (LA)) and to the DoD Executive Secretariat for clearance. Public announcement must be made simultaneously with Congressional notification within seven working days after receipt of OASD (LA) clearance. If the notification is not made within this time period, the action must be resubmitted to OASD for clearance.
(c) Determine with the Office of the Assistant Secretary of Defense (Public Affairs) (OASD (PA)) the time and place of release.

(d) Advise all concerned, including field activities or commands, of arrangements and provide advance text of approved releases, as appropriate.

(2) If a White House release is not appropriate, CHINFO will forward the approved Fact and Justification Sheet to appropriate field activities or commands for local release, as appropriate.

6. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedule, chapter 5, found on the Directives and Records Management Division (DRMD) portal page: https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

7. Information Management Control. The reporting requirement contained in enclosure (1), paragraph 1d is assigned Report Control Symbol SECNAV 5700-3 and has been approved for a period of three years from the date of this instruction, per reference (h).

THOMAS B. MODLY
Under Secretary of the Navy

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CONGRESSIONAL NOTIFICATION REQUIREMENTS

1. References (a) through (g) have established the following thresholds which require Congressional notification:

   a. BCA and Realignment of Activities:

      (1) The closure of any military installation at which at least 300 civilian personnel are authorized to be employed.

      (2) Realignment of any military installation involving a reduction by more than 1,000 or by more than 50 percent, in the number of civilian personnel authorized to be employed at such military installation at the time the SECNAV notifies Congress of the Secretary’s plan to close or realign such installation.

      (3) Any construction, conversion, or rehabilitation at any military facility other than a military installation referred to in sections 1.a and 1.b, above which will or may be required as a result of the relocation of civilian personnel to such facility by reason of any closure or realignment to which section 1.a or 1.b, above, applies, unless and until Congressional notification is effected.

      (4) Retirement of any Navy vessel and disestablishment of any aviation squadron.

   b. SPA:

      (1) Reduction of 50 or more civilian employees from government employment at an installation, facility, or activity, or the realignment of 50 or more civilian employees outside the local commuting area.

      (2) Initial assignment or change of homeport of a ship.

      (3) Initial assignment or change of permanent duty station location of an aviation squadron.

      (4) Establishment of any military shore-based activity with 50 or more civilian or military personnel or combination thereof.

   c. Contract Award Announcements: For contracts of $7 million and over awarded to civilian firms, a summary of

Enclosure (1)
contract award notification will be emailed to the appropriate Congressional offices and will be coordinated with the official DoD public announcement in accordance with Section 507 of reference (f). For contracts of $50 million or more, written notification will additionally be made to the Chairman of the House and Senate Appropriations Committees and the House and Senate Armed Services Committees.

d. CA: In the case of CA actions, reference (g), Section 502 requires the SECDEF notify Congress of any decision to (1) study a function for conversion to contractor performance and then to notify Congress of any decision to (2) actually convert such a function. Detailed reporting requirements are contained in reference (g) and other related DoD and DON guidance, which must be followed by the sponsor or coordinator for CAs.

2. Authority and Responsibility. All actions covered by this instruction concerning changes in manpower levels, contract awards, and activities will be submitted by the coordinator to the SECNAV or, in accordance with his or her delegated authority, staff offices, for approval. All proposed notifications to Congress and announcements to the public regarding personnel reductions, installation closures, and reduction of contract operations should be coordinated and cleared by the Office of the Under Secretary of Defense for Personnel and Readiness.

3. Fact and Justification Sheet and Format for Congressional Notification

   a. The purpose of the Fact and Justification Sheet is to present the complete nature of the action involved, reasons for the action, and the impact of the action. The sheet will be used throughout the staffing process as a complete summary of the action. In addition, it will be used by CHINFO as a basis for preparing a press release, if necessary. For these reasons, it should present the entire picture of the anticipated action in a clear and precise narrative style. It should be complete in itself and should not require additional information or explanation. This format will be used for requests for establishment, disestablishment, or relocation of all shore activities and significant changes to the assigned mission.

Fact and Justification Sheets are not required for CA notifications that do not exceed the thresholds in paragraph 1. Reference (d) contains a sample Fact and Justification Sheet for
use when requesting reduction-in-force actions. The Fact and Justification Sheet must be **UNCLASSIFIED**.

b. The Congressional Notification Format is the document which will be delivered to appropriate Members of Congress to inform them of a final action being taken. It contains pertinent information from the Fact and Justification Sheet of interest to the appropriate Members. A Congressional Notification sample format is contained in enclosure (3).

c. Any additional information not included in the Fact and Justification Sheet which is believed to be helpful during the decision-making process may be forwarded as appropriate. Such information could include comments of interested parties, Congressional inquiries, commitments, or other related documents.


   a. The OLA will advise the appropriate Members of Congress of contracts of $7 million or over awarded to civilian firms. CHINFO will coordinate public announcement with OASD (PA), and OASD (PA) will effect release in accordance with Section 507 of reference (f). The Congressional notification, to be made prior to the public announcement by DoD of the contract award, will be made specifically to Senators and Representatives in whose state and district the contract is to be located and, if different, in whose state and district the work is to be performed. The following data will be provided in the notifications:

   (1) Proposed release date.

   (2) Name and location of proposed contractor (including street address, ZIP code, country, size of business (i.e., large or small), and labor surplus area designation).

   (3) Amount.

   (4) Amount previously obligated (if this announcement is a modification to an existing contract).

   (5) Type of contract.

   (6) Item and quantity to be awarded.
(7) Name and location of facility to perform contract, indicating if a division or affiliate of contractor in sub-paragraph 4a(2) (include street address, zip code, country, and labor surplus area designation).

(8) Foreign Military Sales (FMS) information, where applicable. Should indicate whether the contract relates to a classified or unclassified FMS; for unclassified sales, the country or countries concerned should be indicated.

(9) Contract number (if requested).

b. For contracts of $50 million or more, written notification will be made to the Chairmen of the House and Senate Appropriations Committees and the House and Senate Armed Services Committees. The written notification will contain the information specified in sub paragraphs (1) through (9).

5. Principal Considerations for Congressional Notifications. It is not the intent of this instruction that the stated thresholds and guidelines be all encompassing. The principal considerations are the economic impact and anticipated reaction in the community where the action will take place, and therefore, Congressional interest. In this regard, the CLA will determine on a case-by-case basis whether or not Congressional interest is sufficient to require notification when the numbers of personnel involved are less than the stated thresholds and guidelines. Likewise, CHINFO will determine on a case-by-case basis whether public interest is sufficient to warrant a Seat of Government or a local release. CHINFO will notify OLA if a Seat of Government Release is recommended. The responsible officials listed in paragraphs 6(a), (b), and (c) will be available at any stage of the request process for consultation and advice.
SAMPLE FORMAT

FACT AND JUSTIFICATION SHEET

1. Fact Sheet on:

____________________________________________
(NAME OF ACTIVITY OR SHIP)

____________________________________________
(SHIP TYPE SPELL OUT) (HULL NUMBER)

____________________________________________
(LOCATION/HOMEPORT)

2. Background and Mission

State mission as approved by appropriate authority. Additionally, provide any useful or significant historical information, state precisely the location of the activity or the ship’s homeport, either as in major city or by distance and direction from a major city, and include any other matter of general interest or significance. Content of this paragraph will vary with the character of the action.

3. Nature of Action

This paragraph should briefly answer the questions, “What and When?”. It should state the specific type of action (s), i.e., “To establish (name of activity) on (effective date)”; “To disestablish (name of activity) from (enter present location) to (enter new location) on (effective date)”; “To change the homeport of (name of ship and hull number) from (enter present homeport location) to (enter new homeport location) on (effective date)”; or, “To change the permanent duty station of (name of activity/squadron) from (enter present location) to (enter new location) on (effective date).”

4. Reason for the Action

This paragraph should briefly explain why the action is necessary. It should set forth the relevant facts and outline the rationale and justification for the planned action(s). This paragraph will serve successfully only to the extent that it anticipates and answers all questions and objections. Indicate, when applicable, if the action(s) improve efficiency or generate savings.

Enclosure (2)
5. Impact of the Action

The form and content of this paragraph will be determined by the nature of the action(s) and whether it affects personnel, a physical installation, or the operating force, or any combination thereof. Make appropriate adaptations to fit the actual situation.

a. Civilian Personnel:

Number of authorized ceilings as of (insert date).

Number of permanent on-board employees as of (insert date).

Estimated annual total civilian salaries.

Number of anticipated RIF separations.

Number of anticipated attrition through (enter completion date).

Number of employees to transfer to other activities within the area.

Number of employees to transfer to other activities outside the area.

Number of employees to be increased.

b. Military Personnel:

Number of authorized officer and enlisted billet allowances as of (insert date).

Officer ___ Enlisted ___

Number of on-board officer and enlisted billets as of (insert date) within estimated annual total military salaries.

Officer ___ Enlisted ___

Number of officer and enlisted billets to be transferred to other activities within the area.

Officer ___ Enlisted ___
Number of officer and enlisted billets to be transferred to other activities outside the area.
   Officer ___ Enlisted ___

Number of military end strength reductions.
   Officer ___ Enlisted ___

Number of military to be increased.
   Officer ___ Enlisted ___

c. Installation Data:

When a physical installation is affected, the following information, as appropriate, should be included:

(1) Land area (including building sites) - (number of square feet).

(2) Value of plant account - Building(s) ($ amount)
   - Equipment ($ amount)
   - Total ($ amount)

(3) Maintenance and operating costs by Fiscal Years (FY)
   - Present (FY ___) and amount $; Last (FY ___) and $ amount;
   and next (estimated) (FY ___) $ amount.

(4) Estimated curtailment or acquisition costs, by FY.

(5) Predominate type of building construction and whether permanent, semi-permanent, or temporary.

(6) Property disposition or acquisition plans or procedures.

(7) Occupy (insert number of square feet) space under a host-tenant agreement with the (name and location of host activity).

(8) Occupy (insert number of square feet) space under lease agreement with the (name and location of owner) and indicate amount of rent, or if no rent is charged, stipulate the reason for no cost being involved.

d. Operating Forces Data. When ships of the Operating Forces are affected, the following information should be included:
(1) Numbers of officer and enlisted personnel involved.

(2) Estimated annual military salaries of personnel involved.

(3) Estimated number of dependent families as current homeport location of ship involved.

(4) Number and type of ships at the losing and gaining homeports after the completed action.

(5) Additional information, as appropriate.

e. **Funding:**

   Anticipated savings vs. cost of proposed action.

6. **Assistance to Affected Civilians**

   Insert assistance information for affected civilians identified in paragraph 5(a) of this F and J sheet, as applicable.

7. **Anticipated Congressional Interest (if any)**

8. **Labor Organization Affected (if any)**
SAMPLE FORMAT FOR CONGRESSIONAL NOTIFICATION

Department of Defense Placement Assistance Program for Employees
Affected by Reduction in Force

Under the Department of Defense (DoD) Program for Stability of
Civilian Employment, every effort will be made to assist
displaced employees in obtaining other acceptable employment.

All adversely affected career and career-conditional employees
who desire placement assistance will be registered in a Defense-
wide computerized Priority Placement Program. Registrants in
this Program will be afforded priority placement rights to
vacancies arising throughout the Department for which they are
qualified and available. Also, the help of other Federal
Departments and Agencies will be solicited and registrants in
the Priority Placement Program will be made available for
placement consideration in vacancies in these organizations. In
most cases, a 60-day advance notice of reduction in force will
be given to employees rather than the minimum 30-day notice
required by the Office of Personnel Management (OPM). Upon
their request, employees will be carried in a leave status for
such additional time as is necessary to provide a 90-day notice
period prior to separation for reduction in force.

Defense officials have been working closely with OPM to seek out
and provide job opportunities to affected employees. Eligible
career employees desiring placement assistance will be
registered in the OPM’s Displaced Employee Program for referral
and consideration by other Federal Departments and Agencies.

Close liaison is being maintained with the Department of Labor,
State Employment Offices, and private industry to help employees
desiring placement assistance or retraining for positions in the
private sector.

Where displaced employees are required to relocate in order to
continue their Federal employment, their transportation and
moving expenses will be paid.

In those cases where employees suffer downgrading, their
salaries and grades will be protected to the maximum extent
provided by law and regulation.
Employees selected for other job opportunities will be promptly released in accordance with their desires and those of the gaining employers.

Career and career-conditional employees who do not elect to take other Federal positions will be eligible for severance pay up to one year, based upon length of Federal service, or for immediate retirement under one of the voluntary or involuntary retirement options.
SAMPLE FORMAT
CONGRESSIONAL NOTIFICATION

ACTIVITY/SHIP

BACKGROUND

MISSION

NATURE OF ACTION AND DATE

REASON FOR ACTION

IMPACT OF ACTION

FUNDING IMPACT

PROPERTY DISPOSITION