From: Secretary of the Navy

Subj: MISSION, FUNCTION AND RESPONSIBILITIES OF THE OFFICE OF LEGISLATIVE AFFAIRS AND PROCEDURES FOR HANDLING LEGISLATIVE AFFAIRS AND CONGRESSIONAL RELATIONS

Ref: (a) 10 U.S.C §5014
(b) 10 U.S.C §5027
(c) DoD Directive 5500.01 of 15 Jun 07
(d) SECNAVINST 4650.16E

Encl: (1) Mission, Functions and Procedures for Legislative Matters

1. Purpose. To establish policies and procedures for the conduct of the congressional affairs of the Department of the Navy (DON).

2. Cancellation. SECNAVINST 5730.5J.

3. Applicability. This instruction applies to the DON.

4. Policy. The Secretary of the Navy (SECNAV) regards the conduct of congressional affairs as a primary responsibility of the Department. The Chief of Legislative Affairs (CLA) is the SECNAV’s principal staff assistant for discharging the legislative functions and responsibilities of the DON, with the exception of liaison with the Appropriations Committees, which is vested with the Assistant Secretary of the Navy (Financial Management and Comptroller (ASN (FM&C)), Appropriations Matters Office (FMBE).

5. Responsibilities

   a. Per references (a) and (b), the CLA is assigned authority and responsibility for discharging the legislative functions and responsibilities prescribed here and reports directly to the SECNAV. This authority extends to relationships and transactions with all activities of the DON and other governmental and non-governmental organizations and individuals.
The CLA is assisted by the Legislative Assistant to the Commandant of the Marine Corps (LA to CMC), who is authorized to report directly to the SECNAV regarding matters solely related to the Marine Corps.

b. The CLA, in conjunction with the LA to CMC, fulfills the Department’s legislative functions. It is the SECNAV’s policy that all organizational components of the DON keep the CLA informed of significant matters relating to legislative affairs and congressional relations.

c. Per reference (a), no other office or entity shall be established or designated within the DON to conduct legislative affairs functions, nor shall any element of the DON perform legislative affairs functions except under the direction of the CLA or LA to CMC, except as noted in paragraph d below.

d. In each Appropriations Act, Congress directs a separate and independent organization liaison with Congress on appropriations matters. The ASN(FM&C) is responsible to the SECNAV for the DON’s relations and liaison with the Appropriations Committees, their members and staff for matters concerning DON appropriations. The CLA and the LA to CMC will maintain close coordination and cooperation with the ASN(FM&C). Within the ASN(FM&C), FMBE is specifically assigned responsibility to maintain liaison with Appropriations Committees, their members, and staff for the ASN(FM&C).

e. Matters pertaining to the Appropriations Committees should be referred to the ASN(FM&C). Close working relations in the field of congressional affairs between DON activities and the Offices of Legislative Affairs (OLA), both Navy and Marines and ASN(FM&C), FMBE is essential.

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 schedules found on the Directives and Records Management Division (DRMD) portal page: https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.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. Reports. Reporting requirements contained in paragraph 8.b(3) of enclosure (1) are exempt from reports controlled by SECNAVINST 5210.16.

THOMAS B. MODLY
Under Secretary of the Navy

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Mission, Functions and Procedures for Legislative Matters

1. Mission. The mission of the OLA is to:

   a. Plan, develop and coordinate relationships between representatives of the DON and members of the United States Congress and their staffs, which are necessary in transaction of the official Government business (except appropriation matters) affecting the DON;

   b. Provide all information, assistance and staff support required by SECNAV, SECNAV’s civilian executive assistants, CNO, CMC and all other principal officials of the DON in congressional matters to include:

      (1) Coordinate the tasking in preparation of congressional testimony, briefings, posture statements, policy statements, informational papers and other matters relating to providing information to Congress;

      (2) Coordinate the tasking in preparation of legislative proposals, reports and comments on bills and resolutions and responses to congressional correspondence and other matters involving DON policy on items of congressional interest;

      (3) Support and host congressional travel.

   c. ASN(FM&C), FMBE is specifically assigned responsibility for the above tasks when they involve the Appropriations Committees, their members or staffs;

   d. The LA to CMC is specifically assigned responsibility for the above tasks when they involve Marine Corps equities with the Authorization Committees, their members or staffs.

2. Functions and Responsibilities. The CLA shall (except as it relates to Appropriations Committees for which FMBE has similar responsibilities and the Marine Corps for which LA to CMC has similar responsibilities):

   a. Develop, coordinate and process DON actions relating to proposed legislation, Executive Orders and Presidential Proclamations sponsored by or officially referred to the DON;
b. Develop, coordinate and process DON actions relating to congressional investigations and other pertinent matters affecting relations between Congress and the DON;

c. Provide members and Committees of Congress with information concerning the actions, plans and programs of the DON, where appropriate;

d. Monitor and evaluate congressional proceedings and actions affecting the DON and provide pertinent information to appropriate Department of Defense (DoD) officials and offices;

e. Coordinate and make arrangements for the presentation of all DON matters before Congress;

f. Process correspondence from members of Congress regarding matters concerning the DON;

g. Coordinate delivery of classified information to Congress, per prescribed policies;

h. Supervise travel arrangements for congressional travel undertaken as an official responsibility of the DON;

i. Maintain continuous and direct liaison with Congress, the DoD and other governmental agencies in connection with the above matters;

j. Act as primary liaison with Capitol Hill staff and members and provide support for liaison with district offices.

3. Providing Information to Congress. In coordination with OLA, all DON components shall promptly and fully comply with information requests from Congress, as allowed by law and/or regulation. Congressional requests for records that would be exempt in whole or in part under the Freedom of Information Act require OLA review and processing. When doubt exists whether specific information may or may not be released to Congress, the releasing authority should consult the CLA for guidance and recommendation. On issues relating to the Marine Corps, the releasing authority should consult the LA to CMC for guidance and recommendations. No information intended for the Appropriations Committees, their members or staff will be released from the DON without the approval of the ASN(FM&C).
a. Correspondence. Correspondence from members of Congress addressed directly to the SECNAV will be processed, per existing policy. Other correspondence from members shall be processed in the following manner:

(1) Unless a full reply can be made within five working days from the time of receipt by an addressed activity, an interim reply shall be made. The interim reply should give all available relevant information, including the reason why additional time is required and the date a final reply can be expected;

(2) When a final reply cannot be made by the date set in the interim reply, an additional interim reply shall be sent to the member explaining the additional delay and establishing a new date the final reply can be expected;

(3) Those activities rendering decisions on personnel matters in which congressional interest has been expressed must recognize congressional sensitivities and ensure the response to the congressional inquiry is provided no later than the response to the concerned individual;

(4) DON activities contacted directly by members of Congress are responsible for replying directly on routine and non-policy matters. Copies of both incoming and outgoing correspondence resulting from direct contact with members of Congress shall be provided to the CLA or FMBE, as appropriate;

(5) In order to avoid unnecessary delay, addressees are authorized to delegate to appropriate staff members or program heads the authority to sign replies to congressional correspondence which has not been personally signed by the member or which are obviously of a routine nature.

b. Release of classified, privileged and official information to Congress shall be, per existing regulations.

4. Congressional Visits

a. Requests from Congress. All requests for visits to DON activities from members of Congress or staff members will be referred to the CLA, LA to CMC or FMBE, as appropriate.
b. Invitations to Congress. The CLA, LA to CMC and FMBE, as appropriate, will be informed of any invitation to a member of Congress or a staff member to visit a Navy or Marine Corps activity.

c. Unannounced Congressional Visits. In the event a member of Congress or a staff member visit a Navy or Marine Corps activity unannounced, for other than investigative purposes, such as a tour of the facilities, the CLA, LA to CMC and FMBE, as appropriate, will be notified by the most expeditious means, preferably telephone or e-mail. Initial information should include who, where and the reason for the visit.

d. Report of Congressional Visits. At the conclusion of a Congressional visit without an OLA or FMBE escort, an e-mail report will be submitted to the Navy or Marine OLA or to FMBE as appropriate, and to the CNO or CMC and the chain of command as appropriate. This report will include the place and duration of the visit, names of members and staff, areas of interest, summary of information furnished, requirements imposed and deficiencies disclosed.

5. Relationship with Government Accountability Office (GAO). As an agent of Congress, the GAO has broad authority to examine how government funds are spent and how agencies carry out the mandate of Congress. The ASN(FM&C) has been assigned responsibility for liaison between the GAO and the DON.

6. Relationship with the Congressional Budget Office (CBO). The CBO provides committees of Congress information to assist in matters within their jurisdictions. CBO is authorized to secure information, data, estimates and statistics directly from departments and agencies of the Executive Branch. Within the DON, the Navy and Marine Corps OLAs are responsible for liaison with CBO.

7. Congressional Liaison. The Navy and Marine Corps OLAs will maintain DON liaison offices in the Senate and House Office Buildings. These offices will be adequately staffed to respond to inquiries from members of Congress and to support Congressional travel.

8. Legislative Program

a. Annual Legislative Program. Reference (c) sets forth the procedures for the legislative program of the DoD.
Supplementary instructions are normally issued annually by the Secretary of Defense and by a joint Navy-Marine OLA and Under “Call Memo.”

b. New Legislation. Budget impact legislative proposals (proposals that create or change an entitlement, require funding in a Program Budget Decision or have tax implications) should be submitted to OLA by 15 June. Non-budget impact legislative proposals should also be submitted to OLA by 15 June. Legislative proposals should be forwarded to the LA to CMC or CLA and the Under via the originator’s normal chain of command. The CLA will coordinate with Naval Operations (OPNAV) and SECNAV; the LA to CMC will coordinate with Marine Corps Headquarters; and after approval by the SECNAV, process the proposal in conjunction with the DoD legislative program. The new legislative proposal will include:

(1) Clear and concise legislative language;

(2) A section by section analysis of the language written in a style persuasive to a layman;

(3) A brief section setting forth arguments both for and against the proposal (“pros and cons”);

(4) Contact information for a designated expert who wrote or is a subject matter expert on the proposal;

(5) A statement of budget implications, including estimated costs or savings;

(6) If the proposal is a re-submission from a previous year, a detailed justification for re-submission.

c. Comments on other DON or DoD Program Legislation. The CLA will obtain comments of interested Navy organizations on non-Navy legislation referred to the DON for comment. The legal counsel for the Vice Chief of Naval Operations (CNO (N09D)) coordinates OPNAV and second echelon command comments. The LA to CMC will obtain comments of interested Marine Corps organizations on non-Marine Corps legislation referred to the DON for comment. The legal counsel for the CMC will coordinate USMC and second-echelon USMC command comments.

d. Annual Review of Expiring Law. On or before 1 July of each year, the CLA, in conjunction with cognizant DON
activities, shall compile a list of laws due to expire during the forthcoming calendar year. DON activities concerned will submit comments to the CLA via the normal chain of command setting forth their recommendations as to whether the laws should be extended or be permitted to expire and the reason for such recommendations.

e. Controversies. In the event of disagreement within the DON in the development of a DON position on legislation or legislative matters that cannot be resolved through the normal chain of command, the CLA will consult with the interested parties in an effort to resolve the disagreement. If the matter is not resolved, it will be referred to the SECNAV for decision. The LA to CMC will consult with the interested parties in an effort to resolve disagreements in legislative matters related to Marine Corps equities.

f. The CLA shall provide information copies of proposed Navy and Marine Corps comments on all non-program legislation to the Under.

9. Congressional Committee Oversight

a. As a function of their oversight responsibility, congressional committees often seek information from the DON. As a basic objective, the SECNAV attempts to preclude formal congressional investigations by promptly furnishing, in response to committee inquiries, properly cleared and adequate information on the DON programs and operations.

b. The following procedures will be used in replying to congressional inquiries:

(1) Normally, congressional committee inquiries are addressed to the CLA, LA to CMC or to SECNAV, who refers such inquiries to the CLA, LA to CMC or FMBE, for appropriate action. When an investigative inquiry is received by a Navy or Marine Corps activity directly, the CLA will be notified immediately. The CLA will establish direct communication with the source of the inquiry in Congress or forward the inquiry to either Marine OLA or FMBE as appropriate and ascertain the specific information desired and, if possible, the proposed use of the information. The CLA, LA to CMC or FMBE will evaluate and refer the inquiry to the cognizant organizations for action and information, as appropriate. Procedures and actions governing the appearance and scheduling of witness before congressional
committees and the processing of prepared statements are set forth in paragraph 12.

(2) In the event a member of Congress, a committee member or a staff member contacts or visits a Navy or Marine Corps activity unannounced to request information of an investigative nature or to examine records, the activity shall follow the guidelines established by this instruction. Classified, privileged or official information will be provided only, per existing regulations. The activity shall inform the chain of command the appropriate OLA or FMBE, as appropriate, of the request. The activity will seek guidance by the most direct means of communication. Every possible courtesy shall be extended and every effort made to avoid unnecessary delay of the inquiry. At the conclusion of a committee’s investigation, hearing or visit, a summary report will be provided to the CLA. The report shall detail the place and duration of the visit, names of members of Congress and staff, deficiencies noted and corrective action taken or recommended.

10. Congressional Travel. The CLA, LA to CMC and FMBE, as appropriate, will coordinate congressional travel on behalf of the SECNAV. Congressional travel policy and regulations are found in reference (d).

11. Witnesses Before Congress

a. The CLA is responsible for the designation, appearance and scheduling of witnesses before congressional committees. The LA to CMC is responsible for the designation, appearance and scheduling of Marine Corps witnesses before all congressional committees, except for the Appropriations Committees, which are the responsibility of FMBE.

b. The following procedures are intended to ensure that testimony of DON witnesses may be of maximum assistance to Congress by ensuring that departmental and personal positions expressed by witnesses are aligned with DoD policy or position.

(1) Designation of Witnesses. In the event a request for a witness is made by any source other than the appropriate OLA or FMBE, the persons contacted shall promptly contact the OLA or FMBE in cases involving the Appropriations Committees and provide the following information:
(a) Source of request;
(b) Name of committee;
(c) Subject of hearing;
(d) Date, place and time of hearing;
(e) Name, rank and position of the witness(es) requested. OLA or FMBE will inform DoD of requirements for witnesses, when appropriate.

(2) Determination of DoD Policy. Civilian and military representatives of the Navy and Marine Corps who are called to testify before a committee of Congress will take appropriate action to ensure they completely understand the DoD position or policy on the topic upon which they expect to testify. They will also be familiar with DoD guidelines to official departmental witnesses who, in the course of congressional hearings, are required to give their personal opinions on positions established by the Secretary of Defense. This is a personal responsibility of the witness, as well as the responsibility of the Department. OLA or FMBE will arrange for coordination with Office of the Secretary of Defense (OSD) as needed.

(3) Prepared Statement. OLA or FMBE as appropriate, will coordinate the tasking for the preparation of witness statements. All witness statements must be cleared by DON and DoD policy review and security review, approved by the Office of Management Budget (OMB) and submitted to Congress two working days prior to the hearing. Submission of the witness’ statement as far in advance as possible is essential. Prepared charts and exhibits to be presented before a congressional committee must be cleared in the same manner. Testimony, charts and exhibits become committee property when delivered and may not be released until so authorized by the cognizant committee. Under no circumstances should releases occur in advance of presentations.

(4) OMB Clearance. OLA or FMBE as appropriate, will submit proposed Navy or Marine Corps testimony addressing pending legislation or containing specific legislative recommendations to the OMB for clearance.
(5) Exchange of Information. It is essential the OLA or FMBE as appropriate, be kept fully informed of policy discussions between Navy and Marine Corps witnesses and the OSD.

(6) Information requested by a committee during a hearing, which is not immediately available to the witness (Questions for the Record and Information for the Record), will be obtained by the command or staff office having action responsibility and forwarded to the CLA after approval by the Director, Navy Staff (CNO (DNS)) for transmittal to the committee. Marine Corps witnesses respond to Congress via the LA to CMC after approval by the Director of the Marine Corps Staff (DMCS). FMBE will respond to the Appropriations Committees.

(7) Responsibilities after Hearings. After each committee hearing, a copy of the transcript of testimony of witnesses normally is available to OLA or, in the case of the Appropriations Committees, to FMBE. Transcripts of testimony given in open session will be submitted to the witnesses concerned for examination and correction. Witnesses may correct grammatical or typographical errors by black-pencil notation, provided the corrections do not alter the substance of the testimony given. Transcripts of testimony given in closed or executive session will be reviewed, per existing regulations.

12. Requests for Conferees or Representatives. Requests for conferees or representatives from the DON for task forces, ad hoc committees or conferences dealing with legislative matters or congressional investigations shall be relayed to the CLA. Navy and/or Marine Corps representatives assigned to posts relevant to this paragraph will keep the CLA advised of proceedings as appropriate.

13. Processing Congressional Action Items. Annual review and implementation of congressional actions on Authorization and Appropriations Acts affecting the DoD and related congressional reports should be completed as tasked by CNO (DNS) or CMC (DMCS) as appropriate.
14. **Time Limits.** The CLA may establish time limits for the submission of comments or recommendations on congressional matters that have been referred to Navy and Marine Corps activities for review. An activity which has not submitted its views in connection with a congressional matter within the time allowed will be presumed to have no comment or recommendation to make. Upon the expiration of the time limit imposed, the CLA will prepare and submit a report on the basis of comments received or, if no comments have been received, on the basis of previously established DON policy.