



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
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WASHINGTON, D. C. 20350-1000

SECNAVINST 5700.9E  
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12 Sep 05

SECNAV INSTRUCTION 5700.9E

From: Secretary of the Navy

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

Ref: (a) DOD Directive 5410.10 of February 1960 (NOTAL)  
(b) SECNAVINST 5730.5H  
(c) DASD Memo of 25 January 1980, Subj: Base Realignment  
Congressional Notifications (NOTAL)  
(d) SECNAVINST 5450.4E  
(e) SECNAVINST 12351.5F

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

1. Purpose. To implement reference (a) which sets forth policies, prescribes procedures and assigns responsibilities for the coordination and clearance of Congressional notifications and public announcements concerning base closures, contract awards, and other actions having significant economic or personnel Civilian reduction-in-force actions resulting from work force and work load adjustments, funding and ceiling limitations, contracting out determinations, skill imbalances, transfers of function and similar causes will be governed by the processes described in reference (e) covering civilian reductions-in-force (RIF).

2. Cancellation. SECNAV Instruction 5700.9D

3. Background. Major changes in Department of the Navy 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. Reference (b) requires all components of the Department of the Navy to inform the Chief of Legislative Affairs of all matters of potential congressional interest so that he may discharge his responsibility of informing the appropriate members and committees of Congress. Therefore, each action must be examined and planned so that its soundness can be demonstrated in a

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timely manner to the people in the area concerned and to their representative in Congress.

4. Definitions. There are four general types of actions which require Congressional notifications: Base Closures Actions (BCA) and Realignment of Activities, Significant Personnel Actions (SPA), Contract Awards, and Commercial Activities (CA) Studies or Decision Notifications.

a. Base Closure Actions (BCA) and Realignment of Activities. Actions resulting in the disestablishment or closure of all or a portion of a naval activity.

b. Significant Personnel Actions. Actions resulting in a reduction in force or transfer of personnel resulting from work load adjustments, reduced personnel or funding levels, skills imbalance or similar causes.

c. Contract Award Announcements. Actions resulting from contract awards of \$5 million or more.

d. Commercial Activities (CA). Actions resulting from contracting-out procedures in compliance with OMB Circular A-76 (NOTAL).

5. Congressional Notification Requirements. References (a), (c) and (d) have established the following thresholds which require Congressional notification:

a. Closure of or reduction at military shore activities resulting in the release of 50 or more civilian personnel or 10% of the civilian work force, whichever is less, from Government employment and/or reassignment of 200 or more military personnel.

b. Reduction in contract operations or employment involving 100 or more people.

c. Retirement of any Navy vessel and disestablishment of any aviation squadron.

d. Reduction or transfer involving 100 or more civilian employees in a Government-owned, contract-operated plant or activity.

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- e. Initial assignment or change of homeport of a ship.
- f. Initial assignment or change of permanent duty station location of an aviation squadron.
- g. Establishment of any military shore-based activity with 50 or more civilian or military personnel or combination thereof.
- h. For contracts of \$5 million and over awarded to civilian firms, telephonic notification will be made to the appropriate Congressional offices and shall be coordinated with the official DOD public announcement in accordance with PL 91-441, Section 507. 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.
- i. In the case CA actions, PL 96-342, Sections 502, requires the SECDEF to 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 PL 96-342, Section 502, and other related DOD and DON guidance which should be followed by the sponsor or coordinator for Commercial Activities.

6. 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 Secretary of the Navy or, in keeping with his delegated authority, staff offices, for approval. Additionally, reference (a) requires that all proposed notifications to Congress and announcements to the public regarding personnel reductions, installation closures, and reduction of contract operations be coordinated with and cleared by the Office of the Secretary of Defense. Reference (d) directs that Chief of Naval Operations act as coordinator for the Secretary of the Navy in reviewing all such recommendations for establishment and disestablishment of all shore activities of the Department of the Navy and significant changes to assigned missions and submit them to the Secretary of the Navy for approval. The Commandant of the Marine Corps will be the coordinator for proposed establishments, disestablishments, and significant changes in

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missions for those activities under his command will submit them to the Secretary of the Navy for approval via the Chief of Naval Operations. Responsibility for actions resulting in the reduction in force (RIF) of civilians is contained in reference (e). Proposals for changes in the Department of the Navy 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 Congressional Notification Form, enclosures (1) and (2), and forward them through the appropriate chain of command, to the coordinator.

a. Coordinator. The designated coordinator shall review the Fact and Justification Sheet and Congressional Notification Format, ensuring that all requirements are in consonance with this instruction. Requests should be staffed in accordance with internal guidelines within the coordinator command and then forwarded to the Chief of Legislative Affairs. The coordinator for Commercial Activities (CA) is responsible for forwarding requests for Congressional Notification of intent to study 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 OSD officials, he/she shall notify OLA. Unless so notified, OLA will carry out the Congressional Notification plan.

b. Chief of Legislative Affairs (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 DOD Executive Secretariat. Normally, five working days are required before OSD approval is received. OSD will not normally approve a Congressional Notification for announcement during a period when Congress is not officially in session. In addition, OLA will coordinate public announcements with CHINFO. OLA will also inform appropriate Navy Department officials of any Congressional briefings or consultations which will be required prior to making formal Congressional notification. After Congressional notification has been approved by appropriate OSD officials, OLA will carry out the Congressional notification plan. OLA will notify the appropriate coordinator when Congressional notification has been made and the coordinator will take appropriate action. OLA will also notify CHINFO of the approval

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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.

c. Chief of Information (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 Seat of Government release is appropriate.

(1) If a Seat of Government release is to be made, CHINFO will:

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

(b) Submit the proposed release to OLA for coordination with the Office of the Assistant Secretary of Defense (Legislative Affairs) (OSD(LA)) and to the DOD Executive Secretariat for clearance. Public announcement must be made simultaneously with Congressional announcement within seven working days after receipt of OASD clearance. If the announcement 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) (OSD(PA)) the time and place of release.

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

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

#### 7. Fact and Justification Sheet and Congressional Notification Format

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

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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. A Fact and Justification Sheet, with detailed instructions on information which, as applicable, should be included, is contained in enclosure (1) and this format will be used for requests for establishment, disestablishment or relocation of all shore activities and significant changes to assigned mission. Fact and Justification Sheets are not required for CA notifications that do not exceed the thresholds in paragraph 5. Reference (c) 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 the enclosure (2).

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 or commitments or other related documents.

#### 8. Procedures for Congressional Notification and Public Announcement of Major Contract Awards

a. The Office of Legislative Affairs will telephonically advise the appropriate Members of Congress of contracts of \$5 million or over awarded to civilian firms. CHINFO will coordinate public announcement with OASD(PA), who will effect release in accordance with PL 91-441, Section 507. The Congressional notification, to be made simultaneously with 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 (include street address, ZIP code, county, 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 paragraph (2) (include street address, zip code, county and labor surplus area designation).

(8) Foreign military sales 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 items (1) through (9).

9. Principal Considerations for Congressional Notifications.

It is not the intent of this instruction that the stated thresholds and guidelines be all-encompassing and inflexible. 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 Chief of Legislative Affairs 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

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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.

10. Reports. The reporting requirement in subparagraph 7a is assigned Report Control Symbol OLA-5700-1 and has been approved for a period of two years from the date of this instruction.



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SAMPLE FORMAT  
FACT AND JUSTIFICATION SHEET

## 1. Fact Sheet on:

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(Name of activity or ship)

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(Ship type (spell out) (Hull number))

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(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 basic facts and outline the rationale and justification for the planned action(s). This paragraph will serve successfully only to the extent that it

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anticipates and answers all questions and objections. Indicate, when applicable, if the action(s) improve efficiency or generate savings.

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 anticipated Reduction-in-Force (RIF) separations

Number 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 \_\_\_\_



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(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 fiscal years.

(5) Predominate type of building construction and whether permanent, semipermanent, 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.

e. 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

f. Funding

Anticipated savings vs. cost of proposed action.

6. Assistance to Affected Civilians

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Insert the information contained in Attachment (A) of this F & J sheet, as applicable.

7. Anticipated Congressional Interest (if any)
8. Labor Organization Affected (if any)

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

Under the Department of Defense Program for Stability of Civilian Employment, every effort will be made to assist displaced employees obtain 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. 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 official have been working closely with the Office of Personnel Management to seek out and provide job opportunities to affected employees. Eligible career employees desiring placement assistant will be registered in the Office of Personnel Management's Displaced Employee Program for referral and consideration by other Federal Department 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.

Enclosure (2)

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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.

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SAMPLE FORMAT  
CONGRESSIONAL NOTIFICATION

ACTIVITY/SHIP

BACKGROUND

MISSION

NATURE OF ACTION AND DATE

REASON FOR ACTION

IMPACT OF ACTION

FUNDING IMPACT

PROPERTY DISPOSITION