



DEPARTMENT OF THE NAVY
OFFICE OF THE DIRECTOR
DEPARTMENT OF THE NAVY PROGRAM INFORMATION CENTER
WASHINGTON, DC 20350

IN REPLY REFER TO

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MEMORANDUM FOR DISTRIBUTION

Subj: **GUIDANCE FOR PREPARING/RESPONDING TO CONGRESSIONAL REQUESTS FOR INFORMATION AND REQUESTS FOR BRIEF**

Encl: (1) General guidelines for responding to Congressional questions
(2) Department of Defense Information Paper format (general)
(3) Department of Defense Information Paper format (specific 18 question fact sheet format and guidance for responses to Congressional adds and plus-ups)

1. Purpose. Provide a ready reference for procedures to respond to Congressional requests for information.

2. Cancellation. DoNPIC memo of 12 January 01 is cancelled and superceded.

3. Background. Every year, Congress asks the Navy thousands of questions pertaining to Navy programs. It is imperative that our responses be accurate, timely, articulate, and fully coordinated Department of the Navy (DoN) positions. The following procedures and guidance are reiterated to help ensure that our process for responding to Congressional inquiries is efficient and effective.

4. Procedures.

a. Congressional Requests for Information (RFI) and Requests for Brief (RFB) originate with the Office of Legislative Affairs (OLA) and the Navy Appropriations Matters Office (FMBE) under the Assistant Secretary of the Navy (Financial Management and Comptroller). These offices are the only offices authorized to interface directly with members of Congress and the Congressional staffs.

(1) OLA or FMBE will forward RFIs/RFBs to the Department of the Navy Program Information Center (DoNPIC).

(2) DoNPIC will determine the appropriate action office and assign a drafting organization via DoNPIC's web-based Congressional Information Management System (CIMS). The drafting organization will normally be notified of the tasking by electronic mail.

b. When drafting responses to RFIs and RFBs, cognizant organizations should present the current DoN position. Action Officers are strongly encouraged to work closely with other SECNAV, OPNAV, and Fleet staffs that have an interest in the subject area of the RFI/RFB.

Many RFIs/RFBs are time critical; notify DoNPIC **immediately** if any delay in providing requested information by the DoNPIC due date is anticipated.

(1) RFBs will vary in scope and style. Most Requests for Brief are expected to be provided in a PowerPoint or similar slide format with a knowledgeable individual providing the brief. DoNPIC will review and clear the slides/written products which are used in the brief. Discussion points for the briefer will be coordinated directly with the OLA/FMBE action officer. Enclosure (1) provides guidance applicable to all Congressional responses.

(2) RFIs will vary in scope depending on the program or issue, however, many Congressional staffers expect a response in the standardized format, shown in enclosure (2). For any responses addressing potential Congressional plus-ups or additions to programs, the standardized format of enclosure (3) should be used. Enclosure (3) provides amplifying information on the intent of each of the 18 questions and approved standardized answers for responses to proposed Congressional adds and plus-ups for purposes other than in support of items in the Navy Program.

(3) To coordinate answers to questions on fiscal priorities or reprogramming, drafters should coordinate their responses with the appropriate Financial Management and Comptroller organization, FMB-1, FMB-2 and FMB-4. The following lists the appropriations or issue responsibilities for each office:

<u>FMB-1 (N821)</u>	<u>FMB-2 (N822)</u>	<u>FMB- 4 (N824)</u>
O&M, Navy	SCN	CIVPERS
O&M, Navy Reserve	OPN	Working Capital Fund
O&M, Marine Corps	WPN	
O&M, Marine Corps Reserve	APN	
RPN	RPMC	
MPN	RDT&E, Navy Procurement	
MPMC	MILCON	

c. Forward unclassified responses electronically, via CIMS, using Microsoft Office software. DONPIC will place the response in chop, via CIMS, to several organizations simultaneously to achieve a coordinated DoN position. Classified responses should be forwarded via SIPRNET. Final responses will be posted in the archives of the DoNPIC Congressional Information Management System. This website can be found at Internet address: <http://164.224.25.25/cims.nsf>



M. A. PEEK
By direction

Distribution:

A3 CNO (N00N, N1, N2, N3/N5, N4, N6, N7, N74, N75, N76, N77, N78, N79, N8, N80, N81, N82, N83, N89, N091, N093, N095, N096, N097, N09B, N09C, N09J, N09L)

Copy to:

A1 Immediate Office of the Secretary (ASN (FM&C) (FMB), ASN (RD&A), ASN (I&E), ASN (M&RA))

A2A Department of the Navy Staff Offices (OLA (LA-5, LA-6), OPA)

FKA1A COMNAVAIRSYSCOM (NAVAIR-07D)

FKA1B COMSPAWARSYSCOM (SPAWAR-OOL)

FKA1C COMNAVFACENGCOM (NAVFAC-00BS)

FKA1G COMNAVSEASYSYSCOM (NAVSEA-00D)

FKA1F COMNAVSUPSYSCOM (NAVSUP-09L)

FH1 BUMED (MED-83)

FS2 NCIS (Code CS)

41A COMSC (Code N92A)

General Guidelines for Responding to Congressional Questions

- Support the FY 2002 President's Budget, not the FY 2002 Office of the Secretary of Defense's Budget, RAD, or Program Objective Memorandum.
- Do not initiate mention of any unfunded requirements.
- Do not highlight any internal Navy or Department of Defense conflicts.
- If someone on the Hill wants a copy of a Program Budget Decision (PBD) the following statement may be used: "Our advice and recommendations to Office of the Under Secretary of Defense (Comptroller) and his staff are for his consideration and review. As such, it is more appropriate for them to provide any internal documents they think appropriate."
- If asked to provide the status of prior year Congressional adds, ensure the stated value includes the effect of undistributed Congressional reductions. For example, if Congress added \$10 million for an effort, but that effort was reduced by \$1 million as a result of Congressional reductions, state the actual add was only \$9 million.
- If asked to provide program values for the Future Years Defense Plan (FYDP)
 - General program values for the FYDP can be provided at the line item/PE level.
 - Detailed information should only be provided for the budget year.
- When asked for program descriptions, to be consistent with the President's Budget, do not provide excessively detailed information when describing the cost of individual efforts unless specifically requested.
- Program changes from a particular point in time (i.e. from the previous President's Budget) should be explained in macroscopic terms. For example, "reductions in fiscal year 2002 budget due to minor pricing changes and inflation adjustments." If a piece of the program was terminated or the requirement no longer exists, then so state. Do not say things such as "reductions in FY 2002 are due to PBD 123 and Navy Comptroller mark, issue #12345."
- If asked to provide obligation and expenditure data, data for the year to date, end of year forecast, and end of year standard should be provided. Do not provide/make up standards for specific times within a Fiscal Year. Large deviations between the end of year forecast and end of year standard should be explained.
- New starts in the budget year should be explained if asked about. New starts in the current or prior year require prior approval from the Congress. If a new start is planned in an execution year, it should be made very clear to the Congress that no funding will be spent on the new effort until proper notification has occurred. If Congress is considering adding funding for an effort that is not required because inventory objectives are satisfied, and therefore an increase in FY 2002 is not required, state: "The inventory objective for _____ has been satisfied. No further procurement for _____ is warranted (until _____, if necessary)."

Enclosure (1)

**DEPARTMENT OF DEFENSE
INFORMATION PAPER**

SERVICE/AGENCY: U. S. NAVY

APPROPRIATION ACCOUNT: Include PEs. Delete if not applicable.

BUDGET ACTIVITY: Delete if not applicable.

SUBJECT:

1. QUESTION/REQUEST: Restate the question(s) provided by OLA/FMBE.

2. RESPONSE: Provide brief, factual, pertinent statement that answers the question(s) and reflects the DoN position vice that of a program manager, resource sponsor or individual group.

3. RECOMMENDATION: Provide only when requested, otherwise delete paragraph 3.

Enclosure (2)

**DEPARTMENT OF DEFENSE
INFORMATION PAPER**

SERVICE/AGENCY: U. S. NAVY

APPROPRIATION ACCOUNT: If applicable (include PE's)

BUDGET ACTIVITY: If applicable

QUESTION/REQUEST: Restate the question/request. Include the specific Congressional member/staff that has requested information, and with what committee the individual is associated (if applicable). State the specific proposal as made by the individual, including (if appropriate) the specific reason or item the add is intended to support.

Note: For example, simply stating, "\$20 million add for Program X." is inappropriate. Question/Request should instead read: "Senator/Congressman/Congresswoman/Mr./Mrs. (Name), (Job title) of the (Name) Committee/Subcommittee has requested information regarding a potential \$20 million add to the X program for the purpose of (include the specific proposed use for the funding as provided or intended by the staffer)." If the staffer did not specify, so state (i.e., "... has requested information regarding a potential \$20 million add to the X program for purposes not specified." Note that if this is the case, it will impact how subsequent responses to the questions below are prepared. If the drafter is uncertain as to Congressional intent, he/she should contact OLA/FMBE for further guidance. If the intent is still unclear, it should be assumed that the add is "for purposes not specified."

RESPONSE:

1. Provide a description of what this item and the proposed plus-up is or does.

Provide concise description and what it accomplishes.

STANDARD RESPONSE for Congressional adds and plus-ups which do not support items in the Navy FYDP core program: "The Navy has not requested additional funding for this proposed add. Were additional resources to become available, the Department would recommend funding higher priority items. However, if this add were provided, the funds could be used for/to..." Note: Thereafter, state in general terms what program the add could support. Avoid specifics which are to be covered in response to question 2 below. If there is no requirement at all for the add (i.e., the add is proposed for a program that is not part of the Budget/FYDP, or is for a capability that is not needed at this time), so state in this section using the words "There is no requirement for this funding at this time."

2. For what purpose would your Service/Agency spend the additional money?

The answer should be consistent with the FYDP core program. If there is no use for the effort or the effort is not required, make that statement clear in the response. Don't address shortfalls or use the words "significant" or "critical." Provide a concise, factual response.

Enclosure (3)

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program: “See response to question 1 above. If this add were provided, the funds could be used for/to... (State in more specific terms what the funds could be used for.)” Note: If the question from the Congressional staffer does not specifically provide for how the funds are proposed for use, and if the proposed add is for a program that is already funded either in the Budget or within the FYDP, then the response as to how the money could be used should focus exclusively on acceleration of budgeted/programmed initiatives (as opposed to addition of new capabilities). If the individual who asked the question has specified precisely what the Congressional add is intended to be used for, provide an appropriate response. However, it should be noted that if this is the case, and if the purpose specified neither supports the above core lists nor accelerates the program from the outyears, then in question 1 above it would normally be appropriate to have included the comment that “there is no requirement for this funding at this time.”

3. What contractor(s) is/are involved (indicate percent of contract and associated personnel employed) and in which States?

-- what has been the contractor(s) performance on this item to date, in terms of quality of product and cost/schedule?

Avoid “glowing” reports on work only recently initiated. Use more professional statements such as “performance to date has met government standards.” If there is no funding in the budget for this effort, this question is not applicable. A contractor should not be doing work without funding. If the question is not applicable, use "N/A" for the response.

If there is an existing contract or contract option associated with this proposal, provide summary of cost and schedule performance for it.

4. Is funding for this item already contained in the fiscal year 2002 budget?

The answer should only refer to the specific plus-up effort being questioned, not the program in general. For example: If the questions focus on a redesign or an upgrade, the answer should state if funding is in the budget for the potential redesign or upgrade, not the baseline that is already in the budget.

-- if so, please identify in what appropriation, R-1/P-1 line item, and at what dollar value.

-- if so, how does the proposed add differ from the budget submit?

Budget refers to PRES BUD-02. It is important to include the R-1/P-1 line numbers and PE number, because the Congressional staff uses these for their report tables.

5. Is funding for this project contained anywhere in the PRESBUD-02 FYDP?

Differentiate between the general project and the specific plus-up. The following answers should be consistent with what is in the FY02 President’s Budget FYDP (e.g. FY02 through FY07)

-- if so, provide a breakdown of the funding contained in the FYDP.

Provide the funding profile across the FYDP based on PB02 Program of Record.

6. Concerning the potential FY02 add-on, is this the correct amount?

If fewer funds are required to accomplish an objective, so state. Otherwise, tie a quantity to the proposed funding amount (e.g. "this is the correct amount to buy..." which should essentially be a re-statement of question 2.

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program: "While the Navy did not request this add due to higher priorities, if provided, the amount specified (is/is not) correct."

Note: If incorrect, provide the correct amount.

-- is the proper R-1/P-1 indicated?

7. If Congress were to provide the additional amount indicated, how much more additional funding would be required in Fiscal Year 2002 for in-house or other costs not included in the amount under consideration?

Make sure all costs are considered. If the potential increase is for an RDTEN effort, state what the procurement tail is, as known.

8. If Congress were to provide the additional amount indicated, how much additional funding would be required to complete the project in subsequent Fiscal Years?

If the increase is sufficient for a specific quantity, state there are no additional funds required - even if the increase is not sufficient to buy out the total requirement. For example, if the increase will buy 75 mod kits, and the total requirement is 100, the answer would be "No additional funds are required to procure and install the 75 mod kits procured with this proposed increase in FY 2002." The additional 25 kits should not be addressed in this answer, unless the program is an "all or nothing" type program. Resource sponsors will be responsible for funding required outyear tails.

-- how much of this additional cost is budgeted in the current FYDP?

-- do you plan to pursue additional funding for this item in the next POM?

Remember that "you" is the Department of the Navy. If you know the issue won't get funded in next POM state "no." If Resource Sponsor gives this program high priority, state, "yes."

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program: "No." Note: The normal response will be "No," unless the proposed add is already programmed in the out-years of the current FYDP or the drafter can confirm that the proposed add has been or will be accepted by the Department as part of the next POM/PR.

9. If an R&D item, how much has been invested in this program to date?

Provide regardless of which program element it is funded in. Provide the history of the effort.

10. Does a written requirement already exist for this item?

Provide a brief title of the document containing the requirement. It is not necessary to provide the document (i.e., Mission Needs Statement, Operational Requirements Document, etc). Do not reference informal letters, memoranda of other unofficial requirements. Do not reference acquisition documents; while these provide program approval, they are not basis for requirement.

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program: Unless there is an approved ORD that addresses the specific proposed add, the response should be, "There is no written requirement for this item." Note: Drafter should provide the specific, approved ORD for the effort described in the proposed add, not an ORD that relates to a higher level system that the add might support.

-- if so, please provide a brief one-paragraph summary of the requirement.

-- also provide a brief one-paragraph description of how the mission is accomplished today and the expected warfighting improvements or cost savings through acquisition of the new system.

11. If Congress were to provide additional funds for this item in Fiscal Year 2002, what savings (in then-year dollars) could be expected by starting (increasing) the project in Fiscal Year 2002 rather than under your current plan?

If there are no procurement funds in the budget for the effort, you may state "There would be no savings to the Navy since there are no funds budgeted for this program." However, savings are applicable for program accelerations and operational costs once fielded. Identify applicable savings in then-year dollars.

Do not state any adverse impacts to the program if funds are not provided (unless it was requested by Navy in the current President's Budget).

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program: "There are no savings associated with this proposed add." Note: Unless there is compelling evidence or approved Departmental savings known to exist and previously agreed upon by the recipient of any subsequently applied savings adjustments, use the words above. In cases where a proposed Congressional add represents acceleration of outyear budgeted program, it would be appropriate to address the outyear savings from the acceleration. (i.e., if the add is not in the current budget, but it supports an effort that is budgeted later in the FYDP, list the savings (by Fiscal Year) that would result from the accelerated investment.)

-- how much are acquisition savings?

-- how much are expected operational savings once fielded?

-- how much are inflation savings?

-- list any other savings.

12. Do you assess that the line item has no/low, some/medium, or high military value?

Low military value- not in the budget at some level and not in the FYDP core program;

Medium military value- the Navy invested funding in the past for the effort, has no money in FY02 but has funding later in the FYDP or is likely to be included in a future POM cycle;

High military value- the Navy currently has funding invested for the effort and the item is in the FY03 core program. There may be some situations where the program has high military value, however, acceleration (i.e. the proposed plus-up) of the program is a low military value. If this is the case, state so.

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program: “Low Military Value.”

Note: There may be exceptions; default will generally be “Low.” “Medium” may be used if the specific add supports acceleration of program within the FYDP/outside the Budget year. If the proposed add does not accelerate an effort within the Budget/FYDP, “Low” is the appropriate response. Given that the proposed add is not in the FYDP core program, a response of “High” is inappropriate unless the drafting office can provide substantiating evidence that either SECNAV or CNO/CMC has specifically directed the modification of the program either verbally or in writing.

13. Does funding for the proposed add-on interfere with your plans to competitively develop or procure such equipment?

14. What is the inventory objective for this item?

-- if a procurement item, please indicate projected assets-on-hand at the end of Fiscal Year 2001, Fiscal Year 2002, and end of PRESBUD-02 FYDP and the resultant percentage of inventory objective achieved by those times.

The response should reflect President's Budget without the plus-up.

Only provide inventory objective information if the plus-up is for procurement (and if there is a documented inventory objective). State the inventory position at the end of this year's funded delivery period. Indicate if there is a documented inventory requirement and also may need narrative on how requirement was calculated. If the plus-up is for RDTEN state “Not applicable,” however, need to discuss if it is an accelerated R&D effort and procurement is budgeted in FY 02 and out (state the inventory objective).

Ensure numbers tie to the P-20 exhibit from the current President's Budget. Do not address “draft” objectives.

15. If Congress added fiscal year 2001 funds for this item:

- how much was appropriated?**
- are they released by OSD to you?**
- have they been sent to a field activity for obligation?**
- what is the obligation status of the funds?**
- if unobligated, when do you plan to obligate them?**

If funds were added for the same project, but a different effort (regardless of reason), ensure that is clearly stated. Provide current obligations, with “as of” data.

16. Do you know of any reason that you could not or would not execute additional funds for this item in Fiscal Year 2002?

If there is no written requirement or the effort is already fully funded and DoN does not want funding for the effort make this clear in the answer.

If there is a written requirement, however, the proposed increase would result in an unfunded tail (in FY 2002 or the outyears), repeat the amount of the unfunded tail indicated in answer 7 and emphasize that the Navy can not guarantee funds for future requirements.

If the item is not in the FYDP core program state, "No, however this item is not a DoN priority."

Describe any acquisition reasons prohibiting execution such as no contractor vehicle or no plant capacity.

If you are unaware of any reason that we could not execute funds state, "No, not at this time."

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program : "No, however, the Navy did not request additional funding for this proposed add due to higher priority needs."

17. Why are (additional) funds for this item not in your budget request?

STANDARD RESPONSE if on unfunded list: "In light of competing priorities for resources, the President's budget represents the best balance of resources to requirements."

STANDARD RESPONSE for Congressional adds and plus-ups which do not support the FYDP core program: "In light of competing priorities for resources, the President's budget represents the best balance of resources to requirements."

18. If the CNO has submitted an unfunded priority list, is this item on the priority list?

STANDARD RESPONSE: "The CNO has not submitted an unfunded requirements list."