



NAVAL SPECIAL WARFARE COMMAND

N44 FACILITIES ENGINEER BULLETIN

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Type: Guidance

Subject: Congressional Communication Protocol and Associated Committee Members

1. Purpose.

- a. The attached Congressional Committee Members list is for NSW informational purposes and provides awareness to Echelon III components of the Congressional Committee Members who represent their Area of Responsibility (AOR). This includes Congressional Representatives and Senators whose district contains an NSW interest in their respective states.
- b. Provide guidance regarding Congressional communication protocol.

2. Background.

- a. The four Congressional Committees, relevant to MILCON programming & funding, are defined here:
 - The U.S. House Committee on Armed Services, commonly known as the House Armed Services Committee (HASC), is a standing committee of the United States House of Representatives. It is responsible for funding and oversight of the Department of Defense (DoD) and the United States armed forces, as well as substantial portions of the Department of Energy.
 - The Committee on Armed Services, commonly known as the Senate Armed Services Committee (SASC), is a committee of the United States Senate empowered with legislative oversight of the nation's military, including the Department of Defense, military research and development, nuclear energy (as pertaining to national security), benefits for members of the military, the Selective Service System and other matters related to defense policy.
 - The Committee on Appropriations, commonly known as the House Appropriations Committee (HAC), is a committee of the United States House of Representatives. It is in charge of setting the specific expenditures of money by the government of the United States.

- The U.S. Senate Committee on Appropriations, commonly known as the Senate Appropriations Committee (SAC), is a standing committee of the United States Senate. It has jurisdiction over all discretionary spending legislation in the Senate.
- b. The original McCain criteria, spearheaded in 1994 by Senator John McCain were proposed as follows:
 - Any project for authorization for a MILCON project not included in the defense request must be in writing and include detailed military justification for the project.
 - The request will be submitted to the appropriate Service or to OSD for assessment and reconciliation with past BRAC action.
 - OSD/Service must provide a written endorsement of the project, including certification that the project can be executed in the fiscal year to which added, is included in the Service's five-year construction program and is mission essential.
 - OSD/Service must provide an offsetting reduction from within their military construction account or an explanatory statement if no such offset can be provided.
- c. The McCain criteria, which was very difficult to comply with, was not a law & therefore not enforceable. However, the McCain criteria were codified into law the following year through inclusion in the National Defense Authorization Act for Fiscal Year 1995. It states:

SEC. 2856. SENSE OF THE SENATE ON AUTHORIZATION OF FUNDS FOR MILITARY CONSTRUCTION PROJECTS NOT REQUESTED IN THE PRESIDENT'S ANNUAL BUDGET REQUEST.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that, to the maximum extent practicable, the Senate should consider the authorization for appropriation of funds for a military construction project not included in the annual budget request of the Department of Defense only if—

- (1) the project is consistent with past actions under the base closure laws;
- (2) the project is included in the military construction plan of the military department concerned incorporated in the Future Years Defense Program;
- (3) the project is necessary for reasons of the national security of the United States; and
- (4) a contract for construction of the project can be awarded in that fiscal year.

(b) VIEWS OF THE SECRETARY OF DEFENSE— In considering these criteria, the Senate should obtain the views of the Secretary of Defense. These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

3. Guidance

- a. The NSW community shall abide by the Congressional rules known as the McCain criteria regarding potential MILCON “Add” projects. Soliciting Congressional committee members and/or Staffers is prohibited per established Congressional procedure.

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