



COMDTINST 5730.3
APR 18 2003

COMMANDANT INSTRUCTION 5730.3

Subj: CONGRESSIONAL DETAILEES

Ref: (a) Personnel Manual, COMDTINST M1000.6 (series)
(b) 5 CFR Part 2635
(c) Standards of Ethical Conduct, COMDTINST M5370.8 (series)

1. PURPOSE. This Instruction establishes policies, procedures, and standards for Coast Guard officers acting as detailees to the U.S. Congress.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, special staff offices at Headquarters, and all Coast Guard military personnel who are acting as detailees to the U.S. Congress shall ensure that the provisions of this Instruction are followed. Internet Release Authorized.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND.
 - a. The purpose of the Coast Guard Congressional Detailee Program is to educate and train selected Coast Guard officers in all aspects of congressional activities, emphasizing Coast Guard matters where possible. The program provides an understanding of the dimensions and complexities of congressional responsibilities and their relationship to the total process of government that is of future value to the Coast Guard.
 - b. Congressional details involve selected Coast Guard officers assigned to a staff of the U.S. Congress for a specified time to gain education or experience of value to the Coast Guard and to the Congress. During this assignment, the member continues to receive normal pay and allowances. The person serving in the detail is known as a “detailee” or “fellow.” Various terms including “detailees”, “fellows”, and “interns” are used to describe Executive Branch Federal Government employees temporarily assigned to Congressional staffs. While

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the term “detailee” is used in this instruction, labeling of these personnel in other publications may vary.

- c. Congressional details educate Coast Guard officers on the workings of the U.S. Congress with the intent of assigning the detailees to follow-on tours in which the education gained by the officer can be used. The Coast Guard benefits from the assignment of its personnel to the Congress by bringing the Coast Guard’s unique perspective to the process of drafting and passing legislation, and by affording the detailee the opportunity to learn about the legislative process.

5. ASSIGNMENT POLICY AND PERSONNEL MATTERS.

- a. It is Coast Guard policy that Coast Guard officers may be assigned as congressional detailees only when it is judged that Coast Guard personnel are positioned to provide benefit to the Congress, enhance the detailee’s understanding of the legislative process, and thereby collectively enhance the effectiveness of the U. S. Government.
- b. The total number of detailees assigned to Capitol Hill will vary, depending on the number of requests from the Congress and the ability of the Coast Guard to provide suitable personnel.
- c. Detailees will normally be assigned to staffs of Congressional committees or subcommittees. The guiding principle in assigning detailees will be to maximize communication between the Coast Guard and the Congress.
- d. In addition to other necessary approvals, all requests for the establishment or continuation of congressional detail positions shall be approved by the Vice Commandant, U. S. Coast Guard based on the recommendation of the Assistant Commandant for Governmental and Public Affairs developed in consultation with the Chief, Office of Congressional Affairs. Each request shall specify the anticipated duration and the specific functions to be performed.
- e. Congressional detailees shall undergo a competitive selection process. Personnel will not normally be detailed as a congressional detailee when such an assignment would be the last tour before retirement or separation.
- f. Congressional detailees shall normally be assigned for a period not to exceed two years. Extensions will be granted only under extraordinary circumstances.
- g. Congressional detailees shall be provided with a rating chain for OER submission as required by reference (a). The Assistant Commandant for Governmental and Public Affairs shall designate and publish this information. Detailees may obtain a copy of their rating chain from the Deputy Chief of Congressional Affairs.

6. STANDARDS OF ETHICAL CONDUCT.

- a. Reference (b) contains the Office of Government Ethics (OGE) Standards of Official Conduct that are directly applicable to all Executive Branch officers. Reference (c) sets forth the Coast Guard standards of ethical conduct.
- b. Typically, references (b) and (c) apply to all Coast Guard personnel at all times. However, 5 CFR 2635.104(c) sets forth applicability of the OGE rules for employees on detail to the legislative branch as follows:

“(c) Details to the legislative or judicial branch. An employee on detail, including a uniformed officer on assignment, from his employing agency to the legislative or judicial branch for a period in excess of 30 calendar days shall be subject to the ethical standards of the branch or entity to which detailed. For the duration of any such detail or assignment, the employee shall not be subject to the provisions of this part [5 CFR Part 2635], except this section, or, except as provided in paragraph (d) of this section, to any supplemental agency regulations of his employing agency, but shall remain subject to the conflict of interest prohibitions in title 18 of the United States Code.”

- c. Thus, references (b) and (c) are *not* applicable to Coast Guard congressional detailees for the duration of the detail. In lieu thereof, Coast Guard congressional detailees are subject to the respective ethics rules for the legislative body to which they are assigned. In particular, these rules govern the use of congressional detailees.

- (1) Senate – The Senate’s governing ethics rules are the Senate Code of Official Conduct contained in Senate Rules 34 through 43. The Senate Ethics Manual, published by the Senate Select Committee on Ethics, provides a “single source” of information about ethics-related provisions of the U. S. Constitution, Federal statutes, and Senate Rules that regulate the operation of a Senate office and the conduct of Senate Members, officers, and employees. The Senate Ethics Manual is available at <http://ethics.senate.gov/man/manual.html> .
- (2) House - The House’s governing ethics rules are contained in the House Ethics Manual published by the House Committee on Standards of Official Conduct. The House Ethics Manual is available at <http://www.house.gov/ethics/Ethicforward.html>
- (3) There are important differences between the OGE ethics rules and the rules for both the House and the Senate on a broad range of regulated activities. Detailees shall discuss applicable congressional rules, particularly those directly relating to details and conflict of interest, and gift acceptance (including gifts of travel) rules, with their supervising Member and/or staff prior to performing any duty as a congressional detailee.
- (4) Significant sanctions are available for violation of both the House and Senate ethic rules.

- d. The conflict of interest prohibitions in title 18 of the United States Code remain applicable to Coast Guard detailees. For example:
 - (1) 18 U.S.C. § 203 prohibits officers from seeking, accepting, or agreeing to receive or accept compensation for any representational services, rendered personally or by another, in relation to any particular matter in which the United States is a party or has a direct and substantial interest, before an department, agency, or other specified entity.
 - (2) 18 U.S.C § 205 prohibits officers from personally acting as an agent or attorney for anyone else before a department, agency, or court in connection with any covered matter (judicial proceeding, application, contract, claim, investigation, charge, or other particular matter) in which the United States is a party or has a direct and substantial interest or from prosecuting any claim against the Federal Government. It does not matter whether or not the officer is employed for compensation. The statute also prohibits officers from receiving any gratuity or interest in such claim for assistance in prosecuting such a claim. There are several exceptions to this law.
 - (3) Officers are prohibited by criminal statute, 18 U.S.C. § 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to their knowledge, they or any person or entity whose interests are imputed to them by this statute have a financial interest, if the particular matter will have a direct and predictable effect on that interest.
 - (4) Officers are prohibited by 18 U.S.C. § 209 from receiving pay or allowances or supplements of pay or benefits from any source other than the United States for the performance of official service or duties unless specifically authorized by law. Note that a task or job that is performed outside normal working hours does not necessarily allow acceptance of payment for performing it. If the undertaking is part of one's official duties, pay for its performance may not be accepted from any source other than the United States regardless of when it was performed.
 - e. Numerous restrictions are placed on Coast Guard military personnel engaging in partisan political activities. Coast Guard congressional detailees must ensure strict compliance with applicable laws in Chapter 16.C. of reference (a). Officers shall acknowledge their understanding of Chapter 16 prior to performing any duty as a congressional detailee.
 - f. Fellows should consult their designated Coast Guard ethics counselor and/or their congressional supervisor, as required, to resolve any question of interpretation.
7. REQUESTS FOR CHANGES. Units and individuals may recommend changes to this instruction by writing via the chain of command to: Commandant (G-ICA); U.S. Coast Guard Headquarters; 400 7th St., SW; Room 10402; Washington, DC 20590.

8. POLLUTION PREVENTION (P2) CONSIDERATIONS. Pollution Prevention considerations were examined in the development of this directive and have been determined to be not applicable.
9. FORMS AVAILABILITY. None.

K. J. ELDRIDGE /s/
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Governmental and Public Affairs