

### 5.C.2.b. State and Local Legislative Hearings Dealing with RBS

Auxiliarists may appear and testify in an official capacity (i.e. – assigned to duty, in uniform and using their Auxiliary title) at state or local legislative hearings on matters relating directly and strictly to RBS when determined to be in the best interest of the Department of Homeland Security and the Coast Guard. Legislative testimony will normally be limited to appearances before legislative bodies with jurisdiction over boating safety matters when official testimony will help educate the legislators on factual matters.

#### 5.C.2.b(1). Processing and Approval of Requests for Official Testimony

Immediately upon receipt of such a request, an Auxiliarist shall notify the appropriate District Commodore (DCO) via the Auxiliary State Legislative Liaison Officer (SLLO). The DCO shall expeditiously review, endorse and forward the request to DIRAUX. A positive endorsement shall include the recommendation of a knowledgeable Auxiliarist to testify. The Auxiliarist identified to testify should be a resident of the state in which the testimony will occur.

DIRAUX shall expeditiously consult with the District RBS Specialist and the District Legal/MLC Officer to determine whether the hearing relates directly and strictly to RBS and if Auxiliary participation will be in the best interest of the Department of Homeland Security and the Coast Guard. To assist all parties in making such determinations, due consideration shall be given to paragraph 2.A.3. of this manual and the Auxiliary cornerstone mission of improving the knowledge, safety skills, and operating environment of recreational boaters. Consideration shall also be given to the potential impacts of such an appearance on other regional matters involving the Coast Guard or Department that may be subject of recently completed, ongoing, or anticipated review by the individual or committee that is conducting the hearing.

If time is of the essence due to short advance notice of invitation to testify, then DIRAUX shall contact the District/MLC Duty Legal Officer for a timely determination. DIRAUX shall also inform the District Governmental Affairs Officer. The District RBS Specialist shall inform the Office of Boating Safety (G-OPB), and shall assist the SLLO and Auxiliary National Legislative Liaison Committee (NLLC) to prepare the Auxiliarist to testify.

In all circumstances, DIRAUX shall obtain prior approval by the District Commander, or their designated representative, after obtaining the concurrence of the District/MLC legal officer, or duty attorney after normal working hours.

#### 5.C.2.b(2). Content of Official Testimony

If determined to be in the best interest of the Department of Homeland Security and the Coast Guard, then any such testimony shall be strictly limited to the RBS subjects described in the initial request. Appearances to testify at state or local legislative hearings shall not be viewed as partisan opportunities to promote or seek defeat of legislation but rather as opportunities to educate others and identify and articulate the potential impacts of legislative proposals. The offering of opinions, conjecture, or speculation, whether requested or not, shall be strictly avoided. Moreover, Auxiliarists who testify under these circumstances shall specifically refrain from addressing questions or requests for commentary on the following subjects:

- federal legislative change proposals
- federal homeland security missions and activities

- budgetary or resource proposals
- non-RBS missions, activities or legislative initiatives

Requests for testimony on these subjects shall be replied to by indicating that queries and comments about them are most appropriately addressed by pertinent federal offices and authorities.

#### 5.C.2.b(3). **Reports**

Following the hearing, the testifying Auxiliarist shall provide the DCO, Auxiliary State Legislative Liaison Officer (SLLO), and DIRAUX a copy of their complete testimony and all questions and associated responses made during their appearance. DIRAUX shall forward a copy to G-OPB-2.

#### 5.C.2.c. **Additional Limitations**

This section is not applicable to litigation or State and Local legislative hearings on topics other than recreational boating safety matters. If an Auxiliarist receives a request for an official appearance and testimony at *any* venue for litigation, or at a state or local legislative hearing that pertains to a matter other than RBS, then the Auxiliarist shall immediately notify DIRAUX who shall notify the District Legal Officer, District Governmental Affairs Officer, and G-OCX for further guidance. Review and approval of any proposed testimony by appropriate Headquarters program managers, and possibly by the Department of Homeland Security, should be anticipated.