

Department of the Interior Departmental Manual

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Series: Legislative

Part 461: Congressional and Legislative Coordination

Chapter 1: General Requirements

Originating Office: Office of Congressional and Legislative Affairs

461 DM 1

1.1 Purpose. The purpose of this chapter is to provide Departmental policy and procedures for the coordination of congressional and legislative activities.

1.2 Role on Legislative Matters. The Office of Congressional and Legislative Affairs (OCL) coordinates and provides policy guidance and direction for all legislative matters (other than appropriations bills). This includes proposed legislation, testimony, legislative reports, correspondence on legislation, any other written statement expressing views on a legislative matter, and drafting services. In addition, the OCL provides policy guidance and direction on responses to correspondence received by the Secretariat from Members of Congress.

1.3 Legislative Drafting Assistance. A bureau or office receiving a request for information, drafting, or other assistance regarding the consideration or preparation of a legislative proposal, from sources outside of the Department, shall promptly notify the OCL. The OCL will work with the appropriate bureau or office to respond to the request and/or prepare draft legislation. All draft legislation prepared as a service at the request of a Member of Congress will be forwarded from the originating bureau or office to the OCL with the following letters.

A. A letter to the requester to be signed by the Legislative Counsel stating that the legislation has been prepared as a service to the Member; that it has not been reviewed within the Department of the Interior or cleared by the Office of Management and Budget; and that the Department can, therefore, make no commitment concerning the position of the Department on the legislation.

B. A letter to the Director of the Office of Management and Budget (OMB) informing OMB of the request. A copy of the response to the requestor must also be enclosed with the letter.

1.4 Other Congressional Inquiries. It is the policy of the Department to expedite the handling of requests from Congress, in a timely and efficient manner. The Secretariat must be fully and currently informed on all matters of interest to the Congress that directly or indirectly affect the Department. Requests from Congress shall be answered within two weeks unless

9/27/04 #3654

Replaces 9/27/77 #2027

information is not available to satisfy the request, in which case a letter acknowledging receipt of the request will be sent within the two week period.

A. The OCL coordinates responses to Freedom of Information Act requests concerning Congressional and legislative matters or major Secretarial initiatives. In addition, the OCL, working with the Document Management Unit of the Office of the Executive Secretariat and Regulatory Affairs, coordinates and responds to document requests from Congressional Committees.

B. Bureaus and offices shall notify the OCL of personal visits, telephone calls, and other communications received from Members of Congress or their staffs when the matters or issues may have policy or timing implications or are substantive and may be of importance to the Department. These contacts and communications may be reported to OCL by telephone or e-mail, except that for matters of unusual importance or urgency, both a telephone call and a written report may be necessary. At a minimum, the following information concerning the inquiry or other communication shall be provided to the OCL: date, name of Congressional official, subject and summary of action proposed or taken.

1.5 Meetings on Legislative Proposals. The Director of OCL shall be provided prior notification of any meeting at which a legislative proposal is to be discussed. The Director of OCL shall be provided a summary report of discussions on all legislative proposals at conferences or other meetings held outside of the Department and participated in by an officer or employee of the Department, or held within the Department and participated in by one or more officials or other government agencies or the Congress.

1.6 Representation at Congressional Hearings.

A. The OCL is responsible for determining Departmental representation at Congressional authorizing Committee hearings. The OCL must be informed immediately of any requests from Congress for a Departmental witness to appear before a Congressional authorizing Committee. It is Departmental policy to request at least two weeks notice for any hearing at which a Departmental representative is asked to testify. As a rule, the Department will not take a position at a hearing on legislation introduced less than one week prior to the hearing date.

B. The Director of OCL assigns responsibility and sets deadlines for testimony preparation. An officer or employee who wishes to attend a Congressional hearing as a representative of the Department or as an official observer shall request approval from his or her respective bureau Congressional Affairs office. No officer or employee shall attend as a representative or otherwise appear officially at a Department of the Interior Congressional hearing without such prior approval. The written statement of the witness must be submitted to the OCL for clearance within the Department and by OMB as prescribed in OMB Circular A-19.

C. The OCL will consult the Solicitor's Office regarding any questions about individual legal representation of a Departmental representative.

1.7 Editing of Transcripts. All transcripts received by bureaus and offices shall be immediately delivered to the OCL for coordination and processing. The OCL shall coordinate the editing of all transcripts sent to the Department by an authorizing committee for review. It shall also coordinate prompt responses to questions posed by Committee members during the testimony. Departmental edits and responses shall be forwarded to committees under the signature of the Legislative Counsel. The Legislative Counsel shall transmit any legislative responses or transcripts to the authorizing committees.

1.8 Legislative Expeditors. The head of each bureau and office and each Assistant Secretary shall designate a member of his or her staff to serve as Legislative Expediter, and shall inform OCL of the designation. Legislative Expeditors are responsible for:

A. Expediting the preparation, review, and transmission of legislative matters in their respective bureau or office.

B. Serving as liaisons to OCL.

C. Notifying the OCL of the bureau's or office's interest in legislative items and significant legislative developments pertaining to his or her bureau or office that may affect the Department.

1.9 Nominations. The White House notifies OCL of the President's intent to nominate and the nomination of a person for a presidential appointment to the Department.

A. Upon notification by the White House, the OCL shall contact the nominee, arrange an initial meeting to discuss the policies and procedures of the nomination process, and perform the following:

(1) Provide assistance at the request of the nominee in preparing documents required or requested by the Committee(s), e.g., Committee questionnaire, biography, and follow-up forms and letters. OCL will coordinate with the Designated Agency Ethics Officer as required by applicable ethics regulations.

(2) Deliver the appropriate number of copies of all forms and statements, including financial disclosure statements, to the Committees in the time frame required by the Committee.

(3) Arrange for, and accompany the nominee to, all courtesy visits with key Senate staff and the Senators from the Committee(s) that will hold the confirmation hearing(s).

(4) Arrange all Departmental briefings and serve as the single point of contact for all requests for meetings, briefings, and inquiries regarding the nominee. Bureaus and offices receiving requests regarding the nominee must immediately refer the requestor to, and notify, the OCL.

(5) Assist and provide guidance to the nominee to prepare to testify before Congress.

B. The statement of a presidential nominee prior to confirmation does not require clearance from OMB, as such statement is about the nominee and not about DOI programs or policy.

C. Following the confirmation hearing, the OCL shall assist the nominee in answering any written follow-up questions from the confirmation hearing. The written questions are usually transmitted to the OCL by close of business of the day of the hearing. The responses must be promptly returned to the Committee, usually on the day following the confirmation hearing.

D. The OCL will continue to provide general assistance to the nominee until the nominee is confirmed by the U.S. Senate. This includes arranging any additional meetings and accompanying the nominee to any further visits/meetings requested by a Senator.