

# Department of the Interior

## Departmental Manual

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**Effective Date:** 9/27/04

**Series:** Legislative

**Part 461:** Congressional and Legislative Coordination

**Chapter 2:** Expression of Views

**Originating Office:** Office of Congressional and Legislative Affairs

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### 461 DM 2

**2.1 Official Views.** Any written views expressed by bureaus and offices with respect to the passage, defeat, or amendment of any piece of legislation, or the need for legislation, must be reviewed by the Office of Congressional and Legislative Affairs (OCL) to ensure conformance to the official views of the Department and the Administration.

A. The OCL shall ensure that all appropriate bureaus and offices of the Department are consulted before the Department provides opinions on legislative matters or communicates formally with the Legislative Branch.

B. The OCL is the sole point of contact with the Office of Management and Budget (OMB) for any legislative matter, including proposed legislation, testimony, legislative reports, correspondence on legislation, and any other written statement expressing views on a legislative matter. The OCL is responsible for submitting to OMB the Department's legislative matters for clearance pursuant to OMB Circular A-19.

C. If the proposed legislation relates to an appropriation or other budgetary issue, the Office of Budget in the Office of the Assistant Secretary - Policy, Management and Budget assumes responsibility for coordinating, preparing, and submitting the documents for OMB clearance.

D. If an officer or employee is requested to state his or her personal views on a legislative matter, he or she may do so but must clearly indicate that the views expressed are personal and do not necessarily reflect the position or policy of the Department or the Administration. To ensure accurate interpretation of the Department's position or policy, and to provide an opportunity for necessary clarification of any issue at hand, the officer or employee will make a follow-up report as required in 461 DM 1.4.

**2.2 Testimony.** All testimony shall be transmitted to the OCL through the appropriate program Assistant Secretary. When the Department receives a Congressional request to testify at a hearing before an authorizing committee, the OCL will:

A. Determine which bureau or office shall be responsible for preparing the

Department's testimony;

B. Establish a deadline for the submission of the testimony by the appropriate bureau or office;

C. Review and edit the testimony as deemed appropriate; and

D. Make copies of the testimony and deliver them to the Committee for any hearing where the witness is a member of the immediate Office of the Secretary or the Office of the Solicitor. In all other cases, it is the responsibility of the witness' office, acting through the appropriate Congressional Affairs office, to make copies and ensure their timely delivery to the committee.

**2.3 Legislative Report.** When the Department receives a Congressional request for a report or letter stating the official views of the Department on a legislative matter, the OCL will request the views, recommendations, and substantiating data (collectively "comments") from the appropriate offices and bureaus within the Department. Comments on the subject legislation shall be submitted to the OCL within the deadline specified in the OCL's request.

A. At the request of the OCL, the bureau that has primary jurisdiction over the programs affected by the bill is responsible for preparing a memorandum to the Director of the OCL through the appropriate Program Assistant Secretary. The memorandum shall include the following information:

(1) A description of the legislation and how it would change existing law.

(2) A section-by-section analysis.

(3) An analysis of the impact of the legislation on the bureau's programs, including both positive and negative changes.

(4) A statement of the budget impact of the legislation.

(5) Information as to whether similar legislation has been introduced in this or prior Congresses and, if so, what the Administration's position was on the prior legislation; how the prior legislation differs, if at all; and the key supporters or opponents of the prior legislation.

(6) Any amendments to the legislation that are believed to be in the interests of the Department.

(7) An analysis as to whether the legislation raises mandatory spending or lowers revenues.

B. The OCL shall determine whether to prepare a letter to transmit a Departmental response. A copy of the letter will be sent to the Solicitor's Office, the appropriate Program Assistant Secretary, the Assistant Secretary - Policy, Management and Budget, and other offices

deemed appropriate by the OCL for review. The OCL will send the final letter containing the Departmental response to the appropriate member of Congress.

**2.4 Proposed Bills.** Any bureau or office that prepares draft legislation for proposal to the Congress shall forward to the OCL the draft legislation, a draft transmittal letter, and a section-by-section analysis of the draft legislation. The OCL shall review the draft, coordinate review of the draft legislation by the appropriate offices and bureaus within the Department, and forward the draft to OMB for review and clearance. Upon clearance by OMB, the OCL shall transmit the draft legislation to the Speaker of the House and the President of the Senate, with copies to the appropriate Committee chairmen.

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