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21-92-00 GENERAL

- A. Scope. The procedures prescribed in this chapter are applicable to requests for legislative reports from Congressional committees, from the Office of Management and Budget and from other Government agencies.
- B. The objectives of these procedures are:
  - 1. To expedite the processing of reports on Federal legislation.
  - 2. To assure time for adequate consideration of reports by all concerned.
  - 3. To make reports more effective in presenting the Department's position.

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21-92-10 REQUESTS FOR REPORTS

- A. Letters to Individual Congressmen on Proposed Legislation.  
**OMB** Circular A-19 (Exhibit **h:21-92-1**) provides that letters to individual members of Congress which constitute **recommendations** or reports on proposed or pending legislation shall follow the same procedure as reports to Congressional committees. When an inquiry from a member of Congress, calling for such a recommendation or report, is received by an officer of the Department other than the Secretary, a reply for the Secretary's signature, or comments, shall be prepared and routed through the Division of **Legislation**.
- B. Annual or Special Reports Containing Legislative Recommendations. Section 5(c) of Office of Management and Budget Circular A-19 requires that any recommendation in an annual or special report for new or amendatory legislation shall first be submitted to the Office of Management and Budget. Any report containing such recommendations,

(h:21-92-10B continued)

therefore, shall be prepared by the principal operating component (POC) or other office concerned and cleared with the Division of Legislation in the manner provided for reports on proposed legislation.

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21-92-20 ROUTING OF LEGISLATIVE MATERIALS

- A. Routing of Requests. The Immediate Office of the Secretary will receive from the Mail Room all requests addressed to the Secretary from Congressional committees, the Office of Management and Budget, and other Government agencies for legislative reports. Immediately upon receipt, the requests will be transmitted directly to the Division of Legislation of the General Counsel's Office. Any such requests addressed to or received by a POC will also be transmitted immediately to the Division of Legislation.
- B. Acknowledgment of Requests. The Division of Legislation shall prepare an acknowledgment of all requests from Congressional committees and Government agencies, other than the Office of Management and Budget. (Requests from the Office of Management and Budget will not be routinely acknowledged.) Routine acknowledgments shall be signed by the Assistant General Counsel. Special acknowledgments shall be prepared by the Division of Legislation for the signature of the Assistant Secretary (for Legislation) or, if the special nature of the request indicates, the Secretary.
- C. Referral of Requests. Generally, the Division of Legislation will, within two working days, refer the request to the head of the POC or other officer of the Department primarily or most directly concerned or familiar with the subject matter of the bill, for preparation of a proposed report on the bill. (There will be attached to each referral an instruction sheet and Guidelines for preparation of the report.) When a significant request is received which may involve policy, the Division will inform the appropriate Assistant Secretary of the receipt of such request. When

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two or more **POCs** are affected by or interested in the subject matter of the bill, the Division of Legislation will either (1) refer the request to the POC most concerned and ask that POC to consult with, and clear the report with, the other POC interested or affected, or (2) prepare the report in the first instance after obtaining comment from each POC concerned. The report may also be prepared in the first instance by the Legislation Division in other situations when, in the judgment of that Division, this is more efficient or required by time limits. For enrolled bills see Chapter **h:21-94**.

A copy of each referral memorandum will be sent by the Division to the **POCs** (other than the one to which it is addressed) affected by or interested in the report and the appropriate Assistant General Counsel.

- D.** Routing of Completed Report. The POC responsible for preparation of the proposed report shall submit it in final form, with requisite copies, to the Division of Legislation. If typed on MAG II, MAG II cards should be forwarded with the proposed report. This Division is responsible for transmittal of the report, through the General Counsel, to other officers concerned in the Office of the Secretary for clearance and final signature.

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21-92-30 SCHEDULES AND CONTROLS

**A.** Time Schedules

1. To the extent not established by this Manual or the Division of Legislation, time schedules for submission of legislative reports to the Division of Legislation shall be established by the POC or other office charged with preparation of the report with a view to permitting so far as possible, completion of review by the Division of Legislation, and by others, in the line of review in the Office of the Secretary, in time to assure that there is opportunity for obtaining Office of Management and Budget clearance and that all requests are met by deadline dates set by the Committee or other requester of the report or, if none, within a

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reasonable time, and that within the total time available adequate time is given each unit or official for his part in the preparation or review of the report. It is realized that, where specific time schedules have been set, some reports can and should be processed ahead of schedule while others, in the light of their individual complexity or other special reasons, or their relative nonpriority in peak workload periods, may not be completed within the time schedules originally set.

2. Where no specific time limit has been set by this Manual, by the Division of Legislation, or by the Committee or other requester of the report and the timing of submission of the report to the Division of Legislation is thus left in the first instance to the POC or office to which the matter has been referred (see 1., above), that agency or office should in that connection, to the extent practicable, keep informed (and inform the Division of Legislation) of circumstances with respect to the prospect of hearings or other Committee action bearing on the timing of the report, so that the report will be developed and submitted in time to allow adequate review by the Division and others in the Office of the Secretary. If others, in the Office of the Secretary, and especially the Congressional Liaison Office, receive information of this nature, they should likewise advise the Division of Legislation, which will record the information and make sure that the POC or office concerned has this information. Moreover, when the Division of Legislation receives information indicating that priority or greater priority than previously indicated must be given an item already referred to a POC, it will arrange with the POC for such advances in any due dates previously established as may be necessary to meet the new deadline date.

(h:21-92-30.A continued)

- 3. The minimum time (in working days) that should ordinarily be available for review of a proposed report in the Office of the Secretary before transmittal to the Office of Management and Budget is as follows:

Review by Division of Legislation and  
 General Counsel----- 5 days

Review by other officials in Office of  
 Secretary----- 3 days

Consideration by Secretary----- 2 days

- 4. Requests for reports which carry deadlines that would not be met by adherence to the above schedule for routine items but permit at least 10 days for Department work on the report shall be handled in accordance with a time schedule fixed by the Division of Legislation in the light of the total time available in each case, but the schedule shall, where feasible, allow not less than the following:

Consideration by Secretary----- 2 days

Review by officials of the Office of  
 the Secretary other than the General  
 Counsel's Office----- 2 days

Review by Division of Legislation and  
 General Counsel----- 2 days

Preparation of report by POC--- Aggregate time  
 available less 6 days

- 5. Rush items which carry deadline permitting less than 10 days for Department work on the report shall be handled in accordance with schedules fixed by the Division of Legislation, with a minimum of one day for consideration by the Secretary and one day for review by officials in the Office of the Secretary.

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(h:21-92-30.A continued)

6. Proposed reports sent back to the POC by the Division of Legislation (on its own initiative or on the basis of decisions by others in the Office of the Secretary) for revision in accordance with memoranda to, or discussions with, the POC, will carry, when considered appropriate, a due date set by the Division of Legislation.

B. Controls on Due Dates

1. Controls maintained by each POC. Each POC shall maintain, either in the office of its legislative services officer or in the office of the head of the POC, a central control on the processing of all legislative reports referred to it for preparation or comment, and these controls shall, among other things, be adequate to enable the agency to give prompt information as to the status of a report on any item.
2. Controls Maintained by the Division of Legislation
  - a. Master Control. The Division of Legislation will maintain a master control on all pending requests for legislative reports.
  - b. Follow-up on Priority and Rush Items. The Division of Legislation will also follow up with the appropriate POC or office (by telephone or memorandum) on the due date of all priority and rush items not received from that agency or office, and secure expected completion dates.

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21-92-40 FORM OF REPORTSA. Opening Paragraphs

Immediately after the first paragraph (which customarily informs the Committee Chairman of the number and title of the bill reported on), include a brief paragraph summarizing the essentials of the report's position.

B. Description of Bill

1. General description. Normally, a general and very brief (one or two sentences) description of the bill should be set forth in the third paragraph of the report.

Where the title of the bill (which will normally be quoted after the bill number in the introductory paragraph) adequately describes the major objective of the bill for purposes of the report, the general description may be omitted.

2. Description of major provisions

a. Specific provisions of the bill should ordinarily be described in the report only in connection with, and as necessary to an understanding of the discussion of, various points in the body of the report.

b. If it seems appropriate that the head of the POC or other persons reviewing the report should be made aware of provisions in the bill not described in the report—e.g., to enable them to appreciate fully the significance of a bill or to judge whether provisions not mentioned in the report should or should not have been discussed—there should be attached, under an appropriate tab, a brief summary of the major provisions of the bill insofar as they are pertinent to the Department's interest in the bill and to its position on the bill.

(h:21-92-40.C continued)

C. Discussion and Recommendation

1. Summary statement. In the case of all reports over two pages long, and in shorter reports where it would contribute to a more effective presentation of the Department's position, a summary statement of the Department's general recommendation on the bill, and the essence of reasons therefor, should, preferably, be set forth immediately after a summary description of the bill (see B.1., above) when the subject matter lends itself to that form of presentation.
2. Detailed analysis. Where an adequate report on a bill requires lengthy technical comments on details relatively unimportant from a policy point of view, or requires inclusion of lengthy draft amendatory language, the technical comments or draft language, or both, should be set forth in a separate enclosure rather than in the body of the report. Where practicable, the covering letter should be kept brief and focused on the essentials of the Department's policy position. If the bill is to be opposed the report should not offer technical suggestions. If the bill is to be supported, and it becomes important to adjust its technical features, this should be done in an accompanying staff memorandum or technical enclosure to which the covering letter makes reference. Any such enclosure should be impersonal in tone and shall not commit the Secretary on any policy point not made in the main report (unless that report adopts such policy points).

A report should adopt a constructive and positive tone consistent with the Department's desire to develop a working partnership with the Congress in the development of legislation.

If the report opposes a bill to initiate or expand a program, the report should relate the Department's efforts to achieve the bill's objectives under current authority, or if the Department is not acting on the matter explain why and what are the Department's future intentions.



3. Additional Information

- a. In order (1) that the Department may comply with the provisions of 5 U.S.C. 2953, and (2) to assist Congressional committees to comply with the provisions of P.L. 91-510, if the proposed report recommends enactment of legislation and the Department is the agency principally affected by it, there should be included in the proposed report a five-year estimate of additional expenditures and manpower that would result from the legislation's enactment.
- b. As appropriate, consult (1) the General Administration Manual, Chapter 30-31--Preparation of Environmental Statements to Accompany Proposals, Recommendations and Reports on Proposals, for legislation, and (2) OMB Circular A-107 and the Department draft guidelines promulgated by the Secretary, on an interim basis on April, 1975, on the preparation of Inflation Impact Statements.

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21-92-50 CLEARANCESA. POC clearances

1. POC's legislative services officer. Each POC shall designate an officer to serve as its legislative services officer with general responsibility for the processing of legislative reports within the POC, and for liaison with the Division of Legislation and the Office of the Secretary. The legislative services officer should be given authority to clear, by initial or orally, minor changes in proposed reports within general policies already established by the head of the POC. It is assumed that the legislative services officer will have ready access to the head of the POC or acting head to facilitate quick clearance of priority or rush items.
2. Hand delivery. Priority and rush items shall be hand-delivered in transmitting legislative material from office to office.

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(h:21-92-50.A continued)

3. Evidence of clearance. Initials or statements affixed by the POC's legislative services officer indicating clearance of legislative material by the POC will be accepted by officials and offices in the Office of the Secretary as evidence of clearance of such material by the head of the POC.
4. Submittal of reports in draft. Normally, proposed reports should be submitted by POCs to the Division of Legislation in final form with the requisite copies attached and initials affixed to box copies. However, on priority and rush items, on items involving difficult legal, technical, or policy problems, and in other cases where this is likely to conserve time of professional and stenographic staff, the POC may arrange with the Division of Legislation for advance review of proposed reports in draft.
5. Clearance with other POCs. In order to hold to the minimum reports which are prepared initially by the Division of Legislation on the basis of comments from the several POCs, the Division of Legislation, wherever possible, will designate one POC to prepare legislative reports even where one or more other POCs are affected by the bill in question. In such cases the Division of Legislation will request the designated POC to secure clearance from the other interested POCs prior to transmission of the completed report to the Division of Legislation, and the responsibility for initiating such consultation and clearance (through the legislative services officer of the other POCs) will be assumed by the designated POC.

B. General Counsel clearances

1. Changes without reclearance. In order to expedite the processing of reports, the Division of Legislation may make changes in proposed reports without reclearance with the POC under the following circumstances:
  - a. Changes not involving any change in the policy set forth in the proposed report; and

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h:21-92-50.B.1 continued)

- b. Changes involving changes in policy which are cleared orally with the head of the POC or his legislative services officer.
  2. Disagreements between General Counsel and Principal Operating Component
    - a. In all cases where the Division of Legislation disagrees with the proposed report in a matter involving policy, the Division will generally, if time permits, raise the issues with the POC and seek to reach agreement.
    - b. If time for negotiation with the POC does not permit, or if agreement cannot be reached, the issues will be brought to the attention of the Assistant Secretary for Legislation and an effort will be made to resolve differences (with a conference, if necessary). Other officials in the line of clearance in the Office of the Secretary should note their reservations or comments, if any. The issues should, if possible, be resolved by the Assistant Secretary for Legislation. The file should indicate what any of these major issues are and how they were resolved.
    - c. If the POC desires a meeting with the Secretary on the issues involved, the covering memorandum should so indicate.
  3. General Counsel and Office of the Secretary Clearance

The Division of Legislation will be responsible for getting clearance from the General Counsel and from other interested officials in the Office of the Secretary, and for following up with the latter on rush and priority items.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

July 31, 1972

CIRCULAR NO. A-19  
Revised

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Legislative coordination and clearance

1. Purpose. This Circular outlines procedures for the coordination and clearance by the Office of Management and Budget (OMB) of agency recommendations on proposed, pending, and enrolled legislation. It also includes instructions on the timing and preparation of agency legislative programs.

2. Rescission. This revision supersedes and rescinds Circular No. A-19, Revised, dated June 9, 1964, and Transmittal Memorandum No. 1, dated October 18, 1971.

3. Background. OMB performs legislative coordination and clearance functions to (a) assist the President in developing his position on legislation, (b) make known the Administration's position on particular legislation for the guidance of the agencies and information of Congress, (c) assure appropriate consideration of the views of all affected agencies, and (d) assist the President with respect to his action on enrolled bills.

4. Coverage. All executive branch agencies (as defined in paragraph 5b), are subject to the provisions of this Circular. Agencies of the legislative and judicial branches are not covered by its provisions.

5. Definitions. For the purpose of this Circular, the following definitions shall apply:

a. Advice. Information transmitted to an agency by OMB stating the relationship of particular legislation and reports thereon to the program of the President or stating the views of OMB as a staff agency for the President with respect to such legislation and reports.

b. Agency. Any executive department or independent commission, board, bureau, office, agency, Government-owned or controlled corporation, or other establishment of the Government, including regulatory commission or board, and also the municipal government of the District of Columbia.

c. Proposed legislation.\* A draft bill with supporting documents which an agency wishes to present to Congress for its consideration. Also, any proposal for or endorsement of legislation included in an agency's annual or special report or in other written form which an agency proposes to transmit to the Congress, or to any member or committee, or to make available to any study group, commission, or the public.

d. Pending bill. Any bill or resolution which has been introduced in Congress or any amendment to a bill or resolution while in committee or when proposed for House or Senate floor consideration during debate. Also, any proposal placed before the conferees on a bill which has passed both houses.

e. Report (including testimony).\* Any written expression of official views prepared by an agency on pending bills for (1) transmittal to any committee, member, or officer of Congress, or (2) presentation as testimony before a congressional committee.

f. Enrolled bill. A bill or resolution passed by both Houses of Congress and presented to the President for his action.

#### 6. Agency legislative programs.

a. Submission to OMB. Each agency shall prepare and submit to OMB annually its proposed legislative program for the next session of Congress. These programs must be submitted at the same time as the initial submission of an agency's annual budget request as required by OMB Circular No. A-11. Timely submission is essential for consideration of the items in the programs by Executive Office staff in assisting the President in preparing his budget, legislative program, and annual and special messages.

b. Late submission. Items not included in an agency's legislative program and which have significant upward impact on the annual budget under preparation will not be considered later unless they are the result of circumstances not foreseeable at the time final decisions are made on the budget.

c. Number of copies. Each agency shall furnish 20 copies of its proposed legislative program to OMB. If an agency has no proposals to make, it should submit a statement to this effect.

d. Program content. Each agency shall prepare its legislative program in accordance with Attachment A and its submission should include:

\*The terms "proposed legislation" and "report" do not include materials submitted in justification of appropriation requests or proposals for reorganization plans.

(1) All items of legislation which an agency contemplates proposing to Congress (or actively supporting, if already pending legislation) during the coming session, including proposals to extend expiring laws or repeal provisions of existing law. These items should be based on policy-level decisions within the agency and should take into account the President's known legislative, budgetary, and other relevant policies.

(2) A separate list of legislative proposals under active consideration in the agency which have not yet reached the stage of inclusion in its proposed legislative program. For each item in this list, the agency should indicate when it expects to reach a policy-level decision and, specifically, whether it expects to propose the item in time for its consideration for inclusion in the annual budget under preparation.

(3) A separate list of all laws or provisions of law affecting an agency which will expire between the date the program is submitted to OMB and the end of the two following calendar years, whether or not the agency plans to propose their extension. Agencies should propose extensions of expiring laws in the congressional session occurring in the year preceding the expiration date.

(4) All items in the submissions which are proposed, or expected to be proposed, for inclusion in the annual budget shall be accompanied by a tabulation showing amounts for the budget year and for each of the four fiscal years following the budget year as required by section 221(a) of P.L. 91-510, the Legislative Reorganization Act of 1970 (31 U.S.C. 11(a)(12)). (For language of this section, see Attachment B.) The criteria provided in OMB Circular No. A-11 shall be used in preparing these tabulations and are also set forth in Attachment B.

e. Relationship to advice. Submission of a legislative program to OMB does not constitute a request for advice on specific legislative proposals. Such requests should be made in the manner prescribed in paragraph 7 of this Circular.

7. Clearance of agency proposed legislation and reports. The originating agency shall submit to OMB for clearance, proposed legislation or reports (as defined in paragraphs 5c and 5e) before they are transmitted outside the executive branch. Agencies should not commit themselves to testify on pending bills or to submit reports or proposed legislation to Congress on a time schedule which does not allow orderly coordination and clearance to take place. To facilitate congressional action on Administration proposals and to forestall hasty, last-minute clearance requests on pending legislation, agencies should plan

their submissions to OMB on a time schedule which will permit such coordination and clearance to take place. Particular care should be given to ensuring that draft legislation to carry out Presidential legislative recommendations is submitted promptly to OMB with the maximum possible allowance for analysis and review.

a. Timing of agency submissions.

(1) Agencies should submit proposed legislation, reports and testimony to OMB well in advance of the desired date of transmission to the Congress.

(2) Depending on the complexity and significance of the subject matter, the policy issues involved, and the number of agencies affected, an adequate period for clearance by OMB may range from several days to a number of months. Agencies shall consult with OMB staff as to necessary periods for clearance, particularly in cases of major or complex legislation.

(3) On occasion, very short periods for clearances may be unavoidable because of congressional time schedules or other factors. Nevertheless, agencies should make every effort to give OMB a minimum of three full working days for clearance of proposed reports or testimony.

(4) Agencies shall state in their letters of transmittal to OMB any information on congressional schedules or other special circumstances which may require expedited clearance.

b. Copies to be furnished. Agencies should furnish at least six copies of proposed legislation (and supporting materials) and draft reports or testimony to OMB. In cases where wide circulation or expedited action may be required, the originating agency shall consult informally in advance with appropriate OMB staff as to the number of copies to be supplied.

c. Items to be included in agency submissions.

(1) Agencies should identify proposed legislation submitted to OMB by using the number assigned to the proposal in the agency's legislative program submission; e.g., Agriculture, 92-12 (see Attachment A). They shall furnish with each proposal a draft of the transmittal letter to the Speaker of the House and the President of the Senate as well as background information and justification, including where applicable:

(a) an analysis of the provisions of the proposed legislation;



- (b) comparison with existing law;
- (c) comparison with previous agency proposals or related bills introduced in the Congress;
- (d) a statement of other agencies' interests;
- (e) an indication of any consultation with other agencies in the development of the proposal;
- (f) an indication of the impact on State and local governments where significant; and
- (g) information required by statute or by Administration policies, as for example, that noted in paragraph 7d below.

(2) Similarly, in their letters requesting advice on reports or testimony, agencies should identify related bills and set forth any relevant comments not included in the report or testimony itself.

(3) In cases where legislation carries out a Presidential recommendation, agencies should include in the proposed report or the letter transmitting proposed legislation a statement identifying the recommendation and indicating the degree to which the legislation concerned will carry it out.

(4) Agencies shall include in their letters to OMB requesting clearance of proposed legislation and of those reports favoring legislation, an estimate of the budget authority and budget outlays for each of the first five years needed to carry out responsibilities under the legislation involved. The relationship of the first (or second) year's estimate to the President's budget should be described.

(5) Similarly, if the legislation in question would effect savings, increase or decrease Federal revenues, or affect the receipts or outlays of trust or special funds, agencies shall include in their transmittal letters to OMB estimates of these savings or changes.

(6) All estimates should be on a fiscal year basis. Estimates of budget authority and budget outlays shall be projected on the basis of the criteria set forth in Attachment B.

d. Certain statutory requirements and Administration policies. In the preparation of proposed legislation and reports, agencies shall carefully consider and take into account certain

requirements of existing law and Administration policies and directives, which are of general applicability. Agency reports and proposed legislation, shall to the maximum extent possible, contain or be accompanied by, appropriate recommendations, statements, or provisions to give effect to such requirements, including the following:

(1) Civil Rights: Laws, Executive Orders, and other relevant directives in the civil rights area shall receive full consideration. These include Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) providing for equal access to and benefits from programs receiving Federal financial assistance; Titles VIII and IX of Public Law 90-284 (42 U.S.C. 3601ff and 3631) providing for equal opportunity in housing; section 2(8) of Public Law 85-536 (15 U.S.C. 637) providing the basis for channeling Federal agency procurement to minority businesses; the directives relating to equal employment opportunity in the Federal Service and in private employment by Federal contractors (Executive Orders 11246 and 11478); and the directive on planning, acquisition, and management of Federal space (Executive Order 11512).

(2) Environmental impact: Public Law 91-190 (42 U.S.C. 4332) requires that agencies prepare detailed statements concerning the environmental impact of major Federal actions (including recommendations or reports on proposals for legislation) significantly affecting the quality of the human environment. Implementation of this requirement is dealt with generally in guidelines issued by the Council on Environmental Quality. However, information copies of required 102 statements should be submitted to OMB if available at the time clearance is requested.

(3) Cost analysis: Public Law 89-554 (5 U.S.C. 2953) requires that in certain cases agency reports and proposed legislation include five-year estimates of additional expenditures and manpower which would result from enactment of legislation. Public Law 91-510, sections 252(a) and (b), impose a similar requirement on congressional committees and require a comparison of the committee estimates with the five-year estimates of costs provided by executive agencies. (For ready reference, these statutory provisions are set forth in Attachment C.)

e. OMB action on agency submissions.

(1) Upon receipt of an agency's proposed legislation or report, OMB will undertake the necessary coordination with other interested agencies. If congressional committees have not requested reports from all of the interested agencies, OMB will request additional agency views within specified time limits

which must be carefully observed. It will consult with the President, when appropriate, and undertake such staff work for him as may be necessary in cooperation with other Presidential staff. It may request the originating agency to provide additional information; or it may arrange interagency meetings to exchange views, resolve differences of opinion, or to clarify the factual situation.

(2) When coordination is completed, OMB will transmit advice to the appropriate agencies, either in writing or by telephone. In transmitting advice, it may indicate considerations which agencies should or may wish to take into account before submitting proposed legislation or reports to the Congress.

**f. Agency action on receipt of advice from OMB.**

(1) Agencies shall incorporate in their reports and in their letters transmitting proposed legislation to the Congress, the advice received from OMB.

(2) In the case of reports, receipt of advice contrary to views expressed does not require an agency to change its views. In such cases, however, the agency will review its position. If it decides to modify its views, the agency shall consult with OMB to determine what change, if any, in advice previously received is appropriate. If, after the review, the agency's views are not modified, it shall incorporate the advice received in full in its report.

(3) In the case of proposed legislation, the originating agency shall not submit to Congress any proposal which OMB has advised is in conflict with the program of the President.

(4) Agencies shall furnish to OMB a copy of all proposed legislation, transmittal letters, and reports (including testimony) in the form actually transmitted to the Congress. In cases where reports or testimony cover more than one bill, agencies shall furnish one copy for each bill.

**g. Agency action where prior clearance has not been effected.**

(1) Agencies shall not submit to Congress proposed legislation which has not been coordinated and cleared within the executive branch in accordance with the provisions of this Circular.

(2) If congressional time schedules do not permit an agency to transmit its proposed report in time for the normal

clearance and advice, the agency shall consult informally with OMB as to the advice to be included in the proposed report. OMB may advise the agency to state in its report that time has not permitted securing advice from OMB as to the relationship of the proposed report to the program of the President. Agencies shall transmit to OMB four copies of such reports at the same time that they are transmitted to the Congress. Where appropriate, OMB will subsequently furnish advice on the report, which the agency shall transmit promptly to the Congress.

(3) In cases where an agency has not submitted a report for clearance and its views on pending legislation are to be expressed in the form of oral, unwritten testimony, OMB will undertake such coordination and give such advice as the circumstances permit. In presenting oral testimony, the agency should indicate what advice, if any, has been received from OMB. If none has been obtained, the agency should so indicate.

h. Drafting service. Agencies need not submit for clearance bills which they prepare as a drafting service for a congressional committee or a Member of Congress, provided that they state in their transmittal letters that the drafting service does not constitute a commitment with respect to the position of the Administration or the agency. Agencies are encouraged to advise OMB of these drafting service requests while the requests are being complied with. A copy of each such draft bill and the accompanying letter should be furnished to OMB at the time of transmittal, together with an explanatory statement of what the bill would accomplish if that is not contained in the transmittal letter.

i. Transmittal of agency communications to the Congress. Agencies should observe the instructions in House and Senate rules to forward proposed legislation or various reports required by law to the Speaker of the House and the President of the Senate. These instructions do not require that reports which have been requested by committee chairmen on bills and resolutions pending before their committees be sent to the Speaker of the House and the President of the Senate. Such reports should be transmitted directly to the requesting committees.

j. Reclearance requirements.

(1) The advice received from OMB generally applies to all sessions of each Congress, but does not carry over from one Congress to the next. Accordingly, agencies do not need to seek reclearance of reports on which they have already received advice before making the same reports on identical bills introduced in the same Congress, unless considerable time has elapsed or

changed conditions indicate that the need for reclearance is appropriate or should be rechecked. Agencies shall, in cases where reclearance does not take place, include in the subsequent report appropriate reference to the advice received on the original report. They shall also transmit one copy of any subsequent report to OMB at the same time that it is transmitted to the Congress. The transmittal letter to OMB should indicate what related report was previously cleared.

(2) Agencies wishing to request reclearance of a draft bill or report, identical or substantially similar to one cleared for transmittal to a previous Congress should transmit their request in a form similar to that illustrated in Attachment D. Submittal of lists of bills or reports will not suffice for this purpose.

(3) Agencies need not submit for clearance reports or written testimony on pending legislation if they have already received advice on the same legislation and the report or testimony simply confirms or enlarges on previously cleared reports or testimony and raises no new issue. However, prior to submitting such reports or testimony, agencies shall consult informally with an appropriate OMB staff member. Where appropriate, OMB may request submission of the report or testimony for clearance even if advice has previously been given with respect to the same legislation. In either case, agencies shall furnish OMB a copy of the report or testimony as sent or delivered.

k. Use of no comment reports. As a general rule, agencies should submit no comment reports only when they have no interest in the pending legislation or nothing to contribute by way of informed comment. Agencies should submit such reports for normal clearance, unless a different procedure is informally arranged with OMB. In either event, they should furnish OMB with one copy of each such report at the time it is transmitted to Congress.

8. Interagency consultation. In carrying out their legislative functions, agencies are encouraged to consult with each other in order that all relevant interests and points of view may be considered and accommodated, where appropriate, in the formulation of their positions. Such consultation is particularly important in cases of overlapping interests, and intensive efforts should be made to reach interagency agreement before proposed legislation or reports are transmitted to OMB. However, in order that the President may have the individual views of the responsible heads of the agencies, any proposed legislation or reports so coordinated shall be transmitted to OMB by the individual agencies involved with appropriate reference to the interagency consultation which has taken place.

9. Enrolled bills. Under the Constitution, the President has 10 days (including holidays but excluding Sundays) to act on enrolled bills after they are presented to him. To provide the fullest possible opportunity for Presidential consideration, agencies shall give enrolled bills top priority handling.

a. Initial OMB action. OMB will obtain facsimilies of enrolled bills from the Government Printing Office and immediately forward one facsimile to each interested agency, requesting the agency's views and its recommendation for Presidential action.

b. Agency action. Each agency receiving such a request shall immediately prepare a letter presenting its views and deliver it in duplicate to OMB not later than two working days after receipt of the facsimile. Different deadlines may be fixed as dictated by circumstances. Agencies shall deliver these letters by special messenger to OMB.

c. Preparation of views letters.

(1) Agencies' views letters on enrolled bills are transmitted to the President and should be written with the objective of assisting him in reaching a decision. Each letter should therefore be complete in itself and should not as a general rule incorporate by reference earlier reports.

(2) Views letters on enrolled bills are privileged communications and agencies shall be guided accordingly in determining their content.

(3) Because of the definitive nature of Presidential action on enrolled bills, agency views letters shall be signed by a Presidential appointee.

(4) Agencies' views letters shall contain:

(a) an analysis of the significant features of the bill including changes from existing law (OMB staff will communicate with the agencies on which one should write the detailed analysis of the bill where more than one agency is substantially affected);

(b) a comparison of the bill with Administration proposals, if any, on the same subject;

(c) such comments, criticisms, analyses of benefits and shortcomings, or special considerations as will assist the President in reaching a decision;

(d) identification of any factors which make it necessary or desirable for the President to act by a particular date;

(e) an estimate of the first-year and recurring costs or savings and the relationship of the first-year estimates to the President's budget; and

(f) a specific recommendation for approval or disapproval by the President.

(5) Agencies recommending disapproval shall submit with their views letters a proposed veto message or memorandum of disapproval, in quadruplicate, prepared on legal-size paper and double-spaced. Such messages or memoranda should be finished products in form and substance which can be used by the President without further revision.

(6) Agencies may wish, in exceptional cases, to recommend issuance of a signing statement by the President. Agencies so recommending shall submit with their views letters a draft of such statement, in the same form and quantity as required for a proposed veto message.

(7) Agencies' views letters on private bills shall cite, where appropriate, precedents which support the action they recommend or which need to be distinguished from the action recommended.

d. Subsequent OMB action. OMB will transmit to the President agencies' views letters, together with a covering memorandum, not later than the fifth day following receipt of the enrolled bill at the White House.

10. Agency legislative liaison officers. As an additional means of effecting interagency coordination, OMB will furnish agencies from time to time with lists of the liaison officers who have been designated by their agencies to handle the coordination of legislative matters. Agencies should promptly notify OMB of any change in their liaison officers.

11. Communications to OMB.

a. Written agency communications to OMB transmitting proposed legislation, proposed reports, views letters on other agencies' proposed legislation or reports, and views letters on enrolled bills should generally be addressed to:

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**Director, Office of Management and Budget  
Attention: Assistant Director for Legislative  
Reference**

**The envelopes containing such communications should be addressed:**

**Legislative Reference Division  
Office of Management and Budget  
Room 458, Old Executive Office Building**

**unless a different arrangement is made with an appropriate OMB  
staff member.**

**b. Questions on status of proposed legislation, reports,  
testimony, or enrolled bills should be directed to appropriate  
OMB staff or to the Legislative Information Center (telephone  
395-3900; IDS code 103-3900).**

**CASPAR W. WEINBERGER  
DIRECTOR**

**Attachments**



**ATTACHMENT A**  
**Circular No. A-19**  
**Revised**

**INSTRUCTIONS RELATING TO THE PREPARATION OF  
AGENCY LEGISLATIVE PROGRAMS**

1. Agencies' proposed legislative program should be divided into two parts:

**PART I -- PRESIDENT'S PROGRAM PROPOSALS**

Those items which the agency believes are of sufficient importance to be included in the President's legislative program and given specific endorsement by him in one of the regular annual messages, such as the budget message, or in a special message.

**PART II -- ALL OTHER PROPOSALS**

2. Within each Part, agencies should list the items in order of relative priority. Each item of proposed legislation should be given a separate number for purposes of ready identification, using a numbering system which identifies the Congress; e.g., Agriculture, 92-12.

3. With respect to each item, agencies should provide the following information:

a. A brief description of the proposal, its objectives, and its relationship to existing programs. Agencies should include greater detail on the specific provisions of proposals included in Part I, or where the subject matter of the proposal contains new policies or programs or raises complex issues.

b. Pertinent comments as to timing and readiness of draft legislation.

c. Pertinent references to bills and reports concerning the subject of the proposal in current or recent sessions of Congress.

d. An estimate of (1) any budget authority and outlays which would be required during each of the first five years, (2) any savings in budget authority and outlays, or (3) any changes in budget receipts. These estimates should be made for both Federal funds and trust funds.

4. The lists of (a) legislative proposals still under consideration in an agency and (b) expiring laws (see paragraph 6 of

the Circular) should be presented separately from Parts I and II. The following special instructions apply to them:

a. Items still under consideration should be listed in approximate order of priority and each briefly described in terms of subject matter and status.

b. Each expiring law should be described in terms of (1) the subject, (2) the citation, (3) the date of expiration, (4) the agency's views as to whether the law should be extended or permitted to expire, and (5) and other pertinent information. If an agency recommends extension, the proposal should be included in Part I or Part II, as appropriate.

5. The legislative program submission should be prepared on 8 x 10-1/2 size paper. General conformance to the format of the attached exhibit will greatly facilitate the use of these programs.

EXHIBIT FOR ATTACHMENT A  
Circular No. A-19  
Revised

DEPARTMENT OF GOVERNMENT

PROPOSED LEGISLATIVE PROGRAM FOR THE \_\_\_\_\_ SESSION OF THE \_\_\_\_\_  
CONGRESS

(Items in each Part are listed in order of priority)

PART I -- PRESIDENT'S PROGRAM PROPOSALS

92-1. "GI Bill" -- authorize increases in educational assistance rate: This proposal would increase educational assistance allowances payable under chapters 31, 34, and 35 of title 38. These programs include vocational rehabilitation training for disabled veterans; education, vocational, cooperative, on-job, farm cooperative, and apprentice training for veterans; and institutional and cooperative training for children, widows and wives of deceased or totally and permanently service-connected disabled veterans.

The suggested new rate for a single veteran with no dependents who is pursuing a full-time institutional program would, for example, be \$190 per month compared with the currently \$175 monthly rate. This represents an increase of approximately 8.6% which is tantamount to the increase in the cost of living which has occurred since the last increase became effective on February 1, 1970. It is believed that substantial increases should be provided in the on-job and apprentice training programs -- areas in which it is felt that larger increases are justified.

Although precise cost data has not been determined, it is believed that the annual increased cost would be of the magnitude of approximately \$175 million.

92-2. . . . .

PART II -- ALL OTHER PROPOSALS

92-3. Repeal of Naval Stores, Wool Standards, and Tobacco Seed and Plant Exportation Acts. This proposal would repeal 3 Acts which are no longer necessary. The Agricultural Marketing Act of 1946 provides authorities to effectively carry out the purposes of the Naval Stores Act of 1923 and the Wool Standards Act of 1928. There is no constructive purpose to be served by the Tobacco Seed and Plant Exportation Act of 1940 in its restriction of American exports to tobacco seed and plants for experimental purposes only, since most of the tobacco producing countries of the world have well established research programs in tobacco seed breeding and production. Legislation to repeal these Acts was

introduced in the 91st Congress as S. 568 but no action was taken.

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	
		(Dollars in thousands)				
Budget Authority.....	--	-59	-59	-59	-59	
Outlays.....	--	-59	-59	-59	-59	

ATTACHMENT B  
Circular No. A-19  
Revised

FIVE-YEAR PROJECTIONS FOR LEGISLATIVE PROPOSALS

Section 221(a) of Public Law 91-510, the Legislative Reorganization Act of 1970 (31 U.S.C. 11(a)(12)), requires that the annual budget include projections of appropriation requirements for four years beyond the budget year. The pertinent language of that section is set forth below for ready reference:

"(12) with respect to each proposal in the Budget for new or additional legislation which would create or expand any functions, activity, or authority, in addition to those functions, activities, and authorities then existing or as then being administered and operated, a tabulation showing -

"(A) the amount proposed in the Budget for appropriation and for expenditure in the ensuing fiscal year on account of such proposal; and

"(B) the estimated appropriation required on account of such proposal in each of the four fiscal years, immediately following that ensuing fiscal year, during which such proposal is to be in effect."

Criteria for five-year projections

A. OMB Circular No. A-11 provides that five-year projections for legislative proposals included in the annual budget are to be developed on the basis of the following criteria:

1. The estimates shown for the budget year will be the same as the amounts contained in the regular program and financing schedules for those ongoing activities which require additional authorizing legislation; and the amount contained in schedules headed, "Proposed for separate transmittal under proposed legislation."

2. Estimates should be provided at a high level of program aggregation, avoiding relatively small details and program specifics for which five-year projects would be highly conjectural.

3. The 5-year estimates should be recognized as simple projections of cost (in constant dollars at prices existing at the time the estimates are prepared), which: (a) are not intended to predict future economic conditions, and (b) do not reflect possible changes in the scope or quality of the program which might result from experience gained in actual practice.

4. In the case of legislation authorizing nonrecurring, one-time projects or activities, the estimates should provide for phasing the total cost over the period of time required for completion of the work involved. 2

5. In the case of legislation which extends ongoing programs, the forward projections should reflect only the discretionary program decisions made for the budget year. That is, the future year estimates should be a simple extension of the budget-year program level, with exceptions to be considered only where the program level is determined by statutory or other provisions which make the future year size of the program uncontrollable (e.g., beneficiary population growth); or where the legislation or other provisions clearly add a new component or activity to an ongoing program or significantly revise an ongoing program (in which case the estimates should include an appropriate amount to cover the cost of the added activity).

In the case of such legislation renewing or extending ongoing programs amounts for new substantive activities (i.e., activities not authorized in existing or expiring legislation or proposed reductions in activities) should be shown separately as nonadd entries. These entries should reflect only the increased (or decreased) costs due to policy changes proposed in the reauthorization legislation and should exclude the changes in funding requirements due to factors uncontrollable under current (or expiring) law, such as beneficiary population growth (or decline), etc.

6. Similarly, in the case of legislation authorizing new programs, the forward estimates should reflect only the discretionary decisions made for the budget year. Thus, the forward estimates will be a simple projection of the amount required for continuation on an annual basis of the approved program level that was incorporated in the estimate for the budget year. The projection for future years may, if and only if appropriate, take account of uncontrollable factors such as population growth; for example, population growth (or other demographic factors) may be considered if, and only if, it is clearly recognized in the legislation or other provisions as a determining factor in the size of the program.

B. The Budget of the United States Government, Fiscal Year 1973, Table 16, entitled "Legislative Proposals for Major New and Expanded Programs in the 1973 Budget," contains the following pertinent footnote:

"This table is supplied pursuant to the requirements of sec. 221(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510). Except for cost-of-living adjustments for social security and veterans compensation, the estimates represent simple projections

of cost expressed in constant dollars at prices existing at the time the estimates are prepared. They are not intended to predict future economic conditions; they do not reflect possible changes in the scope or quality of the proposal which might result from experience gained in actual practice; nor do they reflect in all cases possible reductions in the costs of other programs that may come about as a result of adoption of the proposals. Further, the resources which might appropriately be applied in later years will require a reexamination of the relative priorities of these and other Government programs, in the light of economic and other circumstances then prevailing. Thus, the estimates do not represent a commitment as to amounts to be included in future budgets."

ATTACHMENT C  
Circular No. A-19  
Revised

PUBLIC LAW 89-554 (5 U.S.C. 2953)

"(a) Each report, recommendation, or other communication, of an official nature, of an executive agency which-

"(1) relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1,000,000,

"(2) is submitted or transmitted to the Congress or a committee thereof in compliance with law or on the initiative of the appropriate authority of the executive branch, and

"(3) officially proposes or recommends the creation or expansion, either by action of the Congress or by administrative action, of a function, activity, or authority of the executive agency to be in addition to those functions, activities, and authorities thereof existing when the report, recommendation, or other communication is so submitted or transmitted; shall contain a statement concerning the executive agency, for each of the first 5 fiscal years during which each additional or expanded function, activity, or authority so proposed or recommended is to be in effect, setting forth the following information:

"(A) The estimated maximum additional -

"(i) man-years of civilian employment, by general categories of positions;

"(ii) expenditures for personal services; and

"(iii) expenditures for all purposes other than personal services;

which are attributable to the function, activity, or authority which will be required to be effected by the executive agency in connection with the performance thereof; and

"(B) such other statement, discussion, explanation, or other information as is considered advisable by the appropriate authority of the executive branch or that is required by Congress or a committee thereof.



- "(b) Subsection (a) of this section does not apply to-
- "(1) the Central Intelligence Agency;
  - "(2) a Government controlled corporation; or
  - "(3) the General Accounting Office."

PUBLIC LAW 91-510, THE LEGISLATIVE REORGANIZATION ACT OF 1970  
SECTIONS 252(a) (2 U.S.C. 190j) and 252(b)

Section 252(a) of the Act provides:

"(1) the report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations) shall contain -

"(A) An estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

"(B) a comparison of the estimate of costs described in subparagraph (a) made by such committee with any estimate of costs made by any Federal agency; or

"(C) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (A) or (B), or both, is impracticable.

"(2) It shall not be in order in the Senate to consider any such bill or joint resolution if such bill or joint resolution was reported in the Senate after the effective date of this subsection and the report of that committee of the Senate which reported such bill or joint resolution does not comply with the provisions of paragraph (1) of this subsection."

Section 252(b) amends the Rules of the House of Representatives by adding similar language applicable to House committees.

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

**ATTACHMENT D  
Circular No. A-19  
Revised**

**Director, Office of Management and Budget  
Executive Office of the President  
Washington, D.C. 20503  
Attention: Assistant Director for  
Legislative Reference**

**Subject: Proposed report on H.R. 10000, 92nd Congress**

**The Department of Government has been requested to submit a report on the subject bill, which is identical with H.R. 9000 of the 91st Congress.**

**Will you please advise whether there is any objection to submitting the same report on the subject bill as was cleared by you on June 27, 1970, except for the following modifications:**