

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Requesting Written Legal Opinions from OGC

Number: 123.7

Date: 9/9/93

Originating Office: Information Systems and Technology Division, Information Resources Mgmt & Training Branch

This Replaces: 123.7 Dated 11/25/85

Distribution: Headquarters, Areas, and Locations

This DIRECTIVE states the ARS policy and outlines procedures for requesting a written legal opinion from OGC.

1. ABBREVIATIONS

- AD - Area Director
- AAO - Area Administrative Officer
- DAAM - Deputy Administrator for Administrative Management
- OGC - Office of the General Counsel

2. POLICY

It is ARS policy to send each request for a written legal opinion from OGC to the DAAM for signature. However, ARS encourages employees to consult informally with OGC attorneys when necessary to conduct official business and for purposes of determining whether a request for a written legal opinion is necessary and appropriate.

3. RESPONSIBILITIES

Deputy Administrator, Administrative Management will review and approve each request and forward to OGC as appropriate.

Headquarters, Divisions, and Staffs will review each request for OGC legal opinions and provide a recommendation to the DAAM.

4. COVERAGE

This DIRECTIVE applies only to requests for written legal opinions. These opinions would normally be needed as advice for Agency decision making.

This DIRECTIVE does not apply to requests for OGC review or handling of administrative matters requiring review by regulation or statute. Examples of such matters include mistake-in-bid cases; tort claims; debt collection; permits (revocable and easements); patent applications; real property acquisitions/leases; environmental issues; Freedom of Information requests (FOIA); Privacy Act (PA) Actions; Federal Register documents; and legal clearance required for Cooperative Agreements, Memoranda of Understanding, and contracts.

5. PROCEDURES

Requester: Prepare a memorandum for the DAAM's signature requesting a written legal opinion. The requester explains the circumstances and facts of the situation. Requester should provide appropriate background documents. Identify an individual who may be contacted by

OGC for additional information.

Area or Headquarters: Review and send request to the appropriate Headquarters Division or Staff Subject Specialist for review and recommendation.

Headquarters Division or Staff Subject Specialist: Review and make recommendation to Division or Staff Director

Headquarters Division or Staff Director: Recommend approval/disapproval and forward request to DAAM.

DAAM:

- Approve and forward to OGC.
- Receive formal OGC opinion and returns it to the requesting office.

JANE L. GILES
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Administrative Management