



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

Memorandum

To: Service Directorate

From: **Acting** Deputy Director *K Adams* APR 12 2001

Subject: Guidelines on Responding to Legislative Referrals

Referrals give the Service an opportunity to review and express our views regarding pending legislation, testimony or other related external policy matters. Referrals originate from either the Secretary's Office of Legislative Counsel, in the case of items from other parts of the Interior Department, or the White House's Office of Management and Budget, through the Legislative Counsel, in the case of matters from other Departments.

Unfortunately, referrals often come with extremely short deadlines. These are set by OMB or the Secretary's office. For review of testimony, these deadlines are inflexible. However, in other cases, Congressional and Legislative Affairs (CLA) may be able to obtain an extension of time because of the complexity of the subject matter under review. If time is short, quick review of the material is important to ensure that the Service's views are incorporated into the Department's response to the referral. It is important to note that comments that do not meet deadlines may not be considered.

There are two types of comments on referrals - technical and policy. If you have a technical comment (an incorrect citation to a regulation or mistake in explanation, for example 6 listed species are impacted instead of 3), this can be faxed, e-mailed or telephoned to the CLA specialist listed on the referral without any further review.

However, if the substance of the comments addresses a policy change, written comments, in memo form, should be submitted to CLA. Prior to sending comments, please be sure that they are surnamed by the Assistant or Regional Director (or someone Acting in that capacity). CLA will then review them and take them to the Director's office for surname. The comments must then be approved by the Director and Assistant Secretary before going to the Legislative Counsel's office. CLA and Legislative Counsel will then make a concerted effort to negotiate either adoption of the Service recommendation or a resolution which incorporates as much of the Service recommendation as possible.

To assist in having your concerns addressed, the following points should be kept in mind:

1) Keep the comments as clear and concise as possible. Address what is specifically of concern and avoid using jargon and acronyms.

2) Comment only on the issue in front of you. Complaints over past issues, generic criticisms of other agencies and other non-focused comments are counterproductive.

3) If possible, offer an alternative rather than simply object to the position in question, and include an explanation.

4) *Be sure that comments are not in conflict with established policy, including the President's budget request.* Once something is decided, these referrals are not an opportunity to revisit the issue. If in doubt, check with the CLA specialist listed on the referral.

The standard format is as follows:

Section 1. [Name of section].

- Summarize the section. Only include sections that affect Service interests.
- Explain how this affects current mandates and Service programs (positively or negatively).
- Include any alternatives with an explanation.

Comments completed in this manner make it much easier for CLA to ensure that Service concerns are addressed.

Please distribute this to all Assistant Regional Directors and Deputies.

Questions regarding referrals should be directed to the Office of Congressional and Legislative Affairs at (202) 208-5403.