



U.S. Department of
Transportation

Office of the Secretary
of Transportation

ORDER

DOT 2050.3A

4-22-86

Subject: PREPARATION OF LEGISLATION, LEGISLATIVE REPORTS AND
LEGISLATIVE TESTIMONY

1. PURPOSE. This Order establishes policy and procedures for the development, coordination, and review of legislation, legislative reports and legislative testimony.
2. SCOPE. This Order applies to all legislation and legislative reports developed within the Department of Transportation (DOT) except for matters involving the Appropriations Subcommittees, which are covered by DOT 1220.2A, dated 10-19-79. This Order also applies to all testimony before committees of Congress other than appropriations testimony, made by officials of the Office of the Secretary (OST) and the Operating Administrations.
3. CANCELLATIONS.

DOT 2050.3, Preparation of Legislation and Legislative Reports, of 7-17-70; and

DOT 1220.1A, Legislative Testimony, of 4-6-72.
4. REFERENCE. Office of Management and Budget (OMB) Circular A-19, (Revised), Legislative Coordination and Clearance, September 20, 1979.
5. PREPARATION OF LEGISLATION.
 - a. Preparation of Legislative Program. Pursuant to the OMB Circular No. A-19 (Revised), the Department must prepare annually its proposed legislative program for the forthcoming session of Congress. This program is to be developed before or concurrently with the preparation of the annual budget and submitted to OMB at the same time as it initially submits its annual budget request, as required by OMB Circular A-11 (Revised), Preparation and Submission of Budget Estimates. The request for submissions for the Annual Legislative Program will be sent out by the General Counsel, Office of Legislation, to all OST offices and Operating Administrations in the third quarter of each calendar year. The response should be in the format prescribed by Attachment A to OMB Circular No. A-19 and in such additional detail as may be prescribed by the request. The General Counsel is responsible for preparing the Annual Legislative Program for submission by the Secretary to OMB, in coordination with the Assistant

Secretary for Policy and International Affairs, the Assistant Secretary for Governmental Affairs, and the Assistant Secretary for Budget and Programs.

- b. Legislation Originating Within the Office of the Secretary. All proposals for the preparation of legislation originating within OST should be submitted to the General Counsel, Office of Legislation, for action. The Office of Legislation is responsible for managing the development of a draft bill, together with necessary letters of justification, and for coordinating it with all other interested OST offices, Operating Administrations, and OMB.
- c. Legislation Originating Within the Operating Administrations. Each Operating Administration is responsible for preparing draft legislation, in final form, affecting its missions or functions along with necessary letters of justification for submission to the Congress. The proposed legislation shall be submitted to the General Counsel, Office of Legislation, which is responsible for managing the clearance of the draft bill, together with necessary letters of justification, and for coordinating it with all other affected OST offices, Operating Administrations, and OMB.
- d. Legislation Drafted at the Request of Congress. The Department need not submit to OMB for clearance those draft documents prepared as a "drafting service" for a Congressional committee or Member of Congress. Each document should contain a disclaimer that preparation of the document does not constitute an endorsement of the proposal. If the document is sent with a DOT transmittal letter, the letter should also contain a disclaimer. Moreover, the Office of Legislation and the Assistant Secretary for Governmental Affairs shall be advised of all requests for drafting services when received and shall be furnished a copy of any written material before or at the same time it is provided to the Congress.
- e. Review by Assistant Secretaries for Budget and Programs and Policy and International Affairs. The Assistant Secretaries for Budget and Programs and Policy and International Affairs are responsible for reviewing all legislative proposals for consistency with budget, policy and program objectives.

6. PREPARATION OF LEGISLATIVE REPORTS.

- a. Definition. For purposes of this Order, the term "legislative report" means any written expression of views prepared by an agency on a pending or proposed bill for transmittal to any committee member, officer or employee of Congress, or staff of any committee or member, or any comment or recommendation on pending legislation included in an agency's annual or special report that an agency proposes to transmit to Congress or any member or committee, or to make available to any study group, commission or the public. Also included is any written expression on a pending or proposed bill to the public, whether voluntary or in response to a request from the public, unless that expression or view has been officially cleared by OMB. Not included are routine acknowledgments.
- b. Responsibility.
 - (1) The General Counsel, Office of Legislation, is responsible for receiving all requests for legislative reports, determining their priority, designating the action and commenting offices, providing available legislative background, and coordinating proposed reports within the Department and with OMB. All reports shall be coordinated with the Assistant Secretary for Policy and International Affairs, the Assistant Secretary for Budget and Programs, and the Assistant Secretary for Governmental Affairs. A copy of all legislative reports should be furnished to the Assistant Secretary for Public Affairs.
 - (2) The action office designated by the Office of Legislation is responsible for developing the Department's program position on legislation. In preparing the Department's position, the action office shall take into account the views submitted by commenting offices.
 - (3) Deadlines for submission of comments and reports are set out in the "Request for Views" memorandum from the Office of Legislation.
 - (a) Enrolled Bills. Reports on enrolled bills must be submitted to the Office of Legislation within 24 hours following the receipt of the request for the report. Deadline extensions are not allowed.

- (b) OMB Requests. OMB requests usually have some slight flexibility in their deadlines. While unilateral extensions are not permitted, reporting offices may seek deadline extensions from the Office of Legislation.
- (c) Congressional Requests. When requested by the action office, the Office of Congressional Affairs shall consult with the Committee that has jurisdiction over the bill to determine when the views report is really needed. If additional time exists after factoring in 30 days for OST and OMB clearance, the deadline may be extended, with notification being given by the Office of Congressional Affairs to the reporting office and the Office of Legislation.
- c. Inspector General Procedures. Nothing in this Order is intended to contravene the authority granted the Inspector General by Public Law 95-452, regarding legislative proposals, reports, or comments.

7. LEGISLATIVE TESTIMONY.

- a. An Operating Administration or Secretarial Office is responsible for the timely drafting of testimony and materials for witnesses testifying on issues that affect its program. It is responsible for coordinating requests for appearances with the Assistant Secretary for Governmental Affairs, Office of Congressional Affairs, and testimony, briefing materials, questions for the record, and transcripts with the General Counsel, Office of Legislation. In addition, briefing materials for OST witnesses should be cleared through the Office of Legislation. Anyone in OST or an Operating Administration who receives a written or oral request for DOT personnel to appear before the Congress to testify should promptly telephone such request to the Office of Congressional Affairs, 472-9700. The first person receiving such request is not authorized to commit any particular witness to testify. A copy of all legislative testimony should be furnished to the Assistant Secretary for Public Affairs.

- b. The Assistant Secretary for Governmental Affairs, Office of Congressional Affairs, is responsible for receiving all requests for testimony; notifying the Assistant General Counsel for Legislation, the Assistant Secretaries for Budget and Programs and Policy and International Affairs, the Operating Administrations involved, and all other interested offices; recommending the witness(es), in consultation with these offices, to the General Counsel; informing the Congressional committees of the witnesses who will appear, ascertaining areas of particular interest to the committee and its members; distributing copies of testimony to committee staffs and to other appropriate parties; and, assuring that post-hearing requests of Congressional committees are promptly met. Once the Assistant Secretary for Governmental Affairs, in conjunction with interested OST offices, has determined that an Operating Administration, rather than an OST witness would be appropriate, the Operating Administration assumes the lead role in designating the witness and coordinating that decision with OST.
- c. The General Counsel, Office of Legislation, is responsible for consulting with the Office of Congressional Affairs and other interested offices to determine the appropriate witness(es); recommending the witness(es) to the General Counsel; and assuring that the DOT testimony is responsive and is fully coordinated with all interested elements of the Department and OMB; the Assistant Secretaries for Budget and Programs and Policy and International Affairs shall be given an opportunity to review all opening statements. The General Counsel is responsible for recommending whether the Secretary or Deputy Secretary should be witnesses, and for designating the witness(es).
- d. The Department has been requested to make all testimony available to the Congress at least 24 hours prior to the hearing. In order to meet this requirement, it is essential that testimony for most witnesses be delivered to the General Counsel, Office of Legislation, at least six working days prior to the date of delivery to permit clearance within OST and OMB. Testimony and briefing materials for the Secretary or Deputy Secretary must be delivered at least 12 working days prior to the date of delivery to permit clearance within OST and OMB for transmittal to the Secretary or Deputy Secretary one week in advance. In the event that hearings are not announced far enough in advance to comply with the 6- and 12-working day advance delivery of testimony, the Office of Legislation shall be consulted and an alternative schedule developed.

- e. The General Counsel, Office of Legislation, is responsible for clearing transcripts and questions for the record. The Operating Administrations have primary responsibility for editing the transcripts of their witnesses and preparing responses to questions for the record. The Assistant Secretary for Governmental Affairs (Office of Congressional Affairs) is responsible for returning corrected transcripts and responses to questions for the record to committee staffs and other appropriate parties.
 - f. Liaison on legislative matters in the Operating Administrations are the Offices of Legislation or their equivalent in the Offices of the Chief Counsel.
8. FORMAT. Formats for the legislative program, legislative proposals, legislative reports, and legislative testimony are available from the Assistant General Counsel for Legislation (Rm. 10100). Please call 426-4687 for sample documents.

FOR THE SECRETARY OF TRANSPORTATION:

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Administration