

# ARS □ CSREES □ ERS □ NASS

## *Policies and Procedures*

**Title:** Legislative Programs, Reports, and Testimony

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This DIRECTIVE states responsibilities and requirements for:

- Developing legislative programs.
- Preparing legislative reports.
- Appearing as witnesses before Congressional committees on proposed legislation.

# Table Of Contents

1.	ABBREVIATIONS . . . . .	3
2.	DEFINITIONS . . . . .	3
3.	RESPONSIBILITY . . . . .	3
4.	LEGISLATIVE PROGRAM . . . . .	4
5.	LEGISLATIVE REPORTS . . . . .	4
6.	OTHER CONSIDERATIONS . . . . .	5
7.	TESTIMONY BEFORE CONGRESSIONAL COMMITTEES . . . . .	5

## 1. ABBREVIATIONS

- EIS - Environmental Impact Statement
- OMB - Office of Management and Budget
- PL - Public Law
- USC - United States Code

## 2. DEFINITIONS

**Proposed Legislation** is a draft bill with supporting documents, which is presented to Congress for consideration.

**Legislative Report** is a written expression of official views on pending or proposed bills or resolutions prepared for transmittal to an committee member, or officer of Congress, the OMB, or presentation as testimony before a Congressional committee.

NOTE: This does not include justifications for appropriations or proposals for reorganization plans.

**Enrolled Bill** is a bill passed by both Houses of Congress and presented to the President for action.

**Advice** is information received from OMB-stating one of the following:

- Relationship of particular legislation and reports to the President's program.
- Views of OMB as a staff agency for the President with respect to legislation and reports.

**Witness Statement** is testimony prepared for presentation before any Committee or Subcommittee of the Congress; except this does not: include testimony for presentation before the Appropriations Committees.

## 3. RESPONSIBILITY

**The Chief, Legislative Staff**, in consultation with appropriate officials, will:

- Develop, prepare, and coordinate:
  - ARS legislative program.
  - Witness statements for Congressional committees pertaining to legislation, except those concerned with appropriations.

- Develop, prepare, coordinate and control all legislative reports referred to ARS.

NOTE: Legislative Report requests shall not be transferred to any other agency in the Department without the prior concurrence of the Chief, Legislative Staff.

#### **4. LEGISLATIVE PROGRAM**

Each year for the forthcoming session of Congress, the Chief, Legislative Staff, prepares a proposed legislative program. The program:.

- Is sent to the Administrator, Agricultural Research Service, to select items for the USDA program.
- Is used by the White House, OMB, and other Executive Office staff to assist the President in preparing:
  - Legislative program.
  - Annual and special messages.
- Annual budget.
- Includes all items of legislation, including proposals to:
  - Repeal provisions of existing law.
  - Extend provisions of expiring law.
  - Seek additional authority.

NOTE: Items included will be based on the President known legislative, budgetary, and other relevant policies.

#### **5. LEGISLATIVE REPORTS**

Requested by Congressional committees or individual Members of Congress.

Letters to Congress sending legislative proposals initiated by ARS for consideration."

Voluntary legislative reports to submit information on a bill or resolution for which no report has been requested, but which would:

- Assist a congressional committee.
- Be deemed available or necessary from the standpoint of USDA.

Requested by OMB on:

- Proposed Executive Orders.
- Legislative proposals pending, in Congress or proposed by other Federal government agencies.
- Enrolled bills and resolutions after legislation has been passed by Congress and is ready for Presidential action.

Oral testimony on proposed legislation when ARS personnel are requested to report or comment orally to Congress or OMB.

NOTE: ARS will not disclose USDA's position on legislation until: Advice has been received from OMB and the report has been sent to the Congressional committee requesting the report.

## **6. OTHER CONSIDERATIONS**

PL 89-554 (5 USC 2953) requires cost data be presented with legislative proposals and with favorable reports on pending legislation.

PL 91-190, The National Environmental Policy Act of 1969 (42 USC 4332 (s) (c)) requires preparation of EIS's in connection with: Favorable reports on pending legislation, and legislative proposals which would significantly affect the quality of the human environment.

NOTE: The Chief, Legislative Staff, is responsible for determining the need for and preparation of EIS's.

Legislation under review should be evaluated as to whether or not it carries out the provisions of law, Executive Orders, and other relevant directives in the area of civil rights.

PL 80-772, the Anti Lobbying Act (18 USC 1913) prohibits the use of appropriated funds for the purpose of influencing legislation except as specified in the law.

## **7. TESTIMONY BEFORE CONGRESSIONAL COMMITTEES**

Except for testimony on appropriations, all employees when requested to appear as a witness will notify the Chief, Legislative Staff, to:

- Coordinate within ARS.
- Notify appropriate offices within USDA.
- Prepare the witness statement
- Obtain necessary clearances within USDA.

- Reproduce copies of the statement.
- Deliver statement to the committee in time for the hearing.

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