

The questionnaire was sent to 70 departments or agencies, and 38 filled-out questionnaires were returned. Every executive department except one replied. Most of the larger independent agencies replied. A number of the smaller agencies stated informally that they would not reply because they received so few requests for legislative reports that their comments would not be significant. In some cases the replies did not include answers to all questions. For convenience the term "agency" in this summary means department or independent establishment.

Acknowledgment of Requests

31 agencies send acknowledgment letters to Congress when requests are received for legislative reports, and 7 do not.

9 agencies send acknowledgments in the case of requests from the Budget Bureau, and 26 do not.

22 agencies type individual acknowledgment letters, and 8 use form letters. Of the 8 agencies who use the form acknowledgment letters, 5 also have the signature processed in advance.

In 13 cases (none including an executive department) the agency head signs the acknowledgment letters. In 11 cases the letters are signed by the chief of the legislative division or the assistant, associate, or deputy general counsel for legislative matters. In 2 cases the general counsel signs the letters, in one case an assistant secretary for legislative matters, in one case an assistant administrator, and in one case an executive assistant to the agency head.

Processing Copies of Reports

Most agencies merely said they submit processed copies when the committees ask for them. One agency noted that committees are increasingly asking for copies.

Four agencies process all reports. One agency said they have to do this anyhow, to get enough copies for internal and Budget Bureau use, and that they use the same master copy for ozalid (when only a few copies are needed) or Xerox (when many copies are needed).

One agency always sends a supply of processed copies except in the case of reports on private bills.

When committees do not ask for extra copies, 1 agency sends original only; 2 send 1 carbon; 2 send 2 carbons; 1 sends 3 carbons; and others made no notation on this point.

In 27 cases these processed copies are prepared in a central office; in 5 cases by program units within the agency.

In 17 cases the processed copies are made when the reports are originally prepared, in 16 cases they are made when the reports are ready to be transmitted to Congress, and in 2 cases they are made after the report has been sent to Congress.

In 16 cases these copies are produced by multilith, 10 by mimeograph, 12 by one of the new photo-copying machines, 1 by automatic typewriter, and 1 by ditto. One agency merely said "typewriter." Some specified photo-copying processes were: Xerox, 3 cases; Copyflo, 1; and Ozalid, 1. In addition, one agency said Ozalid for a few copies, Xerox for many copies (using the same master copy).

Clearance with the Budget Bureau

The letters to the Budget Bureau, requesting clearance of proposed reports, are signed by the same officials that sign the acknowledgment letters, except as follows:

- In 4 cases the General Counsel signs the letters to the Budget Bureau, whereas the agency head signs the acknowledgment letters.
- In 3 cases the agency head signs the letters to the Budget Bureau, whereas the legislative officer signs the acknowledgment letters.
- In 1 case the agency head signs the letters to the Budget Bureau, whereas the General Counsel signs the acknowledgment letters.
- In other cases for which no notation was made regarding acknowledgment letters, the letters to the Budget Bureau are signed by the deputy agency head in 1 case, the general counsel in 1 case, and the agency head in 2 cases.

In 9 cases a form letter is used for transmitting proposed reports to the Budget Bureau, and in 25 cases individual letters are typed.

In 18 cases the anticipated clearance paragraph is typed onto the proposed report at the time it is originally prepared (subject to possible revision after Budget Bureau review). In 16 cases the clearance paragraph is not added until the actual clearance is received.

In 9 cases the reports are signed before the usual copies are transmitted to the Budget Bureau for clearance; in these cases the signed copy is held in a special file so as to avoid premature release. In 25 cases the reports are not actually signed until the Budget Bureau has cleared them.

One agency said "The Budget Bureau advises that" is typed onto the reports prior to Budget Bureau clearance, but that the remainder of the sentence is left blank, although the reports are actually signed before being sent to the Budget Bureau. After clearance, the remainder of the clearance sentence is typed onto the report and it is then dispatched to Congress.

One agency stated that, when the reports are first typed, "THIS IS NOT A FINAL REPORT" is included on page 1, and the clearance paragraph is enclosed in brackets. After Budget Bureau clearance, the report is retyped without these safeguards.

One agency said reports, which have been signed by the agency head prior to submission to the Budget Bureau for clearance, are not mailed to Congress after Budget Bureau clearance until this action is authorized by the assistant

general counsel for legislative matters or his immediate superior, the associate general counsel. If there is substantial delay in securing Budget Bureau clearance (for example more than three months), the report, even though it has been signed by the agency head, is again presented to him for advice as to whether the report currently reflects his views.

One agency said all mail forwarded for signature, from the legislative division, is returned directly to the division after signature (rather than to the agency's mail room). When a report is forwarded for signature but not to be mailed, a note to this effect is paper-clipped to the signature page and the report is so assembled that it cannot be mailed out by mistake (certain materials which must go with the file, when mailed, are held back).

Three agencies actually date the reports to Congress at the time they are sent to the Budget Bureau for clearance, but 32 do not.

Release of Copies of Reports

Five agencies release copies of their reports to persons other than the addressees without request, 29 do not, and 2 usually do not.

There was considerable variation in the policies as to who are eligible to get copies of reports upon request, as follows:

- 11 said anyone, but that they check with the committees first.
(Several of these said they do not check with the committees if the reports have been made public in a public document, such as hearings, committee reports, or Congressional Record. Two said they usually, but not always, check with the committee. One said they check with the committee in the case of authors of bills, but that in other cases they ask the requesting party to check with the committees.)
- 6 send copies only to other agencies.
- 2 send copies only to other agencies and committees and members of Congress.
- 1 said any "authorized Government official."
- 1 said press, members of Congress, and organizations having an obvious interest.
- 1 said anyone, if the report is published and clearance is obtained from the committee.
- 3 said anyone, without checking with the committee.
- 1 said probably anyone, without checking with the committee.
- 1 said the interested public, without checking with the committee.
- 1 said persons or offices with official interest.
- 1 said requests are usually referred to the committee, but that separate letters are sometimes sent, stating the agency's views.
- 1 said copies are furnished only within the agency.
- 1 said furnished within the agency and sometimes to others.
- 2 said copies are not given to anyone.
- 1 said copies are generally not given to anyone.
- 1 said anyone having an interest, except where confidential material relates to a private bill or claim.
- 1 said usually only those to whom the committee would furnish copies.

Thirteen agencies check with committee staffs before sending copies to authors or others, 14 do not, and 11 generally do not. In most cases the check with committee staffs is made by phone, and 1 agency specifically stated that a record is made of the contact.

Two agencies send copies to the ranking minority member, and 3 do so in the case of 1 committee each, at the request of the ranking minority member. (Question 6d on the questionnaire apparently was not clear, so the replies are not meaningful; but several agencies said they had not had occasion to face this question, which involves the practice that is followed when ranking minority members request to have copies of reports sent to them regularly.)

General

In 11 agencies rough drafts of reports are routed within the agency for review before the reports are typed in clean form with the usual number of copies. In 19 agencies the reports are typed in clean form with copies before being routed for review within the agency. In several agencies the method of handling is determined on an individual basis.

In 26 agencies the reports are typed in a central office, while in 8 agencies they are typed in a program unit of the agency.

Most agencies have some sort of system for obtaining preliminary policy review, prior to drafting reports, in selected cases. In 7 agencies the selections of cases are made by the general counsel or legislative officer, in 2 agencies by an assistant secretary, and in 2 agencies by the program units. In 8 of the agencies most of the policy determinations are obtained through discussion, in 2 agencies by memorandum, and in other agencies by a combination of these methods or by unspecified methods.

The following techniques were stated for insuring that deadlines are met and that reports are not unduly delayed:

Weekly reports on pending "priority" cases, weekly meetings with the assistant secretary for legislative matters, and routine and special follow-ups by the legislative division.

Upon receipt of a congressional request for a report, a completion target date is estimated by the attorney to whom the case is assigned (after consultation with interested divisions and offices) and posted on a central control card. If the target date is more than 30 days, the requestor of the report is so advised by letter. Strict controls are maintained in the offices of the agency head and the general counsel to complete the report on or before the target date or to adjust the target date.

All deadline cases are posted on a blackboard with a time schedule for completing each step.

Monthly status report.

All cases are recorded on a visidex card file system. These cards have appropriate tabs in color to indicate status of report and deadlines. In addition, the second in command in the legislative division diaries all deadlines and is responsible for insuring that deadlines are met.

General counsel receives weekly progress reports from attorneys to whom work is assigned.

A central office establishes firm due dates and maintains follow-ups to insure meeting the deadlines.

Those cases with deadlines are flagged and periodic check is made. Others are allowed to run their normal course, since most officers respond within a month.

In 25 agencies the agency head or acting head signs the reports, in 3 agencies the deputy head, in 5 agencies an assistant head, in 1 agency an assistant to the head, in 1 agency the head or deputy head, and in 1 agency the general counsel.

Thirty-four agencies said they try to answer all requests for reports. Four said they are selective on the basis of such factors as the following: Likelihood of consideration; pressure of work; inability to agree; extent of pressure from Budget Bureau or committee; relative importance to the agency; ascertainment from committee staff whether it is necessary to submit a report when no action is expected; arrangements for committees to furnish information as to bills they expect to consider.

If requests for reports are still unanswered at the time the second regular session of Congress adjourns sine die, 10 agencies go ahead and submit the reports anyhow, 8 cancel the cases unless the committees specify that they want the reports during adjournment, 4 make a determination on the basis of individual cases, 3 submit proposed reports to the Budget Bureau and let that agency decide whether to review them, 2 generally submit reports during adjournment but not always, 2 make individual determinations usually on the basis of informal contact with the committee staffs, 2 do not submit reports after adjournment, 2 inquire of the committees whether they still wish to receive the reports, 1 generally cancels the pending cases, 1 cancels unless there is specific indication that the committee still wants a report or unless it is to the agency's advantage to have its position "firmed up," and 1 has not had occasion to face this question.

Miscellaneous procedures were described as follows:

One agency types reports in final form on duplimat, which can be used to make copies for use of the agency, the Budget Bureau, and Congress, thus eliminating the retyping of individual reports.

One agency uses a Stenofax machine to cut stencils electrically and states that this has resulted in quicker, more accurate, and more readable copies.

In one case a two-stage procedure has been found helpful in multi-lithing proposed reports. The agency multiliths at one time all copies needed both for Budget Bureau clearance procedure and for submission to the committee, but they assemble only the copies needed for clearance. After Budget Bureau clearance they add the appropriate paragraph by an over-stencil, make any other needed revisions, and assemble the report for submission to the committee and for general distribution.

One agency has developed model letters to be used as guides.

When a proposed report is submitted to the agency head for approval and transmittal to the Budget Bureau for advice, one agency gets clearance initials on the file copy of the proposed report, as well as on the file copy of the transmittal letter; and they state that this saves time when Budget Bureau advice is received.

Program units submit proposed reports to the legislative office in final form with all necessary clearances except those in the office of the agency head.

A rubber stamp is used, stating "no objection" advice from the Budget Bureau, on copies for internal use.

A briefing memorandum accompanies all important or involved reports.

Copies of proposed reports are sometimes sent to the Budget Bureau informally in advance of, or in place of, formal submission.

One agency obtains additional time for preparation of reports on enrolled bills by noting the final Congressional action early in the mornings following such action, then arranging for work to begin on the reports prior to receipt of the Budget Bureau requests.

In cases involving major policy questions, one agency obtains policy determinations, prior to the preparation of the legislative reports, by circulating to top officials statements setting forth the policy questions and recommendations, with requests that those statements be returned to the legislative division with notations as to the attitude of each such official. If there is a disagreement among these officials, the case is usually sent to the deputy agency head to make or arrange for a decision as to the agency's position.

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Mr. Warner

*Sorry, but yours was
received after this summary
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Carl Lapp

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