

STANDARD OPERATING PROCEDURE
VIEWS ON LEGISLATION and LEGISLATIVE DRAFTING SERVICES

Attached is the current guidance on the preparation of legislative drafting services and for administering requests for views on proposed legislation. Drafting services for appropriations language should be sent to the appropriate contact in CECW-B. All other drafting service requests should be forwarded to CECW-PL.

When the field gets a request for a legislative drafting service from a congressional staff person or a Member, the first thing to do is to prepare the draft legislation that is requested. After this has been done, prepare an e-mail giving the member's name and the name, location, telephone number of the staff person requesting the drafting service and the circumstances of the drafting service and forward that and the draft legislation to CECW-PL (through the appropriate Division Headquarters, if required). The contact persons in CECW-PL are as follows:

xxxxxxx - North Atlantic Division, South Atlantic Division

xxxxxxx- Mississippi Valley Division, Great Lakes and Ohio River Division, South Western Division

xxxxxxx- North Pacific Division, South Pacific Division, Pacific Ocean Division

When the legislative drafting service has been cleared, it will be returned to the field for submission to the congressional staff person, or alternatively, it will be forwarded directly to a staff person in the Member's D.C. office.

Attachment - 3 Oct 97 letter on Views on Proposed Legislation and Legislative Drafting Services

3 October 1997

CECW-A/CECW-B

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Administering Requests for Views on Proposed Legislation and Legislative Drafting Services

1. References:

- a. CECW-PL/CECW-B memorandum, dated 7 June 1991, subject as above.
- b. [OMB Circular A-19](#), revised 20 September 1979, subject: Legislative Coordination and Clearance.

2. Purpose: The purpose of this memorandum is to update guidance on administering requests for views on proposed legislation and legislative drafting services. I understand and fully support your need to be responsive to congressional interests regarding civil works matters. We must ensure, however, that our dealings with the Congress reflect an understanding and support for the Administration's policies and initiatives and conform to the requirements of OMB Circular A-19.

3. Guidance:

a. Legislative proposals (bills): Official, written Army views on bills impacting on civil works activities are made by the Assistant Secretary of the Army (Civil Works) after coordination with and clearance by the Office of Management and Budget (OMB). It is the responsibility of OMB to coordinate and clear agency reports on legislative items before they are submitted to the Congress. The purpose of the clearance is to assure the necessary coordination with other interested agencies involving an agency's proposed report and that the comments or recommendations are consistent with the President's policies and programs. The term 'report' as used here refers to any written expression of official views on a pending bill for transmission to any committee, member, officer or employee, or presentation of testimony before a congressional committee. **Requests for reports on bills or testimony from congressional interests, must be forwarded to HOUSACE (ATTN: CECW-AL) for action, except that requests for reports on appropriation bills, testimony, or related language or statements should be forwarded to the appropriate regional branch in CECW-B.**

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b. Legislative drafting services:

(1) **Legislative drafting services consist of either draft legislation intended for introduction in the United States Congress; or draft study resolutions which may be approved by the Senate Committee on Environment and Public Works, or the House Committee on Transportation and Infrastructure. Legislative drafting services are only performed for Members of the United States Congress, or their staff, or for committee staff of the United States Congress.** Legislative drafting services requested by congressional interests need not be cleared by OMB; however, before-the-fact coordination with HQUSACE is required, copies of final versions of drafts must be furnished to HQUSACE, and certain caveats must be clearly stated.

(2) Draft legislation provided to congressional interests must be accompanied by a statement that the draft (1) is at the specific request of the congressional interest, (2) is provided as a technical service only, and (3) does not imply an agency position, or support for, or a commitment by the Administration. All drafting services require coordination and approval by HQUSACE, and this coordination must take place before the draft legislation is provided to the requestor. **Requests for legislative drafting services clearly intended for an appropriations bill should be forwarded to the appropriate regional branch in CECW-B, CECW-BE, tel: (202) 761-0808, CECW-BC, tel: (202) 761-0799 and CECW-BW, tel: (202) 761-8587. All other requests for legislative drafting services must be forwarded to CECW-AL, tel: (202) 761-0117 for appropriate action.**

(3) When it is clearly in the responsibility of the field element receiving the request, a first draft of the requested legislation or resolution should be forwarded along with the requesting letter, or in the case of a verbal request, a copy of the congressional contact report explaining the request. In the case of draft resolutions, in addition to the copy of the draft resolution, forward an information paper containing the following: (1) location and description, (2) desires of local interests, (3) need and desirability of a feasibility study, (4) scope, (5) combining/considering this review with other outstanding reports/authorities, (6) costs and schedule, (7) study outcome, and (8) map (attach, if available).

c. Disclaimer:

(1) The following disclaimer should be included when the **draft legislation** is returned to the requestor:

“The draft legislation is provided as a drafting service at your request and should not be construed as an Army or Administration position on this proposal.

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Under departmental procedures, the official position on the merits of this legislation will be developed by the Secretary of the Army in response to a request from the chairman of the committee having the legislation under consideration, and then only after coordination with the Office of Management and Budget and other agencies.”

(2) The following disclaimer should be included when a **draft resolution** is returned to the requestor:

“The draft resolution is provided as a drafting service at your request and should not be construed as an Army or Administration position on this proposal.”

4. I request your personal involvement to ensure that all personnel involved in providing views on legislative proposals and legislative drafting services are mindful of the coordination and clearance requirements stated herein. Questions may be directed to CECW-AL, Milton Rider, tel: (202) 761-4467, or CECW-BA, John Micik, tel: (202) 761-0705.

FOR THE COMMANDER:

(signed)

RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works