



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-194300

HEADS OF DEPARTMENTS AND AGENCIES:

SUBJECT: Observations on the Management and Operation of Executive Branch Legislative Liaison Offices

At the request of the Chairman, Select Committee on Congressional Operations, House of Representatives, we reviewed the operations of 10 executive branch legislative liaison offices. The Committee believed our findings would be useful to the executive agencies, and, accordingly, this document was prepared. HSE05810

Our review disclosed varying patterns of operations and effectiveness among executive branch legislative liaison offices. This document summarizes our observations and identifies those practices and procedures which marked the more effective liaison offices.

We hope that sharing our knowledge of these activities with you will improve the working relationship between the executive branch and the Congress.

A handwritten signature in black ink, appearing to read "Thomas A. Skates".

Comptroller General
of the United States

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BACKGROUND

Executive branch departments and some large agencies, bureaus, etc., within them have established legislative liaison offices (LLOs) to help in the awareness, understanding, communication, and cooperation between the Congress and executive branch on matters of mutual interest. LLOs are responsible for providing information and assistance to the Congress and to executive department and agency officials. They must maintain close working relationships between members of the Congress and their staff and executive branch representatives.

LLOs serve as executive department representatives on the Hill and seek to create a favorable climate in the Congress for the policy and legislative initiatives of their organizations. On the other hand, LLOs often serve as congressional representatives in executive departments seeking departmental receptivity to congressional initiatives to promote constructive compromise in areas where congressional and departmental views differ.

LLOs' duties

Duties usually assigned to LLOs include:

- Providing members and committees of the Congress with information concerning executive branch actions, plans, and programs which might appreciably affect their respective State, district, and committee responsibilities (e.g., grant and contract awards, installation establishments, closures, reductions or expansions, etc.).
- Recording and responding to or coordinating responses to telephonic and written inquiries received from members of the Congress and their staffs on policy, legislative, and constituent matters.
- Presenting and clarifying for members of the Congress departmental views and priorities on policy and legislative matters and likewise keeping departmental officials informed of congressional views and priorities.
- Supervising, coordinating, and arranging the presentation of formal statements, testimony, briefings, and reports to members and committees of the Congress by executive personnel.

- Developing, coordinating, and processing departmental actions related to proposed legislation, executive orders, or Presidential proclamations.
- Monitoring and evaluating the content and status of proposed legislation and advising departmental officials thereof.
- Resolving intradepartmental differences on legislative matters.
- Identifying areas of compromise between congressional and departmental positions on issues.

A large portion of LLOs' workload is the management and response to written and telephonic congressional inquiries. Estimates of the number of written congressional inquiries received annually by 10 LLOs ranged from approximately 2,000 to 145,000. Telephonic inquiries ranged from an estimated 3,500 to 104,000 annually.

Nature of congressional inquiries

Written and telephonic inquiries received by executive branch LLOs from congressmen or their staffs are commonly categorized as either (1) constituent or casework inquiries or (2) policy and legislative inquiries.

Most constituent or casework inquiries, though received directly from congressmen or their staffs, originate with private citizens. Constituent inquiries usually concern executive branch actions affecting an individual or group of individuals, such as veterans, servicemen, social security claimants, Government employees, and welfare recipients. Subjects of inquiries might include

- loss or nonreceipt of Veterans Administration or social security benefit checks,
- status of license or grant application,
- eligibility requirements for Federal assistance programs,
- disputes of regulatory actions, and
- location of individual servicemen.

Policy and legislative inquiries originate with and come directly from congressmen and their staffs. General areas of inquiry include

- program implementation and results,
- budget justification,
- proposed program and legislative initiatives,
- existing or proposed regulations, and
- draft legislation.

Generally, department level LLOs receive and respond directly to inquiries involving policy and legislative matters and major agency or bureau LLOs respond to constituent inquiries received directly or delegated to them from the department level LLO. In many executive departments, agency or bureau LLOs also provide back up and other support to department level LLOs responding to legislative inquiries.

The staff in most department level LLOs are political appointees with several years of Hill experience. The staff in lower level agency or bureau LLOs are generally career civil servants with experience as agency or bureau program officers.

OBSERVATIONS ON THE MANAGEMENT AND OPERATION OF LLOs

P. 4 To further assure timely and substantive responses to congressional inquiries, all LLOs should consider adopting the practices and procedures that were observed at selected LLOs. The following observations are not necessarily all-inclusive nor applicable to every LLO. LLO systems and procedures should be tailored to the differing types and volumes of inquiries received; the size, nature, and diversity of departmental program organizations and operations; and the varying roles and functions assigned to LLOs at different organizational levels. The practices discussed below should be studied in light of these and possibly other relevant considerations.

Detailed practices and procedures related to the following aspects of responding to congressional inquiries are discussed in the remainder of this document.

Rec --Delegating and referring inquiries.

- Guiding congressional contacts.
- Assuring timely responses.
- LLO staff experience and training.
- Attitudes toward congressional relations.

Delegating and referring inquiries

LLOs need not prepare all responses to congressional inquiries. Many inquiries received by LLOs can be adequately responded to by program offices without LLO involvement. Whether an LLO responds to an inquiry or assigns the task to another agency office for direct response or preparation of a response should depend on (1) the nature of the inquiry and (2) the LLO's confidence that the agency response to the inquiry will be adequate and timely.

Some inquiries, for example, require detailed knowledge of agency or department program operations. Direct assignment of these inquiries to program staff can lead to more timely and complete responses. Staff familiar with program details may more fully understand congressional questions, be able to explain data and clear up misconceptions, and provide detailed answers more quickly. LLO staff, on the other hand, may omit data due to lack of both understanding and ability to clearly present program details.

Program offices should be given inquiries involving mostly factual data or noncontroversial policy issues--well understood throughout the department or not easily misconstrued--and these offices should respond directly with "information copies" for LLO files. Program offices should also be given casework-type inquiries and those involving the mere recitation of often-stated departmental and agency policies; these should require only minimal review by the LLO staff.

All responses to the Congress involving controversial policy should be reviewed by LLOs to assure that they are complete, responsive, and agree with department or agency policy. Responses requiring extensive policy interpretation of program data and presentation of policy and legislative issues probably should be prepared by LLOs with input from the program offices. Other less policy-oriented responses could be prepared in draft by program offices and reviewed by LLOs before issuance.

Misconstructions and misconveyances of departmental position and policy may result from inappropriate assignment to program staff of inquiries involving broad policy issues. Some inquiries/responses involve a mixture of policy and program data and require presentation and/or interpretation in a departmentwide setting. Assignment of such inquiries to program offices for direct response would be inappropriate if the responses were to be prepared by staff too involved in program details to have a sufficiently broad perspective on policy issues.

The ability of program offices to respond to policy-related inquiries can be enhanced if LLOs periodically meet and discuss policy issues with key program officials to further assure a clear understanding of agency/department positions. Such briefings can also assist LLOs in maintaining awareness and control over congressional communications. Informed program office staff, for example, are more likely to know when they should involve LLOs in responding to sensitive congressional inquiries received directly.

Avoiding inappropriate assignments or referrals

Non-LLO personnel responsible for assigning response preparation and referral of phone callers should be trained in congressional relations and be familiar with departmental and agency program staff so they can decide whether program staff should be asked to respond directly to inquiries. In all cases, before making assignments or referrals, non-LLO personnel should be certain that they will be made to appropriate personnel. If non-LLO personnel are unsure of the assignments or referrals they are making, they should be encouraged to check with senior LLO officials first. Moreover, persons to whom referrals or assignments are made should be questioned regarding their familiarity with the substance of inquiries and their ability to respond.

Non-LLO personnel assigning inquiries must be able to recognize those which cross program lines and require involvement of more than one respondent. Assignment of such inquiries to only one respondent may lead to incomplete replies.

Records of inquiry/response assignments should be maintained so senior LLO staff may review those which involve the subject matters and/or congressmen with whom they specialize. Assignments of inquiries requiring written

response should be reviewed right away to avoid wasted effort on the part of inappropriate respondents and delay in the LLO's preparation and response.

Guiding congressional contacts

Congressmen and their staffs often make inquiries directly to agency or bureau offices. If direct contacts are not made with knowledgeable sources, unresponsive and/or untimely replies may result. Incorrect contacts need not occur. Those that do may stem largely from failure of LLOs to provide congressional offices with information on appropriate points of contact.

Some LLOs want to receive and respond to all congressional inquiries and thus discourage direct congressional contacts with program staff. For example, some LLOs in letters of introduction to new members of the Congress list only one name and phone number--for the head of the LLO--as a reference for directing inquiries. Some other LLOs list all their staff members and the program areas they handle. Few, however, explain the nature of inquiries (policy, legislative, budgetary, or constituent) appropriate for direction to LLO staff and few provide non-LLO contacts. Failure of LLOs to guide congressional inquiries can lead to contacts selected from phone books and perhaps numerous subsequent referrals which may or may not lead to appropriate sources.

LLOs could assist congressional members by providing them with an "inquiry guide" which lists all LLO staff departmentwide and explains not only the subject matter but the type of inquiry appropriately directed to each. An inquiry guide might also list appropriate program office contacts for inquiries of a strictly factual nature. Availability of inquiry guides can reduce the number of misdirected inquiries and incorrect responses and the time spent by LLOs in making assignments and referrals.

Congressional phone calls are often referred to the first person or office number coming to the mind of the agency employee receiving the call. In addition to using inquiry guides, all staff departmentwide should be instructed that when receiving direct congressional inquiries, particularly phone calls, it is the agency's or receiving person's responsibility to determine the appropriate point of contact. All department staff should be made aware of the LLOs' capacity to identify contact points and be instructed to avail themselves of such assistance, if necessary, before referring inquiries.

Assuring timely responses

To assist in achieving the objectives of timely and substantive responses and of the LLO awareness of congressional interest, LLOs should establish mechanisms for recording and monitoring all written and substantive telephone inquiries received departmentwide or agencywide. Inquiries should be identifiable by date of receipt, response due date, inquiring congressional member and/or committee, constituent involved (if applicable), program or issue area, nature of inquiry (policy or case), point of receipt, and location of respondent or organization to which response assignment was made. Due dates should be established for both phone and written inquiries, and the LLO staff should be able to monitor responses by due date and locate responses in process at all times.

When two or more organizations are involved in response preparation, the LLO should make a clear assignment of responsibility for coordinating response preparation and establish deadlines for receiving response input by the coordinating office. Reviews of responses by offices not involved in response preparation should be limited in number and by time. Reports of past due and upcoming due responses should be prepared and used to remind responsible offices to complete response preparation.

Receipt of written congressional inquiries regarding constituent matters should be acknowledged immediately in writing with some indication of when responses can be expected. Such acknowledgements are considered vital by congressional offices because they provide congressmen with responses that can be immediately forwarded to constituents informing them that their problems are being handled promptly. Substantive interim replies should be prepared--preferably before the due dates--for all inquiries which cannot be responded to by established or negotiated due dates. Such replies should also be prepared for all inquiries which require a long time to completely respond to (perhaps 15 days) even though inquirers may know this.

The adequacy of telephone systems in LLO offices is very important. Phone calls are often urgent matters (i.e., matters that cannot wait for preparation of written inquiries and responses).

LLO phone systems should be set up to minimize the probability of busy lines. When messages must be taken, receptionists should ask the nature of the call so that the LLO

staff can be prepared to respond when returning the call. All LLO staff should be urged to return calls promptly, and alternative provisions should be made to return calls made to the LLO staff who are out of the office for the day or longer.

All written and substantive telephone inquiries and responses, whether case or policy oriented, should be centrally recorded for easy reference by the LLO staff. Files should be maintained so the LLO staff can review inquiries by congressmen, programs, and issue areas.

The LLO staff should be familiar with the content of all substantive telephone inquiries, all written inquiries, and responses (including interim responses) involving policy, legislative, and appropriation matters, but not all casework type inquiries. Analysis of inquiries by issue area may identify areas of increasing congressional interest, areas needing more explanation to the Congress, and programs needing better administration.

In many departments and agencies, automated equipment is used to log and track congressional inquiries and responses. At one agency, for example, automated equipment is used for recording, filing, and referencing communications and virtually all program data retrieval.

Using automation for communications logging and tracking may be justified based on large workloads. Workloads and the number and diversity of both agency programs and associated issues provide a basis for deciding whether automated equipment should be used for recording, filing, and referencing communications.

Centralized computer retrieval of program data permits almost immediate response to many casework type telephone inquiries. Retrieval of all program data may not be feasible in some departments, however, because of the diversity of program operations.

Departments and agencies having difficulty responding to inquiries in a timely fashion should consider automation and other system characteristics discussed in these guidelines. Systematic procedures should be established for periodic independent evaluations of the timeliness and quality of LLO and program office responses to congressional inquiries. LLOs should request feedback regarding their responsiveness from congressional offices. The program office

staffs and the LLO staff should assess systems for processing congressional inquiries and should take actions when necessary to improve their services.

LLO staff experience and training

LLOs should be staffed with individuals having either Hill or program experience, or both, to respond better to policy/legislative and constituent/casework inquiries.

LLO staff members that have previously served on the Hill usually bring a sense of urgency to responding to congressional inquiries. LLO staff members with Hill experience understand the nature of congressional office operations and are usually familiar with the often unstated priorities which these offices place on inquiries. Being familiar with the legislative process, they may more easily recognize the significance of actions taken on pending legislation and can better assess the status and potential outcome of their departments' legislative initiatives. Such staff may be better able, therefore, to provide departmental officials with realistic assessments of congressional climate which can be used to guide departmental/congressional negotiations.

An LLO staff possessing intimate knowledge of department, agency, or bureau programs enables the LLO to respond quickly to constituent inquiries or those requiring strictly factual data. LLOs often receive inquiries requiring only the conveyance of such things as a general understanding of program origin, objectives, scope or magnitude, impact, methods of implementation, progress, and proposed changes. In answering this type of inquiry, as well as a constituent inquiry, staff with extensive program experience usually know immediately the appropriate source of information for a substantive response.

LLO staff members working on constituent inquiries must be able to recognize responses which require policy input and those of which policy specialists should be made aware. Some responses to constituent inquiries, for example, require an explanation of agency action in terms of governing policy. Other responses may require an explanation of actions which deviate or appear to deviate from agency policy. Still other responses may concern agency actions in areas where policy is not firmly established. Responses to such inquiries may need to be worded so agency action is not construed as representative of established or existing policy.

LLO staff members should be trained to maximize their capability to handle various requests for information in an informative, expeditious, tactful, and professional manner. As a minimum, orientation/training should provide instructions on the agency's general policy regarding congressional relations; agency programs, objectives, and general administration; specific agency policy and position on legislative and programmatic issues currently of interest to the Congress and the agency; and general office protocol.

Orientation for LLO staff members should include instructions on the

- roles and responsibilities of LLOs throughout the department and the interrelationship that exists among them;
- agency policy on the release of information to members of the Congress or congressional staff;
- agency policy regarding congressional staff access to program personnel at headquarters and field office locations;
- procedures for responding to policy/legislation and constituent/casework inquiries and differentiating between these types of inquiries;
- procedures for receiving, recording, and responding to telephone inquiries;
- procedures for referring written and telephone inquiries to program personnel at headquarters or field office locations;
- importance of responding within the established time frame;
- LLO protocol regarding contacts made with members of the Congress or congressional staff; and
- letterwriting format and style.

The above list of training areas is not all-inclusive. Accordingly, each LLO should review its operations and determine those functions which would benefit from staff orientation and training.

Attitudes toward congressional relations

The success of implementing procedures to further assure adequate response to congressional inquiries is largely dependent on the attitudes of both LLO and the program office staff toward congressional relations. Some LLO staff, for example, may view their role as primarily an advocate for executive department positions. They may limit information disclosure to the minimum required by congressional inquiries and only to such data as they believe will shed favorable light on their departments' performance. Some program personnel may be reluctant to deal with congressional inquiries because they fear either criticism of their performance or budget cuts or simply because they lack an appreciation of the need for give and take in information exchange. Ultimately, top level management may not possess or convey a strong commitment to full cooperation between the Congress and the executive branch.

Top level management may help coordinate departmental congressional liaison activities and further assure adherence to related policy and procedures by assigning responsibility for its department's overall congressional relations to a high level departmental official. In addition, it can include that official and other key LLO staff in meetings of top level departmental officials. Authority and responsibility for implementing departmental policy and procedures for congressional liaison should be assigned to a position high enough in the organization to command the influence and power necessary for exercising such authority. Assignment of responsibility for congressional relations to a high level official, such as an assistant secretary, demonstrates top management's concern for congressional relations. Cooperation between agency and department level LLOs is generally enhanced when meetings of their staffs are chaired by an official possessing the stature of an assistant secretary. Coordination of departmental policy and legislative communications with the Congress can be helped when the chief departmental LLO official is a member of or at least a participant in meetings of departmental policy counsels and if he/she meets periodically with LLO, policy, and legislative staffs throughout the department.

To increase the probability that congressional inquiries are handled appropriately, departmental policy and procedures on congressional relations should stress the need for balance in LLO roles and the need for timely and substantive responses to congressional inquiries. Policy and procedural guidance should be documented and distributed

to all staff. Overall policy should stress the importance of maintaining open communication and cooperation between the Congress and the executive branch. Procedural guidance should require strict adherence to such things as deadlines, acknowledgements, interim replies, response review and coordination channels, inquiry and response documentation, and criteria for referring and assigning congressional inquiries.

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