

GUIDANCE RELATING TO CONGRESSIONAL RELATIONS ACTIVITIES

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) guidance for VA personnel on matters related to Congressional Relations Activities and the presentation of official views on legislation.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This directive sets forth responsibilities for the Department's Congressional Relations Program. This directive will address:
 - a. Participation of VA officials in Congressional hearings;
 - b. VA officials contacts with Members of Congress and Congressional staff; and
 - c. Providing official VA views on pending or proposed legislation.
3. **RESPONSIBLE OFFICE:** The Office of Congressional and Legislative Affairs (009).
4. **RELATED DIRECTIVE:** None.
5. **RESCISSIONS:** None.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Melissa S. Glynn, Ph.D.
Assistant Secretary for
Enterprise Integration

/s/
Robert L. Wilkie
Acting Secretary of Veterans Affairs

**DEPARTMENT OF VETERANS AFFAIRS: GUIDANCE RELATING TO
CONGRESSIONAL RELATIONS ACTIVITIES**

1. PURPOSE AND SCOPE. It is essential the views and position of the Department of Veterans Affairs and the Administration be presented to Congress clearly and consistently. The purpose of this directive is to provide guidance for Department personnel on matters related to Congressional Relations Activities and the presentation of official views on legislation.

2. POLICY

a. Application. The guidance contained herein applies to all official testimony, official Congressional visits and briefings, and requests for official views on pending or proposed legislation or budget issues. "Official" refers to any testimony, including any material submitted for the record, meeting or statement of views that occurs or is prepared or presented on official duty time, or presented by a VA witness whose travel expenses are paid by the Government. This directive does not inhibit the rights of employees on their own behalf to petition or furnish information to Congress in a whistleblower capacity or to engage Congress outside of their official capacity, and exercise their right of free speech under the First Amendment of the Constitution. These provisions are consistent with and do not supersede, conflict with, or otherwise alter employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to the Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection.

b. Hearings

- (1) Because Congressional hearings involve significant issues of policy, the need for coordination of all testimony and responses presented to Congressional committees is critical. Conflicts and inconsistencies with Department policy, as well as factual inaccuracies, in the testimony of VA witnesses must be identified and resolved. Accordingly, prior to being sent to Congress, all written testimony by official witnesses must be reviewed and cleared by the Department and the Office of Management and Budget (OMB) to ensure a coordinated and effective presentation of the official views of VA and the Administration.
- (2) To the maximum extent possible, VA employees will be encouraged to participate in hearings as requested by VA committees of jurisdiction, subject to the guidelines contained

herein. Those testifying should be forthright, accurate, and cooperative. When a witness' personal views are requested in response to an oral question at a hearing, they may be presented as such without fear of reprisal or retaliation. However, when expressing personal views, the witness must make clear that the witness is testifying in his/her personal capacity and the views expressed in no way represent the views of the Department.

- (3) For Congressional hearings conducted either in Washington, DC or at a field location, the following actions will be taken:
 - (a) **Notification.** The appropriate Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary will be notified immediately when an employee is contacted with regard to either testifying in an official capacity at, or providing information for, a Congressional hearing, to include field hearings.
 - (b) **Clearance.** Administration Heads, Assistant Secretaries, other key officials, and Deputy Assistant Secretaries, as well as field directors, will ensure that the prepared statement of any employee who is presenting official testimony at a Congressional hearing, either in Washington, DC or at a field location, is forwarded to the appropriate office in VA Central Office (VACO) for review and concurrence. It must then be reviewed by the Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary involved, by the Office of Congressional and Legislative Affairs (OCLA), and by the Office of General Counsel (OGC). Following approval by the Chief of Staff or his/her delegated authority, OCLA will be responsible for obtaining any Office of Management and Budget (OMB) clearance necessary. OCLA will also be responsible for obtaining any required White House clearance that is not obtained by OMB. Any changes to the prepared testimony during the review and concurrence process will be communicated to the witness by OCLA.
 - (c) **Clearance for Hearings on the Department's Budget.** For hearings on the Department's budget, the Office of Management (OM) will coordinate and review official Department statements, testimony, and questions. The Office of Management will act as the primary liaison with OMB for these hearings.
 - (d) **Other Materials.** Materials, other than testimony, requested by Members of Congress or their staffs to be provided for the record of a hearing will also be forwarded by the appropriate

VACO office for review by OCLA and OGC, or the Office of Management, as appropriate, (as under subparagraph (b) or (c) above). This includes responses to pre-hearing and post-hearing questions, copies of correspondence, directives and other requested items. After clearance, OCLA will be responsible for seeing that the materials are transmitted to Congress except in the case of materials requested by a Committee on Appropriations which will be the responsibility of OM.

c. Contacts with Members and Congressional Staffs

- (1) Department employees will generally report to their Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary, with a copy to the Office of Congressional and Legislative Affairs, all telephone, email, text message or otherwise personal contact with Members of Congress, their staffs, or other employees of the Legislative Branch involving the discussion or interpretation of legislation, Department policy, or otherwise sensitive matters involving Veterans or employees regarding the Department's goals, mission, budget, or programs. This requirement does not apply to constituent casework and the routine furnishing of publicly available materials or data regarding VA programs and operations. However, the policy is intended to be inclusive rather than exclusive so that the Secretary and other top leadership officials can be informed as to significant Congressional concerns and interests regarding VA. Thus, doubt as to whether a contact should be reported should be resolved in favor of reporting. Noncompliance with this guidance will be brought to the attention of the Chief of Staff for resolution.
- (2) All meetings that are scheduled between VACO personnel and Members of Congress, Congressional staff (whether personal staff or committee staff), or other employees of the Legislative Branch will be coordinated by the Office of Congressional and Legislative Affairs. In the rare instances when Congressional staff contact VA staff directly to schedule a meeting, VA staff should immediately report the date, time, place, agenda and anticipated attendees for the planned meeting to OCLA. An OCLA staff member will accompany VA personnel in all meetings with Members of Congress or Congressional staff that take place in Washington, DC.
- (3) While field officials are expected to have regular contact with Members and their staffs on a local level, all information and views transmitted must be consistent with Department and Administration policy. Questions on national policy issues or issues of a sensitive nature should be discussed with the appropriate VA officials prior to

discussion with Members of Congress and district and state Congressional staff. Significant discussions of national or local policy are to be reported to the appropriate Administration Head, Assistant Secretary, other key official, or Deputy Assistant Secretary and to the Office of Congressional and Legislative Affairs.

- d. **Legislative Views** Requests from all sources for the views of the Department on pending or proposed legislation are to be referred to the Office of Congressional and Legislative Affairs. OCLA will work with the Office of General Counsel, in consultation with the appropriate Administration Head, Assistant Secretary, other key official, and Deputy Assistant Secretary, in the preparation and clearance of any letter, report, or statement that expresses the views of the Department on legislative matters. Unless otherwise specified, all letters or reports to the Congress or another Executive Branch agency, including OMB, that establish the Department's views on pending or proposed legislation will be signed by the Secretary.
- e. **Exclusion** The Office of Inspector General is specifically excluded from the requirements of this directive.

3. RESPONSIBILITIES

- a. Overall responsibility for coordinating Department Congressional Relations Activities is assigned to the Assistant Secretary for Congressional and Legislative Affairs. The Office of Congressional and Legislative Affairs will be the focal point for Department interaction with Congress and the management and coordination of all Congressional activities except as outlined in this directive.
- b. Administration Heads, Assistant Secretaries, other key officials, and Deputy Assistant Secretaries will monitor compliance with this directive by officials and employees under their jurisdiction, including field activities, and will issue implementing instructions as necessary.