

1040.4 ADM Congressional and Intergovernmental Inquiries and Relations

Date: 03/08/2018 **Status:** Validated **Outdated on:** 03/07/2025

GENERAL SERVICES ADMINISTRATION

Washington, DC 20405

ADM 1040.4

March 8, 2018

GSA ORDER

SUBJECT: Congressional and Intergovernmental Inquiries and Relations

1. **Purpose.** This Order establishes the policy and procedures General Services Administration (GSA) Services, Staff Offices, and Regions must follow for handling Congressional and Intergovernmental inquiries and relations. This Order formalizes agency procedures for communications with the U.S. Congress (Congress), State & local governments, and Tribal and foreign governments by:
 - a. Ensuring the Administrator's and Administration's positions and policies are conveyed to Congress and State and local governments accurately, clearly, promptly, professionally, and consistently;
 - b. Making preparations so that Members of Congress, their staffs, and individuals from other governments can work with GSA in a systematic and efficient manner; and
 - c. Providing a mechanism to keep the Administrator informed of all agency-related matters of interest to Congress, State, local, Tribal, and foreign governments.
2. **Cancellation.** GSA Order, ADM 1040.3 Congressional and Intergovernmental Inquiries and Relations, dated July 24, 2017, is cancelled.
3. **Background.** GSA must speak with one voice. Information provided to Congress, State, local, Tribal, and foreign governments by GSA employees that addresses official GSA policies and positions must be consistent, factually accurate, clear, and in accordance with GSA policies and positions. This Order sets out procedures all GSA employees must follow in providing information about GSA policies and positions to Congress, State, local, Tribal, and foreign governments.
4. **Policy.** GSA employees must obtain approval from the Associate Administrator for Congressional and Intergovernmental Affairs or his/her designee before responding to inquiries from Congress, or other governments, for the Administrator's or other official GSA position on legislation or other substantive issues to ensure accurate and up-to-date information is provided. Congressional inquiries include those from the following people:
 - a. Members of Congress;
 - b. Congressional Committee staff;
 - c. Members of Congress personal staff (Washington, DC and District or State offices);
 - d. Members of Congress Leadership staff;
 - e. Congressional Research Service (CRS) staff;
 - f. Congressional Budget Office (CBO) staff;
 - g. Clerk of the U.S. House of Representatives and his/her staff;
 - h. Chief Administrative Officer of the U.S. House of Representatives and his/her staff; and

i. U.S. Senate Sergeant at Arms and his/her staff;

5. Procedures. All GSA employees represent the agency while they are working in their official capacity, and they must be certain that, in their communications with Congress or other governments, they are explicit about whether a position is an official GSA view or position. Therefore, official communications with Congress and other governments must be consistent and convey the views of the Administrator and, where applicable, other GSA officials with delegated program responsibility. The following procedures will be followed in dealings with Congress and other governments:

a. Congressional communications.

(1) Correspondence. All Congressional communications, whether by correspondence, telephone calls, email, fax, or any other media, must be immediately forwarded to the Associate Administrator for the Office of Congressional and Intergovernmental Affairs (OCIA) or his/her designee. OCIA will be responsible for coordinating all responses back to Congress to ensure they are accurate, timely, helpful, and consistent with the views of the agency and the Administration. When a formal response is required, OCIA determines which office will prepare the draft response and who the signatory will be, and then inputs this information, along with the incoming letter, into GSA's correspondence data tracking system. OCIA will coordinate closely with GSA's Executive Secretariat and the drafting office as the response moves through the concurrence process. Should OCIA find any reason to postpone the drafting of the letter (for example, a more detailed briefing is being coordinated), OCIA will notify Executive Secretariat and the drafting office.

(2) Congressional hearings.

(a) Testimony. OCIA leads the preparation and clearance of statements to be presented by GSA witnesses before a Congressional Committee, and may request assistance from offices with subject matter expertise. At a minimum, the Office of General Counsel (OGC) must review each statement. Congressional statements also require approval from the Office of Management and Budget (OMB) before submission to Congress. Given these required clearances, other organizations should strive to be as timely as possible in providing any information or data that may be needed by OCIA in support of statement preparation. If possible, statements should be submitted to OCIA 10 days prior to the scheduled hearing.

(b) Questions for the record. OCIA leads the preparation and clearance of answers to questions from Congressional hearings that are submitted in writing after hearings, and may request assistance from offices with subject matter expertise. At a minimum, OGC must review these responses. Questions for the record also require approval from OMB before submission to Congress. Given these required clearances, other organizations should strive to be as timely as possible in providing any information or data that may be needed by OCIA in support of responding to these questions.

b. Congressional Research Service (CRS) inquiries. All inquiries from CRS for an official GSA position must be directed to the Associate Administrator for OCIA or his/her designee. OCIA is responsible for coordinating all responses back to CRS.

c. Congressional Budget Office (CBO) inquiries. All inquiries from CBO for an official GSA position must be directed to the Associate Administrator for OCIA or his/her designee. OCIA is responsible for coordinating all responses back to CBO.

d. Statement of Views on Legislation. OMB frequently requests GSA's views on legislative matters. The Associate Administrator for OCIA or his/her designee will coordinate responses to these requests and deadlines must be met to ensure a timely and accurate characterization of the Administrator's views.

e. Meetings with foreign entities. GSA receives regular requests from foreign entities to meet with GSA officials or have GSA officials participate in a meeting or conference in a foreign country. Any request received by a GSA office or employee must be immediately forwarded to the Associate Administrator for OCIA or his/her designee. OCIA will then coordinate with the Department of State and GSA's Office of Mission Assurance to make a determination on whether or not to proceed with the meeting or trip.

f. Services for Native American Tribes. Any inquiry received by a GSA office or employee from a Tribe concerning GSA actions and policies that affect Tribes should be forwarded to the Associate Administrator for OCIA or his/her designee. OCIA will coordinate with the relevant GSA office(s) and respond with the appropriate information.

g. State and local governments. OCIA plays the primary role in coordinating outreach to State and local governments, in coordination with partner Federal agencies and the White House Office of Intergovernmental Affairs. Therefore, communications to State and local governments, while not always requiring the same level of clearance as communications to Congress, should be reported to the Associate Administrator for OCIA.

6. Applicability. This Order is applicable to all GSA employees.

7. Whistleblower Protection. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the 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 an 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. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

8. Exceptions, waivers and questions.

a. Exceptions. The Heads of Services and Staff Offices, Regional Administrators, and Regional Special Assistants to Regional Administrators may personally and directly respond to incoming telephone inquiries regarding GSA's official position regarding issues in their areas of responsibility that are public information of a highly technical nature and not specific to legislation pending in Congress; however, the Associate Administrator for OCIA or his/her designee must be notified of the conversation as soon as practical.

b. Waivers. Conditional waivers may be granted on a case-by-case basis by the Associate Administrator or his/her designee.

c. Questions. Questions about whether this Order is applicable to a particular situation or how this Order should be applied, should be directed to the Associate Administrator for OCIA or his/her designee, who will decide if OCIA is the office responsible for GSA's response.

9. Signature.

/s/ _____

EMILY W. MURPHY

Administrator

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