

## NIH POLICY MANUAL

### 2300-300-1 - DETAILS TO CONGRESS AND THE EXECUTIVE OFFICE OF THE PRESIDENT

Issuing Office: OD/OHR/DWM 402-8121

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1. **Explanation of Material Transmitted:** This chapter provides NIH policy and procedures on details to Congressional Committees and the Executive Office of the President.
2. **Filing Instructions:** File as Manual 2300-300-1 dated 05/15/98.

**PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
- On-line information, enter this URL:  
<http://www3.od.nih.gov/oma/manualchapters/>

#### **A. Purpose:**

This document provides the policies and procedures for detailing NIH employees to Congressional committees or the Executive Office of the President (EOP). A separate policy is being issued because details to these organizations are handled in a considerably different manner than other details within the Executive Branch of the Government.

#### **B. References:**

3 USC 112 authorizes the heads of Federal agencies to detail personnel to the White House for temporary assistance to that office. While there is no statute that deals specifically with the detail of Executive Branch personnel to the Legislative or Judicial Branches, several Comptroller General decisions are used for guidance in making details to Congress (21 Comp. Gen. 954 and 1055).

#### **C. Policy:**

NIH supports details of NIH employees to other Federal agencies, including Congress and the EOP, as a valuable tool for learning and exchanging information that should be beneficial to both NIH and the other Federal organizations. However, the authority to approve details to Congress and the EOP does not reside at the IC level. The authority

to approve a detail of an NIH employee to a Congressional Committee is held by the Director, Office of Human Resource Management (OHRM), OD. The Director, OHRM exercises this authority following concurrence by the Director, Office of Legislative Policy and Analysis (OLPA), OD, who will first seek the concurrence of the Assistant Secretary for Legislation, DHHS. A detail to either Congress or the EOP may not begin until the clearance procedure has been completed. The authority to approve a detail to the EOP is held and exercised exclusively by the Director, OHRM. Because the authority to approve and concur in details is held at such high levels it is important that proper procedures be followed to expedite the approval process. To obtain clearance for details to Congressional Committees or the EOP the following actions should be taken:

1. When detailing an employee to a Congressional Committee, an IC should submit a memo to the Director, OHRM requesting approval of the detail. The memo must contain a line for the concurrence of the Director, Office of Legislative Policy and Analysis, OD, and specify the proposed duration of the detail. In addition, the memo should identify the Congressional Committee to which the employee will be detailed and explain the nature of the relationship that the duties of the detail have to those of HHS or will have a direct impact on HHS and therefore will further the purpose for which appropriations are made to HHS, NIH, and/or the IC.

When detailing an employee to the EOP, an IC should submit a memo to the Director, OHRM requesting approval.

2. An IC should also submit a copy of the letter from the Congressional Committee or the EOP asking for the services of the employee.
3. If the proposed detail will exceed 180 days and the Congressional Committee or the EOP have indicated that they will reimburse the IC for the employee's service in excess of 180 days, the IC should include a statement to this effect in the transmittal memo.
4. For a detail to a Congressional Committee, the Director, OHRM will coordinate the process of obtaining concurrence by the Director, Office of Legislative Policy and Analysis, who will first seek the concurrence of the Assistant Secretary for Legislation, DHHS.
5. ICs will be notified when all clearances and approvals have been obtained.

the same procedures should be followed when a detail to a Congressional Committee or the EOP is extended.

#### **D. Annual Reporting:**

In addition to the above, ICs should report to the Deputy Director, OHRM whenever they execute a detail to other Federal organizations outside of DHHS. This information

will be used to meet requirements for annual reporting to OMB. The following information should be provided when details to other Federal agencies are reported: name, title, series and grade of the employee being detailed, the organization to which the employee is being detailed, the dates of the detail and the percent of the detail expenses that will be reimbursed by the gaining organization.

#### **E. Management Controls:**

1. Office Responsible for Reviewing Management Controls Relative to this Chapter (Issuing Office)

Through this issuance, the Office of Human Resources Management, Office of the Director, NIH is accountable for the method used to ensure that management controls are implemented and working.

2. Frequency of Review: No Management Control Review will be required for this issuance due to the infrequency of details and the low inherent risk.

#### **Records Retention and Disposal:**

All records (**e-mail** and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743, "Keeping and Destroying Records, Appendix 1, *NIH Records Control Schedule*," Item 2300-293-2.

**NIH e-mail messages.** NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records.

***These records must be maintained in accordance with current NIH Records Management guidelines. If necessary, back-up file capability should be created for this purpose. Contact your IC Records Officer for additional information.***

All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages. E-mail messages must also be provided to Congressional oversight committees if requested and are subject to Freedom of Information Act requests. Since most e-mail systems have back-up files that are sometimes retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

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