



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

DIRECTOR-S ORDER NO. 102

Subject: Congressional Requests for Documents and Records

Sec. 1 Purpose. This Order establishes Servicewide policy and procedures for responding to congressional requests that involve a Departmentwide or Servicewide (global) search for documents or records.

Sec. 2 Scope.

a. This Order applies to all Service employees. No employee will respond to a congressional global request for documents without following these procedures.

b. These procedures do not apply to routine inquiries, such as requests for general information, a Service report, or other publicly distributed material. In addition, do not report correspondence that is controlled by the Correspondence Control Unit.

Sec. 3 Definitions.

a. **Documents** and **Records** as used in this Order mean existing, internal Service documents and records, requests for which are usually phrased as Aall documents@ or Aall records@ relating to a specific topic or topics.

b. **Certification** is the process used to ensure that a complete search of files and offices was made to locate all responsive documents and that copies of all documents are being submitted.

Sec. 4 Responsibility.

a. The Congressional Document Management Unit (CDMU), Executive Secretariat, will coordinate **all** responses to congressional global requests for documents addressed to any employee of any bureau or office of the Department.

b. The Assistant Director - Planning and Budget is the Service-s senior contact for all matters pertaining to congressional global requests and will certify the Service-s submission of records to the Executive Secretariat unless a different certifier is designated by the CDMU.

c. Regional Directors; Assistant Directors; the Chief, Office for Human Resources; the Chief, Office of Law Enforcement; and the Director, National Conservation Training Center will ensure that all applicable files and offices are searched for responsive documents.

d. The Chief, Division of Policy and Directives Management (PDM) will ensure that PDM coordinates the Servicewide collection of documents, obtains certifications, labels and indexes the records, and coordinates the response with the Office of the Solicitor.

Sec. 5 Point of Contact. Each member of the Service Directorate and the Director, National Conservation Training Center will designate a point of contact for handling congressional global requests. The point of contact is responsible for coordinating the collection of records within the Region/office, reviewing the records, obtaining the certification, and forwarding the documents to PDM by the established due date. Provide the point of contact's name, address, telephone number, facsimile number, and email address to the Chief, Division of Policy and Directives Management within 30 days of the date of this Order. Report any changes immediately.

Sec. 6 Responding to Requests.

a. Immediately forward all congressional requests that involve a global search for Service documents or records, **no matter to whom the request is addressed or how it is received** (e.g., personal request, telephone, facsimile, or electronic mail), to the Division of Policy and Directives Management via facsimile machine at 703-358-2269. Confirm receipt by calling 703-358-1730.

b. The Chief, Division of Policy and Directives Management will consult with the Assistant Director - Planning and Budget, the Office of Congressional and Legislative Affairs, Executive Secretariat, the Office of the Solicitor, and other Service and Departmental offices, as appropriate; provide instructions for responding to the congressional request; and coordinate the Service's response.

c. PDM staff will forward global requests to the designated points of contact via facsimile. The cover sheet (exhibit 1) will include a due date for submission of documents and instructions for responding to the request. In addition, PDM will attach a form for indexing the records (see section 8a), a certification checklist (see d below), and applicable certification forms (see section 9).

d. Service Directorate members and the Director, National Conservation Training Center will ensure that the applicable certification checklist is provided to and completed by each person believed to be a possible possessor of records that would be responsive to the committee request. Each person will complete the checklist accurately, sign it, and return it to the appropriate member of the Service Directorate or the Director, National

Conservation Training Center along with the staff certification form and all responsive records.

Sec. 7 Due Dates.

a. The cover sheet will include a due date. This date must be met to allow time for consolidation, indexing, and Bates labelling of the records in the Washington Office and Freedom of Information Act (FOIA)/privacy review by the Office of the Solicitor.

b. If a due date cannot be met, contact the Chief, Division of Policy and Directives Management as soon as possible and provide the reason for not meeting the due date. PDM will request an extension from the Executive Secretariat; however, if an extension is not granted, offices must meet the original due date.

Sec. 8 Record Submission.

a. Employees must search files and offices completely to locate all documents responsive to the incoming request. Members of the Service Directorate and the Director, National Conservation Training Center will ensure that all documents are reviewed for completeness, responsiveness, and internal consistency before certification (see section 9) and submission to PDM. If a record contains a reference to another item, the referenced item must be found and included in the record submission.

b. The Regional FOIA Officer will review the documents to determine if any have been or would likely be denied under the Privacy Act or FOIA.

c. Index all records on the form provided with the incoming request. The index must be complete and accurate. Annotate the index when documents are determined to be privileged or exempt from disclosure. Include the name of the person who provided each document. The provider is the person whose file contained the document, not the name of an office or the office chief (unless the document came from the chief's files).

d. Unless otherwise indicated, submit all of the following (as a complete package) to the Chief, Division of Policy and Directives Management in sufficient time to allow receipt by the established due date:

(1) Two copies of the records/documents being submitted.

(2) Two copies of the index.

(3) The original and one copy each of the Directorate and staff certification forms (or other certification forms included with the request) (see section 9).

(4) The original and one copy of the certification checklists.

e. The Service FOIA Officer, Division of Policy and Directives Management, will review the documents for Privacy Act/FOIA exemption, consolidate all documents submitted, and ensure that they are reviewed by the Office of the Solicitor prior to submission to CDMU.

Sec. 9 Certifications. Certification forms may vary depending upon the incoming request. PDM will forward the appropriate certification form(s) with each request.

a. Each Regional and Assistant Director; the Chief, Office for Human Resources; the Chief, Office of Law Enforcement; and the Director, National Conservation Training Center must certify that all responsive documents in the possession of employees under his or her supervision are being delivered. A certification of negative search results is required. Exhibit 2 is an example of a Directorate certification form. The Directorate certification form will be signed **only** by members of the Service Directorate and the Director, National Conservation Training Center, or their designated acting. This signature authority may not be redelegated. Submit the original and one copy of the certification form to the Chief, PDM.

b. Exhibit 3 is an example of a staff certification form. Provide the staff certification form to all persons in the Region/office who are believed to be possible possessors of records that are responsive to the committee request. Each Region/office may establish internal procedures for completing this form. Use the staff certification forms to calculate the total costs to be provided on the Directorate certification form. Provide the original and one copy of each staff certification form to the Chief, PDM at the same time the Directorate certification is provided.

Sec. 10 Costs. On the Directorate certification form, include the total for all Region/office costs for processing the document request. This includes, but is not limited to, the costs for locating documents, reproduction of documents, and overnight mail.

a. Reproduction of Documents. Include the number of pages reproduced and the total cost. In figuring the cost per page, use the actual cost per copy or use the standard fee for reproducing FOIA documents.

b. Overnight Mail. Include the total Regional/office cost for overnight mail. This includes overnight mail from field stations to the Regional Offices as well as for overnight mail from the Regional Office to the Washington Office.

c. Staff Time. For each staff member involved in processing a request, include the grade level, number of hours, and total cost. Include this information for each staff member involved in searching for, indexing, and copying documents.

Sec. 11 Effective Date. This Order is effective immediately. It will expire on December 31, 1999, unless it is amended, superseded, or revoked. The contents of this Order will be incorporated into 282 FW 2 of the Fish and Wildlife Service Manual.

/sgd/ JOHN G. ROGERS

ACTING DIRECTOR

Date: August 14, 1998