



# **G**uide to Document Preparation

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**Office of the Secretary  
2012**

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# **C**hapter 1: Introduction

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## **Overview**

This guide provides guidance on how to draft and clear Secretarial documents to ensure that every document for the Secretary's review and consideration is well-written, clear, and direct so the Secretary can make informed decisions or take appropriate action quickly and effectively. It also establishes standards and guidelines for document preparation to ensure that the flow of information is more consistent and responsive. The guide is available as a web-based version and a PDF version at <http://intranet.hhs.gov/about/hs/manuals/index.html>.<sup>1</sup>

Please always keep in mind that every document the Secretary sees can communicate decisions or information to the public, whether the communication is through correspondence, a report, or the Secretary's own remarks. Each document therefore must be well-written, responsive, understandable, thoughtful, and effective in addressing the issues at hand. This guide outlines the standards and guidelines to achieve this goal.

## **Chapters One through Four**

Chapter One provides an overview of key points to remember when drafting and clearing Secretarial documents. Chapter Two briefly describes the Plain Writing Act of 2010 and some of the most important tenets of using plain language. Chapter Three focuses on correct word usage, and Chapter Four offers tips on capitalization and punctuation.

The information in these chapters is not intended to be all-encompassing. For more comprehensive information, please see the "Useful References" section at the beginning of Chapter Two. It highlights the federal government's plain writing website, as well as published style manuals on grammar and punctuation.

## **Chapters Five through Nine**

Chapters Five through Eight provide specific instructions on preparing correspondence, decision memos, information memos and alerts, and briefing memos for the Secretary. Chapter Nine addresses the clearance process, offering tips for clearing documents. It also includes a chart providing an overview of Department components in charge of specific types of clearances.

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<sup>1</sup> There may be different preferences for documents the Department will put on the web. If you have any questions, please consult the ASPA web division or the Department's web style guide, available at [www.HHS.gov/web/policies/webstyle.html](http://www.HHS.gov/web/policies/webstyle.html).

## **Key Points to Remember**

Every day, the Secretary reads dozens of memos, letters, and reports from agencies across the Department. To do so, she needs to be able to scan documents quickly and grasp the main points easily.

Below are 10 basic rules for preparing letters, memos, and other material for the Secretary. The next chapter explains the reasons for some of these rules but most are self-explanatory.

Print this list and keep it accessible. If you follow these rules, you will already be a long way toward achieving the goal of creating documents that are easy to read and easy to understand.

## **Ten Basic Rules**

1. Use simple, clear words.
2. Be concise. Provide only the information the Secretary needs to know.
3. Explain the purpose of the document early and clearly.
4. Write short sentences and short paragraphs in most cases.
5. Keep the document short – generally, a memo of two to four pages and a letter of one to two pages.
6. Use active voice instead of passive voice whenever possible.
7. Use white space, bullets, or other visual tools to present the information in a way that is easy to absorb.
8. Avoid overly technical, scientific, or legal jargon, and keep acronyms to a minimum.
9. Use spell check, and check your grammar.
10. Meet all deadlines, particularly those that are part of the three-week turnaround for responding to Secretarial letters.

# C hapter 2: Plain Writing

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## The Plain Writing Act

On October 13, 2010, President Obama signed into law the Plain Writing Act of 2010. The purpose of the law is to improve clarity and simplicity in government communication.

The Plain Writing Act requires federal agencies to use clear language that the public can understand and use. The law requires agencies to write in plain language all covered documents that are new or substantially revised. Covered documents include those that:

- are necessary for people to obtain any federal government benefit or service or to file taxes;
- provide information about any federal government benefit or service; and
- explain to the public how to comply with a requirement that the federal government administers or enforces.

The Act also requires agencies to use plain writing in every paper or electronic letter, publication, form, notice, or instruction. While regulations are exempt, the Office of Management and Budget has noted that rulemaking preambles are not exempt and that long-standing policies require agencies to write regulations in a manner that is simple and easy to understand.

This chapter contains tips on plain writing. To learn more about plain writing, grammar, and punctuation, please see the references below.

## Useful References

PlainLanguage.gov is the federal government's plain writing website. It discusses the full range of plain language principles. The Federal Plain Language Guidelines are available at [www.PlainLanguage.gov/howto/guidelines](http://www.PlainLanguage.gov/howto/guidelines).

Other helpful resources include:

- *The Elements of Style* (Strunk & White)
- *The Government Printing Office Style Manual* ([www.gpoaccess.gov/stylemanual/index.html](http://www.gpoaccess.gov/stylemanual/index.html))
- *The Chicago Manual of Style*

## Plain Writing Tips to Improve Clarity

### Use *active voice* instead of *passive voice*.

In the active voice, the subject of the sentence *acts*. In the passive voice, the subject of the sentence *is acted upon*. Verbs in the active voice are stronger and enhance clarity. They make a sentence easier to read. Examples:

- |   |  |
|---|--|
| ▪ <i>Active:</i><br>I received your letter.<br>Tom will prepare a report. | <i>Passive:</i><br>Your letter has been received.<br>A report will be prepared by Tom. |
|---|--|

### Use action verbs to avoid word clutter.

Use *does* verbs instead of *is* verbs. Example: *He runs* instead of *He is running*. Avoid past perfect verbs. Example: *We wrote* instead of *We have written*.

- |  |  |
|--|--|
| ▪ <i>Instead of ...</i><br>We are in agreement<br>The host is remembering<br>The Department has established<br>We have shared<br>The Task Force has compiled<br>State law is in compliance | <i>Try ...</i><br>We agree<br>The host remembers<br>The Department established<br>We shared<br>The Task Force compiled<br>State law complies |
|--|--|

### Write short sentences more frequently than long sentences.

Use short sentences to make your point clear on the first reading. People digest short sentences faster than long sentences.

### Write short paragraphs.

Short paragraphs are easier to read than long paragraphs. The white space after a paragraph gives readers a second to absorb the material they have just read before moving to the next paragraph.

### Use pronouns.

Use pronouns such as *you*, *we*, and *us*, when appropriate. Pronouns are more direct and sound like everyday language. In an instruction memo for job applicants, which sentence is more straightforward?

- All job applicants are encouraged to bring writing samples to their interviews.
- We encourage you to bring writing samples to your interview.

### Use parallel construction.

Make sure a series of words, phrases, or clauses in a list are in the same grammatical form so that they are parallel. For example, if the first bullet in a list contains a phrase starting with a verb, all of the bullets in the list should contain a phrase starting with a verb.

### **Avoid unnecessary words.**

Some of the most frequently encountered unnecessary words and phrases, with suggested improvements, follow:

<i>Instead of ...</i>	<i>Try ...</i>
▪ at the present time	now
▪ first annual	first or inaugural
▪ in the event that	if
▪ prior to	before
▪ as a result of	because
▪ for the purposes of	to
▪ reason why	reason
▪ whether or not	whether
▪ certainly	(eliminate this and most other intensifying modifiers, such as "very")

### **Avoid redundant words or phrases.**

- *both* (You can usually just say "and.")
- *either* (You can usually just say "or.")
- *in addition to... also* (They mean the same thing.)
- *and also* (This is almost always redundant.)
- *close scrutiny* (By definition, all scrutiny is close.)
- *advance planning* (You cannot plan after the fact.)
- *major breakthrough* (A minor discovery is not a breakthrough.)
- *new innovation* (Innovations are always new.)
- *but nevertheless* (One or the other is sufficient.)
- *on the occasion when* (Either *on the occasion of* or *when* will suffice. *When* has the advantage of being shorter.)
- *true fact* (If it is not true, it is not a fact.)
- *eliminate altogether* (If some remains, it has not been eliminated.)
- *blue in color* (Context should make it clear.)

### **Use abbreviations and acronyms sparingly.**

Do not introduce an acronym unless it will be used more than once. Avoid using several acronyms in one document, especially if they are not widely recognizable. Numerous abbreviations slow a reader because he or she must stop frequently to recall the meaning of each acronym or find the explanation again in the document.

Generally, you should include the full title or name before introducing its acronym. However, use common sense. If your memo is aimed at FDA employees, you do not need to spell out *Food and Drug Administration* first before referring to *FDA*. FDA employees know what *FDA* means.



## **Plain Writing Tips to Improve Readability**

- Use white space and other design features to make a document easier to read.
- Use bullets or a text box to help readers absorb the material.
- Use headings and sub-headings to organize information.
- Isolate an idea for emphasis.
- Avoid writing in all capital letters.

# C hapter 3: Word Usage

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## Word Usage

Choosing the right word increases the precision of your writing. Avoid incorrectly substituting similar words that have slightly different meanings; using nouns incorrectly as verbs, and vice versa; and using outdated terminology. Below are some words commonly used inconsistently or incorrectly.

### ***Affect/Effect***

*Effect* is a noun. *Affect* is commonly used as a verb and rarely used as a noun.

- *Effect* the noun means *the result of*:
  - The *effect* of the snowstorm was widespread.
  - Cigarette smoke has an *effect* on my breathing.
- *Affect* the verb means *to influence*:
  - The snowstorm *affected* travelers throughout the Midwest.
  - Cigarette smoke *affects* my breathing.
- *Affect* is rarely used as a noun in contemporary usage. It means a person's expression or demeanor:
  - She exhibited a disinterested *affect*.

### ***Affect/Impact***

As noted above, *affect* is most commonly used as a verb meaning *to influence*. The verb *impact* means *to strike with a blow* or *to pack firmly together*. Do not use *impact* as a verb in place of *to affect*.

### ***Composed of/Comprise***

A medication may be *composed of* or may *comprise* a number of ingredients. A medication is not *comprised of* ingredients.

### ***Ensure/Insure/Assure***

- *Ensure* means *make certain*.
- *Insure* means *to cover with insurance* or *agree to provide compensation for damage*.
- *Assure* means *to inform confidently* or *remove doubt from someone's mind*.

Example: Mike wanted to *ensure* that he protected his house from disasters. He bought a homeowners policy that *insured* his house against fire, flood, theft, and earthquakes. He *assured* his wife that the policy was affordable.

### ***It's/Its***

- *It's* is a contraction of *it is*. (*It's* a fine day outside.)
- *Its* is the possessive form of *it*. (The dog is wagging *its* tail.)

### ***Fewer/Less***

- Use *fewer* when referring to a group of distinct elements. Use *less* when referring to an aggregate.
  - Fewer people are dying of strokes.
  - Please use less vinegar in that dressing.
  - Less fat, fewer calories.

### ***If/Whether***

- *If* specifies a condition. *Whether* introduces an indirect question concerning alternatives.
  - I do not know whether John will arrive on Tuesday or Wednesday.
  - If he can do it, let him.

### ***Imply/Infer***

Although related, these two words refer to different ends of the communication process. When speaking or writing, you can *imply* something beyond what your words state directly; the person listening to you or reading your writing can then *infer* your indirect message.

### ***Lay/Lie***

- *Lay* (past tense and past participle form, laid) is a transitive verb; people lay things on the table or floor.
- *Lie* (past tense, lay; past participle, lain) is an intransitive verb; things and people lie on the table or on the couch.
  - Mary laid the sweater on the chair.
  - The sweater is lying on the chair.
  - Please lay your books on the table.

### ***Principal/Principle***

- *Principal* can be a noun, meaning either a person in authority or a sum of money earning interest, or an adjective, meaning *primary* or *main*. *Principle* is always a noun, usually referring to a fundamental rule, characteristic, or ingredient.
  - philosophical principle
  - principal of a school
  - principal parts of a verb
  - interest on the principal in a savings account
  - principal investigator

## ***Which/That***

- A comma must precede *which* when it introduces a nonrestrictive clause. A nonrestrictive clause tells you something about a preceding subject but does not limit the meaning of that subject. *That* does not follow a comma and introduces a restrictive clause, which limits the possible meaning of a preceding subject.
  - Cotton candy, which always makes me sick, is one of my weaknesses.
  - Cotton candy that is red always makes me sick.
- In the first example, the clause is nonrestrictive because it refers to all cotton candy. In the second, the clause is restrictive because it describes a specific cotton candy.

## **Consistent Terminology**

- **Computer/Internet Terms**

- *Preferred*

- e-mail

- offline

- online

- URL

- webmaster

- website

- *Not Preferred*

- E-mail, E-Mail, email

- off-line

- on-line

- url

- Webmaster, Web master

- web site, Website, Web Site

- ***Database***

- Always use as one word.

- ***Subcommittee***

- Always use as one word.

- ***Health Care/Child Care***

- Always use two words.

- ***Long-Term/Short-Term***

- Always hyphenate.

- **HHS Operating Divisions and Staff Divisions**

- Abbreviate by saying OpDivs and StaffDivs.

- ***Patient Protection and Affordable Care Act***

- Always refer to the law as the *Affordable Care Act* (not “PPACA” or “ACA”).

## **Plurals of Compound Terms**

In forming the plurals of compound terms, the significant word takes the plural form:

Significant word first:

- ambassadors at large
- attorneys at law
- attorneys general
- brothers-in-law
- chiefs of staff

- commanders in chief

Significant word in middle:

- assistant attorneys general
- deputy chiefs of staff
- assistant surgeons general

Significant word last:

- assistant attorneys
- assistant commissioners
- deputy judges
- deputy sheriffs

### **Correct Possessive Words**

- child's, children's
- person's, peoples'
- woman's, women's
- agency's, agencies'
- boss's, bosses'
- CMS's
- HHS's

# C hapter 4: Capitalization/Punctuation

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## Capitalization

A document containing numerous capital letters is difficult to read. For example, newspapers capitalize as few words as possible so readers can scan articles quickly. To make documents easier to read, capitalize only those words that are proper nouns or parts of titles.

- Do not capitalize words such as *federal*, *state*, or *nation* if used generically and not part of a proper noun or title.
  - Some federal regulations focus on the nation's public lands.
  - The state-owned park was near the lake.
  - I learned that the state bird of Wisconsin is the American Robin.
  - The biggest state is Alaska.
- Capitalize *federal*, *state*, or *nation* when they are part of a title.
  - the Federal Elections Commission
  - the State Department employees
  - the Navajo Nation
  - The plaintiff is the State of New York.
- Do not capitalize the word *state* when it refers back to the proper name of a state previously mentioned.
  - He spoke at the State of Washington's centennial this summer. He had been to the state many times in the past.
  - The State of Alaska is the largest state in the nation.
- Do not capitalize the words *congressional*, *members*, *government*, *department*, *agency*, *local*, and *nation*, except in titles. Capitalize the stand-alone word *Department* only when referring specifically to the U.S. Department of Health and Human Services.
  - The U.S. Department of Health and Human Services is the largest domestic agency.
  - The department held a discussion on the energy crisis, and several members of Congress attended the event.
  - The Department announced the national prevention initiative last week in the great hall.

Special rules:

- Always capitalize *President* when referring to the President of the United States.
- Capitalize the word *Administration* when referring to the federal executive branch serving under a specific president.
  - The Obama Administration followed the second Bush Administration.
  - These are examples of two presidential administrations.
- Unless referencing a specific report, do not capitalize “report” in the generic term “report to Congress.”
  - The Department of Health and Human Services issues numerous reports to Congress every year.
  - The Department of Health and Human Services recently issued the National Quality Strategy Report to Congress.

## Punctuation and Grammar

Below are tips on punctuation and grammar. This section includes information about commas, hyphens, quotation marks, periods, dashes, percentages, titles, pronouns, websites, numbers, dates, state abbreviations, and the abbreviation of United States.

### Commas

- A common mistake is the use of commas in compound sentences. When a conjunction (*and* or *but*) joins two independent clauses (clauses that can each stand on their own as a complete sentence), a comma must precede the conjunction. When a conjunction joins an independent clause with a dependent clause (a clause that cannot stand on its own as a complete sentence), there is no comma.
  - *Correct:* The agency published the regulation, and it will closely monitor the impact of the regulation on access to health care.
  - *Correct:* The agency published the regulation and will closely monitor the impact on access to health care.
  - *Incorrect:* The agency published the regulation, and will closely monitor the impact on access to health care.
- Enclose parenthetical or non-essential expressions between commas. No comma should separate a restrictive or essential element.
  - *Correct:* After passing the House, which voted unanimously in favor of it, the bill advanced to the Senate.
  - *Incorrect:* It passed, by a unanimous vote in the House, before advancing to the Senate.
- Always use a comma before a conjunction in a series of three or more.
  - *Correct:* The initiative will improve health care access, quality, and affordability.
  - *Incorrect:* (missing comma after *quality*): The initiative will improve health care access, quality and affordability.

## Hyphens

- Use a hyphen between two words that form a compound modifier when that modifier immediately precedes the noun it modifies. When a compound follows the noun it modifies, hyphenation is usually unnecessary.

Compare:

- The well-read child spoke often.
- The child who was well read spoke often.

Compare:

- The professor asked an open-ended question.
- The question was open ended.

- Do not use a hyphen in a compound modifier formed by an adverb ending in *ly* plus an adjective (such as *smartly dressed* or *largely irrelevant*). This is true whether the compound modifier precedes or follows the noun it modifies.

## Quotation Marks

- Almost always place punctuation inside the quotation mark, even where the quotation mark sets off only part of a sentence.
  - She said, "I will."
  - She said, "I will," every single time.
  - She said, "Do you think I will?"
  - But: Did she really say, "I will"?

## Period

- Always use *two* spaces between a period or other ending punctuation at the end of a sentence and the start of the next.

## Dashes

- A dash is used to mark a sudden break or abrupt change in thought.
  - If the bill should pass—which I cannot imagine!—the hospital will close down.
- To create an em dash (—) in MS-Word, type two hyphens and do not include a space before the hyphens.

## Percentages

- Spell out the word *percent* unless used in a table.

## Titles

- Generally, italicize titles (such as book titles or journal article titles) instead of underlining them.
- Place article titles in quotation marks. Example: "Seven Charged in Health Care Fraud," *The New York Times*, February 28, 2012.



## Pronouns

- The *antecedent of a pronoun* must be unambiguous. Avoid drafting confusing sentences such as the following example, in which it is not clear whether *them* refers to dirt and blood or to glass vessels.
  - *Incorrect:* Dirt and blood cannot penetrate glass vessels, nor does heat affect them.
- The form of a pronoun depends on its function within a sentence. When used as the subject of a verb, a pronoun must be in the nominative case (i.e., who, I, you, he, she, it, we, and they). As the object of a verb or preposition, or as the subject of an infinitive, a pronoun must be in the objective case (i.e., whom, me, you, him, her, it, us, and them).
  - The disagreement is between you and me. [*Me* is the object of *between*.]
  - Bill gave the samples to John and me. [*Me* is the object of *to*.]
  - Mary is the one whom I saw in the lab. [*Whom* is the object of *saw* in the clause *I saw whom*.]
  - Mary is the one who we thought was in the lab. [*Who* is the subject of *was* in the clause (*who*) *was in the lab*.]
  - Give it to whoever is the owner. [*Whoever* is the subject of *is* in the clause *whoever is the owner*.]

## Websites

- Underline websites without including “http://” at the beginning or “/” at the end of the website. [[www.HealthCare.gov](http://www.HealthCare.gov)]

## Numbers

- Generally spell out numbers zero through nine, and use numerals for 10 and higher. Exceptions frequently include time measurements, such as ages, and a clock time such as 4 o'clock p.m.
  - The woman is 40 years old
  - The little girl is an 8-year old.
  - It happened at 3:30 p.m.
- Spell out decades or centuries.
  - The United States led the world in innovation for much of the twentieth century.
  - The eighties produced some interesting music.
- Write *million* and *billion*. Do not list a long string of numbers, except for emphasis.
  - *Correct:* The sun is 93 million miles from Earth.
  - *Incorrect:* The sun is 93,000,000 miles from Earth.
- Spell out a number if it begins a sentence.
  - Five thousand books are in the van.
  - Ten Basic Rules
- Spell out ordinal numbers less than 10 (e.g., fifth, seventh, 29<sup>th</sup>, 102<sup>nd</sup>).

## Dates

- A rule of thumb to remember: Commas separate elements that are both numbers or are both words, and a comma must follow the year if it includes three date elements. Note that a comma follows the year in examples 1, 4, and 5:
  1. On Tuesday, November 6, 2009, Sally lost her first tooth.
  2. They agreed January 2010 was a good month.
  3. They believed February 3 was a bad day (NOT “February 3<sup>rd</sup>”).
  4. The House voted on July 2, 2011, on the legislation.
  5. The abbreviated campaign ran from March 6, 2011, to April 15, 2011.
  6. The abbreviated campaign ran from March 6 to April 15, 2011. (Here, the context implies that March 6 was also in 2011.)
  7. The three months in question were March, April, and May 2012.
  8. The two following months were June and July 2012.
  
- When including a month and a day in a sentence, write the cardinal number (e.g., January 1, January 2, January 3) not the ordinal number (e.g., January 1<sup>st</sup>, January 2<sup>nd</sup>, January 3<sup>rd</sup>).

## State Abbreviations

- Two-capital-letter state postal abbreviations are used for *addresses and nothing e/se*. Use two spaces between the state and the ZIP code.
  - New York, NY 10001
  - Washington, DC 20201
  - San Francisco, CA 94109
  
- In all other instances, spell out state names completely. A comma must immediately follow the combination of a city and state name when the sentence continues.
  - The Secretary will stop in Santa Fe, New Mexico, to talk about prevention.

A list of all state postal code abbreviations is available at: [www.StateAbbreviations.us/](http://www.StateAbbreviations.us/).

## Abbreviation of United States

- The abbreviation for United States should always include periods, e.g. the U.S. economy.

# C hapter 5: Correspondence

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## Correspondence Overview

Everyone who writes to the Department deserves a prompt, accurate, and courteous reply. When the Secretary receives a letter, the Office of the Secretary's Executive Secretariat (Exec Sec) assigns it to the appropriate operating or staff division (division) to prepare a response. Exec Sec designates letters to the Secretary in one of two ways when assigning them to a division.

- Secretarial Signature letter: A Secretarial signature letter is one the Secretary will sign. For these letters, the division prepares the response, and the division head approves the draft. This ensures the accuracy, responsiveness, and quality of responses, as well as their adherence to Administration policy. After reviewing a draft to ensure it meets the appropriate standards, Exec Sec puts Secretarial signature letters into Departmental clearance. Chapter 9 describes the clearance process for these letters.

Whether you are drafting or clearing a Secretarial signature letter, always remember that a letter from the Secretary carries huge weight. For example, the media may quote the letter, an organization may post the letter on its website, or members of Congress may refer to the letter during congressional hearings.

- Direct Reply letter: A "direct reply" letter is a letter the Secretary receives in which a division will both draft and sign the response. Generally, the head of the operating or staff division or a designated senior official signs direct reply letters. Exec Sec does not put direct reply letters into Departmental clearance; the division preparing the response reviews it internally.

Many direct reply letters are from individual Americans seeking assistance from the Department. Some correspondents may be in dire situations, needing help with a child support case, a health insurance problem, a domestic violence situation, or a relative diagnosed with mental illness. Exec Sec assigns these letters to HHS divisions that can directly address each individual's concerns. The responses should communicate the Department's empathy, and each division should answer these letters as diligently as letters for the Secretary's signature.

## Timeliness

The Secretary places great importance on timely responses to correspondence. The expectation is that the Department will answer Secretarial signature letters in three weeks, which includes time to prepare and clear the response. See the chart below for a complete breakdown of the three week timeframe. For direct reply letters, the deadline is two weeks (10 business days).

If extraordinary circumstances cause you to expect a delay at any stage of the authoring or clearance process for Secretarial signature letters, notify the appropriate policy coordinator in Exec Sec before the deadline passes with a detailed explanation for the delay. The Department's Executive Secretary and the Chief of Staff will receive notifications of all explanations.

### **Secretarial Signature Correspondence Timelines (In Business Days)**

Day 1	Document received in Exec Sec and sent to authoring agency
Days 2 thru 6	Document drafted/cleared internally by authoring agency (five days)
Days 7 thru 9	Document cleared in Department (three days)
Day 10 thru 12	Document revised (three days)
Day 13-14	Document recleared in Department (two days)
Day 15	Document sent up for signature

#### **Content: Composing Effective Responses**

- **Be responsive** to the correspondent's concerns. Read the incoming letter carefully. Make sure the response addresses the major points in the incoming letter. Recipients should feel that the Secretary understands, takes seriously, and responds to their concerns.
- **Keep Secretarial letters brief** (one or two pages), and use plain language. If additional information is necessary, attach an enclosure.
- **Avoid referring to the date** of the incoming letter, and **thank the correspondent** for writing on a particular issue at the beginning of the letter. Example: *Thank you for your letter about the proposed rule on child support enforcement.*
- **Explain when you are responding for another.** If the White House asked the Secretary to respond on the President's behalf to a letter, say: *The President asked me to respond to your letter.*
- **Use the correct form of address and salutation.** Please see the end of this chapter for information on forms of address and salutations.
- **Use acronyms sparingly** and only when they are used more than once in a letter.
- **Avoid long and numerous legal citations** and information that is highly technical, medical, or scientific. If such information is necessary, include it in an enclosure. Ensure that the title of the enclosure reflects both the topic and the correspondent. Sample title: *Information on Medicare Part D for Senator John Doe.*

- **Include the contact name(s) and number(s)** of the drafter(s) of the letter at the end of the draft response in case reviewers have questions.
- **Use the word *I*** (not *we* or *the Department*) when the Secretary is making a personal statement in a letter the Secretary will sign. Example: *I appreciate your bringing to my attention the recommendations of the American Hospital Association.*
- **Do not commit the Secretary to any action**, including participation in an event, without checking with senior leadership in the Secretary's office. For example, do not say the Secretary would like to see the correspondent the next time the correspondent is in town without clearance from the Secretary's scheduler and policy staff who know the implications of a meeting.
- **Spell out completely the Department of Health and Human Services** the first time you write it.
- **Be respectful for follow-up requests.** Avoid instructing a member of Congress or other high-level official to call someone or visit a website for further information. If necessary, ask the official to *have their staff* contact the person or visit the website.
- **Identify a contact for follow-up action**, if appropriate. Example: *If you have additional questions regarding federal pandemic response plans, please contact (name, title, phone number).*
- **End responses politely.** If appropriate, use expressions such as: *I look forward to continued collaboration with you on this issue*, or *Thank you for your commitment to public health and preparedness*. You may wish to add phrases, such as: *Please contact me if you have further thoughts or concerns*. Use the word *contact*, not *call*. For other letters, you might close with: *I hope this information is helpful to you*.
- **Acknowledge co-signers.** Use the following sentence at the end of letters if more than one person signed the incoming letter and the co-signers are all getting the response (typically members/senators/governors/etc): *I will also provide this response to the co-signers of your letter*. If the Secretary is not sending letters to every person, write: *Please share my letter with your co-signers*.
- **Keep transmittal letters for reports to Congress short.** Three paragraphs are usually sufficient. The first paragraph says that the Secretary is pleased to submit the [name of report] to Congress. It also cites the law requiring the report's submission. The second paragraph broadly describes the subject of the report and the fiscal years it covers, if appropriate. The third paragraph may simply say: *We hope you will find this report helpful*.
- **Do not prepare a Secretarial decision memo for a draft response to an incoming letter.** An agency only needs to prepare a decision memo if your office wants to send a letter under the Secretary's signature that does not respond to an incoming letter.

## Formatting Secretarial Letters

Below are guidelines for formatting letters for the Secretary. The next page includes a template for a Secretarial letter.

- Use the Secretary's letterhead for correspondence prepared for the Secretary's signature.
- Use one-inch margins on the top, bottom, left, and right of the document.
- Use Times New Roman typeface, font size 12.
- Use single space for letters; double space between paragraphs.
- Do not indent at the beginning of each paragraph.
- Use "Sincerely" (not "Sincerely yours") as the complimentary close.
- Do not type the Secretary's title after her name. Her title is already on the letterhead.
- Mention an enclosure in the body of the letter and after the Secretary's signature, if appropriate.
- Use the correct envelopes, which are those printed with the *Secretary of Health and Human Services* in the upper left corner.

**The Secretary of Health and Human Services  
Washington, D.C. 20201**

**1” margins all around**

February XX, 2012 [Start on line 4 and indent six tabs]

The Honorable John A. Doe [Start on line 7]  
U.S. House of Representatives  
Washington, DC 20515

[Insert one blank line between end of address and greeting]

Dear Representative Doe: [Start on line after blank line]

[Insert one blank line between paragraphs]

[Do not indent paragraphs]

[Insert one blank line between last line and closing]

[Six tab spaces]

Sincerely,

[Insert four blank lines between closing and Secretary’s name]

[Secretary’s Name]

Enclosure [Insert one blank line between Secretary’s name and “Enclosure”]

## Forms of Address for Letters

Many high-level officials are referred to as *The Honorable* (not *Honorable*) in the address on letters and envelopes. These officials include, but are not limited to:

- The President, Vice President, Cabinet and Sub-Cabinet members (Deputy Secretaries and Assistant Secretaries)
- High-level officials in the Executive Office of the President (such as the U.S. Trade Representative)
- Members of Congress
- Justices of the Supreme Court and other judges
- State and local elected officials (governors, mayors, state legislators)

## Salutations for Letters

Use the following salutations for high-level officials:

<i>Dear Mr./Madam President:</i>	(President of the United States)
<i>Dear Mr./Madam Vice President:</i>	(Vice President of the United States)
<i>Dear Mr./Mrs. (surname):</i>	(Spouse of the President of the United States)
<i>Dear Mr./Madam Secretary:</i>	(Cabinet Member)
<i>Dear Mr./Ms. (surname):</i>	(Deputy Secretary, Assistant Secretary)
<i>Dear Mr./Madam Attorney General:</i>	(Attorney General of the United States)
<i>Dear Mr./Madam Chief Justice:</i>	(The Chief Justice, Supreme Court)
<i>Dear Mr./Madam Justice:</i>	(Associate Justice, Supreme Court)
<i>Dear Judge:</i>	(Chief Judge/Judge)
<i>Dear Mr./Madam President:</i>	(President of the Senate)
<i>Dear Mr./Madam Speaker:</i>	(Speaker of the House)
<i>Dear Senator (surname):</i>	(United States Senator)
<i>Dear Representative (surname):</i>	(Member of U.S. House of Representatives)
<i>Dear Mr./Madam Chairman/ Chairwoman:</i>	(Chairman of a congressional committee or subcommittee)
<i>Dear Senator or Representative (surname):</i>	(Ranking minority member of a congressional committee or subcommittee)
<i>Dear Mr./Madam Ambassador:</i>	(United States Ambassador)
<i>Dear Mr./Madam Minister:</i>	(American Minister)
<i>Dear Governor (surname):</i>	(Governor)
<i>Dear Senator (surname):</i>	(State Senator)
<i>Dear Mr./Ms. (surname):</i>	(State Rep., Assembly Member or Delegate)
<i>Dear Mayor (surname):</i>	(Mayor)



## Mailing Addresses and Salutations for the President and His/Her Spouse

Because the White House has its own ZIP code, letters to the White House do not need a street address. Please address letters to the President and his/her spouse as follows:

The President  
The White House  
Washington, DC 20500

Mr./Mrs. [full name]  
The White House  
Washington, DC 20500

Dear Mr./Madam President:

Dear Mr./Mrs. [last name]:

## Mailing Addresses and Salutations for Members of Congress

Since the House and Senate each have their own ZIP codes, letters to members of Congress do not need a street address. Below are examples of mailing addresses to members of Congress:

The Honorable [full name]  
United States Senate  
Washington, DC 20510

The Honorable [full name]  
U.S. House of Representatives  
Washington, DC 20515

Dear Senator [last name]:

Dear Representative [last name]:

-----  
If the member is a chairman/chairwoman or ranking member of a committee, use the following format:

The Honorable [full name]  
Chairman  
Committee on [name]  
United State Senate [or U.S. House of  
Representatives]  
Washington, DC 20510 [or 20515  
if House]

The Honorable [full name]  
Ranking Member  
Committee on [name]  
United States Senate [or U.S. House of  
Representatives]  
Washington, DC 20510 [or 20515  
if House]

Dear Mr./Madam Chairman/Chairwoman:

Dear Senator/Representative [last name]:

Note: Women in Congress may prefer *Dear Madam Chairman* or *Madam Chairwoman*. Check with the Office of the Assistant Secretary for Legislation for specific preferences.

## Mailing Addresses and Salutations for Governors

*Inside Address:*  
The Honorable [full name]  
Governor of [State]  
City, State ZIP Code

*Outside Address:*  
The Honorable [full name]  
Governor of [State]  
Street address  
City, State ZIP Code

Dear Governor [last name]:

## Mailing Addresses and Salutations for State Legislators

*Inside Address:*

The Honorable [full name]  
Name of State [*House of  
Representatives, Assembly,  
or House of Delegates*]  
City, State ZIP Code

*Outside Address:*

The Honorable [full name]  
Name of State [*House of  
Representatives, Assembly,  
or House of Delegates*]  
Street address  
City, State ZIP Code

For a State Senator:

Dear Senator (last name):

For a State Representative, Assembly Member, or Delegate:

Dear Mr./Ms. (last name):

# **C**hapter 6: Decision Memos

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## **Decision Memo Overview**

A decision memo asks the Secretary to sign a document or approve a proposed action. A decision memo might ask the Secretary to:

- Approve and sign a draft regulation
- Make a policy decision on how to implement a new law
- Sign letters transmitting a report to Congress
- Authorize your division to reorganize in a certain way
- Approve a media campaign on an important health topic
- Sign letters inviting outside guests to a special Departmental event
- Delegate authority for a particular program to your division

A decision memo must accompany nearly every document you ask the Secretary to sign. The one exception is you do not need a decision memo for a draft letter that the Secretary will sign in response to an incoming letter.

## **Process**

Only division heads may send a decision memo to the Secretary. Once your division head signs a decision memo, send the original memo and accompanying documents, with two hard copies, to the appropriate policy coordinator in Exec Sec. Please also send an electronic version.

Exec Sec clears all decision memos at the Departmental level before they are sent to the Secretary for signature. Upon receipt, the policy coordinator will send the decision memo and documents to other operating and staff divisions for review and comment. See Chapter 9 for information on the clearance process.

## **Timeliness**

If you need the Secretary's approval on a decision memo by a certain date, send the decision memo and associated documents to Exec Sec in enough time to allow the necessary clearance process. The Exec Sec policy coordinator can provide guidance in advance on the appropriate amount of clearance time necessary for a given document.

For lengthier documents, such as regulations and reports to Congress, reviewers may take one to three weeks to review the package and comment. The documents may then need revision and re-clearance. Therefore, for important or lengthier documents, try to allow at least one month for clearance and signature. Submit short decision memos

asking the Secretary to sign a routine document within two weeks of the time you hope to gain approval.

## Content

Decision memos to the Secretary should focus on necessary and relevant information. Put yourself in the Secretary's position: What would you need to know to make an informed decision on the topic? In general, stay out of the weeds. For example, the Secretary does not need to know all the details of every regulation; she needs to know its key and controversial provisions, whether it is new or an adjustment to an existing regulation, and the known and likely concerns of the regulated community or other stakeholders. Throughout the memo, address the Secretary directly by using the second person (*you*).

If you are explaining a highly technical or scientific issue in a memo, try to distill the information as much as possible.

The decision memo must present information in a logical way that is easy to read and understand. To achieve this goal, always start the memo with the introductory section presenting the issue, and end the memo with the closing section presenting the final recommendation(s). Other than that, however, you have flexibility to use different subheadings in the body of the memo, depending upon the content. The standard format uses the following subsections to organize the content:

- **Issue:** Briefly state *what* you are requesting the Secretary to do, e.g., sign a certain document or approve a particular regulation. This introductory section generally is only one or two sentences long.
- **Background:** Provide the necessary *background information* about the subject of the memo. This may be several paragraphs long.
- **Discussion (if needed):** Discuss *why* you are recommending a particular action in the memo. If the memo is about a policy issue, for instance, you may discuss the reasons *why* you are recommending a particular option rather than those considered but dismissed.
- **Recommendation:** Briefly state your recommendation to the Secretary.

## Types of Decision Memos

### Standard Memos

Most decision memos ask the Secretary to approve a single document or action. Organize the content in a basic format, such as above. Below is a template and example of this type of memo.

### Memos with Multiple Policy Options

If you want the Secretary to make a policy decision involving two or more options, you may need to prepare a longer, more complex memo. This type of memo presents more

than one policy option for the Secretary to consider and includes the following information:

- Pros and cons under each option
- Estimated budget impact of each option within the pros and cons
- Anticipated stakeholder reaction within the pros and cons
- Relevant statutory or other deadline, where applicable

Below is a template and example of this type of memo.

### **Memos on Regulations**

Some decision memos ask the Secretary to approve and sign regulations. This type of memo includes the following information about the regulation:

- Purpose
- Changes to current practices or programs
- Underlying law the regulation implements (if a statutory requirement)
- Statutory deadlines for issuance, if applicable
- Consequences of disapproval
- Economic and/or budget implications
- Expected stakeholder reaction

Below is a template and example of a regulations memo.

### **Memos on Agency Reorganizations**

Some decision memos seek approval from the Secretary for an operating or staff division to reorganize its offices or functions. This type of memo describes the proposed changes and why they are preferable over the current organization. Attached to these memos are:

- Current organizational chart or charts
- Chart or charts of the proposed organization
- Draft *Federal Register* notice announcing the organizational change

The Office of the Assistant Secretary for Administration's Office of Business Management and Transformation (ASA/OBMT) can provide assistance in preparing a reorganization memo and/or the *Federal Register* notice. Consult with the Office of the Assistant Secretary for Financial Resources (ASFR) to confirm whether your reorganization needs Secretarial approval. ASFR will also prepare and clear notification letters about the proposed reorganization to the relevant House and Senate Appropriations Subcommittee Chairs and Ranking Members.

Exec Sec will clear the reorganization memo at the Departmental level and then present it, with attachments, to the Secretary for approval. Once the Secretary approves a reorganization, Exec Sec notifies ASFR, which sends the notification letters to Congress. A 15-day waiting period begins after sending the notification letters, after which HHS can announce the reorganization in the *Federal Register*.

Contact Exec Sec for an example of a reorganization memo.

## **Memos on Delegations of Authority**

Some decision memos request that the Secretary delegate authority currently vested in the Secretary to a particular operating division. These decision memos set out the specifics of the potentially delegated authority and the rationale. Attached to these memos are:

- Memo putting the delegation into effect
- Excerpt of the public law allowing the re-delegation or other background information (if applicable) and/or a draft *Federal Register* notice informing the public that the delegation has been made (if applicable).

ASA/OBMT can assist in preparing a delegation of authority. Contact Exec Sec for an example of a delegation of authority memo.

## Template of Standard Decision Memo

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** Assistant Secretary for \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SUBJECT:** [Subject] – **DECISION**

### **ISSUE**

Include a concise statement (preferably one sentence or short paragraph) explaining your request for the Secretary to approve.

### **BACKGROUND**

Include pertinent information about the origin, background, and implications of the issue or problem. If the request is time sensitive, indicate why and include any deadlines.

Limit a standard decision memo to two pages or less. The text should be single spaced with a double space between paragraphs.

Submit lengthy relevant background material, only when absolutely necessary, using tabbed attachments.

### **RECOMMENDATION**

I recommend you approve...

[Signing Official's Signature]

### **DECISION**

[The Secretary checks the appropriate line below for *approved*, *disapproved*, or *need more information*, dates the memo, and signs her name below.]

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Need More Information \_\_\_\_\_

\_\_\_\_\_  
[Secretary's Name]

\_\_\_\_\_  
Date

## Example of Standard Decision Memo

*(Note: This is not a real example.)*

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** John Smith, Director of Intergovernmental and External Affairs

**DATE:** \_\_\_\_\_

**SUBJECT:** Thank You Letter to Small Business America – **DECISION**

### **ISSUE**

I request your signature on a letter to Small Business America to thank them for their participation in the rollout of the Department's new prevention initiative and their continued partnership in educating the small business community about the important benefits of prevention.

### **BACKGROUND**

The Office of Intergovernmental and External Affairs is working to educate and engage targeted constituencies on the benefits of the prevention initiative. Sally Brown, Vice President of Policy and Strategy at Small Business America, joined you during the press conference at Bob's Hardware when you made the announcement on the prevention initiative.

This letter will recognize the continuing efforts of Small Business America as they work to educate communities about the benefits of prevention. It is critical that we continue to engage Small Business America because they are a key partner. This thank you letter will convey our appreciation for their collaboration and will ensure a continued partnership moving forward.

### **RECOMMENDATION**

I recommend that you approve and sign the attached letter to Small Business America.

[Signing Official's Signature]

### **DECISION**

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Need More Information \_\_\_\_\_

\_\_\_\_\_  
[Secretary's Name]

\_\_\_\_\_  
Date



## Template of Decision Memo with Multiple Options

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** Assistant Secretary for \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SUBJECT:** How to Prepare a Complex Decision Memorandum – **DECISION**

### **ISSUE**

Include a concise statement (preferably one sentence or short paragraph) explaining your request for the Secretary to approve. This should summarize the issue(s) or problem(s).

### **BACKGROUND**

Include pertinent information about the origin, background, and implications of the issue(s) or problem(s). If the request is time sensitive, indicate why and include any deadlines. The text should be single spaced with a double space between paragraphs. Submit lengthy relevant background material, only when absolutely necessary, using tabbed attachments.

### **OPTIONS AND DISCUSSION**

Discuss only those options the Secretary needs to consider. Except in very rare circumstances, the Secretary should have only two or three well-developed options from which to choose.

#### **OPTION 1: Describe the first option in a clear and concise manner.**

**DISCUSSION:** Following each option, discuss information such as who would benefit from the chosen option, who would be adversely affected, how we anticipate those affected would react, and how much the option would cost in terms of dollars, staff, and administrative responsibilities. The pros and cons should follow.

#### **Pros:**

- 
- 

#### **Cons:**

- 
- 

#### **OPTION 2: Describe the second option in a clear and concise manner.**

**DISCUSSION:** Follow the above format.

**Pros:**

- 
- 

**Cons:**

- 
- 

**RECOMMENDATION**

Provide a recommendation for the suggested course of action, if appropriate. If you have no preference for one option over the other(s), please indicate that you have no recommendation.

\_\_\_\_\_  
[Signing Official's Signature]

**DECISION**

If the Secretary is considering more than one issue, list each recommendation with appropriate approval/disapproval/need more information lines below.

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Need More Information \_\_\_\_\_

\_\_\_\_\_  
[Secretary's Name]

\_\_\_\_\_  
Date

Attachments:

Tab A – Copy of Report on...

Tab B – Letter to Senator Smith

## Example of Decision Memo with Multiple Options

*(Note: This is not a real example.)*

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** Assistant Secretary for Aging

**DATE:** March 9, 2011

**SUBJECT:** Establishing a New Preventive Health Demonstration Program for Older Americans – **DECISION**

### ISSUE

The Administration on Aging (AoA) will launch a new pilot program this summer to encourage better eating and exercise habits among older Americans. This memo seeks your approval of one of two options for distributing funds under this demonstration.

### BACKGROUND

As you know, the Preventive Health Act of 2010 authorized several new programs to boost preventive health measures among youth, adults, and older Americans. Section 112 of the Act authorized \$100 million a year for three years to explore ways of improving nutrition and exercise among people age 60 and over.

Congress appropriated \$50 million for the demonstration for fiscal year 2011. The Administration on Aging plans to allocate funds this summer. States and/or localities will have an opportunity to test a variety of ways to boost nutrition and exercise among seniors.

For example, grantees may sponsor programs at senior centers to educate participants about wise nutrition choices. Senior centers could sponsor field trips to take seniors to farmers' markets for fresher and lower cost foods. Grantees may provide more nutritious foods through existing congregate meal sites or through meals-on-wheels programs. Grantees could also use these same venues to teach older people simple and basic exercises for keeping agile and fit. These are just a few ideas for carrying out the goals of the demonstration.

The Preventive Health Act gives you the discretion to determine how to distribute funds. The authorizing committees gave HHS wide latitude for designing the program. After conferring with OGC, AoA has determined that HHS may allocate funds either through a competitive grant program or a formula grant program. Either way, the Act requires an independent evaluation of the results of the demonstration.

This memo presents you with two options for distributing the funds.

## OPTIONS

**Option One: Distribute the funds equally among all 50 State Agencies on Aging. Request that each state join in a consortium with one or more of their Area Agencies on Aging to carry out the pilot project. States would have flexibility to decide how to choose localities for participation in the pilot project.**

State Agencies on Aging favor this option. Several have contacted AoA to urge equal distribution of funds among states. Under this option, each state would receive \$1 million to launch the pilot in the first year.

### Pros:

- HHS could distribute funds quickly because the Department would not have to develop a competitive grant program, announce the availability of funds, and review grant applications.
- States want guaranteed funding and would favor this option.
- State Agencies on Aging have close ties with their Area Agencies on Aging and might be able to ascertain quickly which agencies in their states would be most interested in – and most capable of – operating a pilot project.

### Cons:

- Some State Agencies on Aging may have little interest in the objectives of this demonstration and may put little effort into designing a thoughtful demonstration.
- If states choose to allocate funds to their Area Agencies on Aging through a competitive grant process, the allocation of the funds would not occur faster than if AoA operated a competitive grant process.

**Option Two: Announce a competitive grant process through which State Agencies on Aging, Area Agencies on Aging, and County Offices on Aging across the nation could apply for funds to operate a demonstration project. HHS would encourage entities to form consortia to operate pilot projects to test various approaches for meeting the goals of the pilot.**

This option would give states and localities an equal opportunity to apply for funds. It would also give HHS the flexibility to fund either a greater number of – or a smaller number of – pilots, depending upon the proposed size of the demonstrations.

### Pros:

- Because of the necessary work to develop an innovative and winning proposal, only those state and local agencies genuinely interested in operating a demonstration would apply.
- HHS would have the opportunity to review proposals ahead of time and ensure that the funding tests a variety of innovative approaches.
- HHS would have the flexibility to provide more funding to demonstrations covering a larger geographic area and less funding to smaller areas. Thus, HHS could more easily fund larger urban demonstrations, along with smaller rural ones.

### Cons:

- It would take longer to allocate funds because HHS would need to develop the grant criteria, announce the availability of funds, and review grant applications.

- State Agencies on Aging do not want to have to compete for funds and will be unhappy with this approach.

**DISCUSSION**

Option one provides the fastest way to distribute funds. Choosing option one would also please State Agencies on Aging because this would guarantee \$1 million in funds each. However, HHS would have no ability to ensure that funds are ultimately going to consortia of state and local agencies with innovative and thoughtful proposals for pilot projects.

Option two is the more traditional approach for operating a demonstration program and would allow HHS to have control over the quality of proposals being funded. With only six months to allocate funds, however, HHS would need to announce the availability of funds within two months in order to allow sufficient time for applicants to develop and submit their proposals.

**RECOMMENDATION**

AoA believes that it can meet the two month deadline for announcing the availability of funds. As such, AoA recommends option two because we believe it has the greater chance of producing successful and innovative demonstration results.

\_\_\_\_\_  
[Signature of AoA Assistant Secretary]

**DECISION**

**Option Two: Announce a competitive grant process through which state and local agencies can apply for funds.**

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Need More Information \_\_\_\_\_

\_\_\_\_\_  
[Secretary's Name]

\_\_\_\_\_  
Date

## Template of Regulation Memo

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** Assistant Secretary for \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SUBJECT:** Final Rule/Proposed Rule: Name of Rule – **DECISION**

**ACTION REQUESTED:** In one or two sentences, concisely describe the issue or issues the regulation addresses.

**SUMMARY:**

**Reasons for Publication and Timing:** Identify why a regulation is necessary to address the issue rather than some other vehicle. Explain why the Department should publish the regulation now rather than some other time.

**Noteworthy Elements:** Outline the essential elements of the regulation and summarize how they support the overall purpose of the regulation.

**ANTICIPATED REACTION:** Outline the anticipated reaction from relevant stakeholders.

**RECOMMENDATION:** It is my recommendation that...

\_\_\_\_\_  
[Signature of Assistant Secretary]

**DECISION:**

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Need More Information \_\_\_\_\_

\_\_\_\_\_  
[Secretary's Name]

\_\_\_\_\_  
Date

## Example of Regulation Memo

(Note: This is not a real example.)

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** Assistant Secretary for \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SUBJECT:** Final Rule: 20XX Medicare Physician Fee Schedule – **DECISION**

**ACTION REQUESTED:** We need your signature on the Medicare Physician Fee Schedule final rule by Wednesday, October 27. We do not expect this annual rule to be as controversial as last year, when there was a significant cut to \*\*\*\*\* services, but it will draw attention because it \*\*\*\*\*.

As you may recall, Mike Smith, Amanda Red, and I briefed you in person several times about various key decisions finalized in this rule. Among those discussions:

- On September 30, Mike Smith sent you a memo outlining \*\*\*\*\* and raising the question \*\*\*\*\*. You e-mailed him the next day indicating that you wanted to proceed with \*\*\*\*\*.
- On October 12, we met in your office to brief you on \*\*\*\*\* and discuss \*\*\*\*\*. You decided \*\*\*\*\*.

### **SUMMARY:**

**Reasons for Publication and Timing:** Since 1992, the Medicare statute requires that CMS annually revise the Physician Fee Schedule based on national uniform relative value units (RVUs). CMS establishes RVUs for physician work, practice expenses, and malpractice expenses under different schema as directed by the statute. The Medicare statute requires the Department to publish the annual update for the next calendar year's Physician Fee Schedule by November 1 of the preceding year. We published a proposed rule, which does not differ significantly from this final rule, on June 22.

**Noteworthy Elements:** This final rule implements changes to the Physician Fee Schedule and other Medicare Part B payment policies to ensure that we update our payment systems to reflect changes in medical practice and the relative value of services.

The most important policy changes in this rule are:

- Policy change A, which gives an X percent increase in reimbursement rates to physicians who focus on Alpha medicine, largely offset by a Y percent decrease in reimbursement to group Beta.
- Policy change B
- Policy change C

**ANTICIPATED REACTION:** We expect a mixed reaction from the medical community. As noted above, Policy change A indicates that group Alpha will see an X percent increase in reimbursement over the previous year, but group Beta will see a Y percent decrease. Although

expected by stakeholders, both individual members of Congress and industry groups heavily lobbied the department on this matter. We believe, however, that this change is in the best interest of beneficiary care and the long-term fiscal health of the Medicare program. The final rule will please Group Alpha and its allied group, most notably the Americans for Alpha Alliance. Those with no financial stake in its outcome largely support this policy.

Congressional reaction from members with large research hospitals, who opposed the change, will be negative. The final rule will please members with smaller hospitals.

**RECOMMENDATION:**

It is my recommendation that you approve the signature of the final rule.

\_\_\_\_\_  
[Signature of Assistant Secretary]

**DECISION:**

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Need More Information \_\_\_\_\_

\_\_\_\_\_  
[Secretary's Name]

\_\_\_\_\_  
Date



# C hapter 7: Information Memos/Alerts

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## Information Memo Overview

Information memos educate the Secretary in writing about an important issue or action where the subject matter does not warrant a face-to-face meeting with the Secretary. They do not require the Secretary to take any action.

Information memos may focus on:

- Findings of a key study
- Program initiative by a division
- Media campaign to highlight an important health issue
- Update on a critical court case
- New collaboration with another federal agency or agencies
- Corrective action taken to solve a major problem

Like decision memos, the head of the division preparing the memo must sign the memo. Unlike decision memos, Exec Sec does not need to run a Departmental clearance for information memos, and the memos do not require any approval or response from the Secretary. The operating or staff division should always send a copy of the information memo to the appropriate Exec Sec policy coordinator. A template and example are below.

## Information Alert Overview

Information alerts educate the Secretary about an *urgent* matter. They describe the issue/problem, why it is critical for the Secretary to have the information now, and what the Department is proposing to address the problem. Generally, they are only one page with bullets and are sent to the Secretary's Office, through Exec Sec, by e-mail. They do not require the Secretary to take any action.

They may focus on:

- Imminent public health or safety problems
- Update on an issue of major concern to the Administration
- Information about a Departmental action that will become public within a few days
- Sensitive news story scheduled for release shortly

A sample information alert is below.

## Template of Information Memo

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** Assistant Secretary for \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SUBJECT:** How to Prepare an Information Memo – **INFORMATION**

### **ISSUE**

Include a concise description of the issue and why the Secretary needs to know the information.

Always include this sentence: "This memo is for your information only; you do not need to take any action on this."

### **BACKGROUND**

Include information about the origin and background of the issue, report, study, initiative, or problem. This section sets the context for the information in the memorandum.

### **DISCUSSION**

Discuss the issue, report, study, initiative, or problem; describe the implications for the Department; and present the division's next steps. If relevant, include information about public reaction, including the expected reaction from Congress, stakeholders, media, and others. If the Department will pursue a new program, initiative, or course of action, include information about any opportunities for Secretarial involvement, if appropriate.

## Example of Information Memo

(Note: This is an edited excerpt from a real memo.)

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** Administrator

**SUBJECT:** Publication and Release of the Report on Estimates of Mental Health Problems and Substance Use from the 2010 National Survey on Drug Use and Health –  
**INFORMATION**

### ISSUE

This memorandum provides you a brief overview of the 2010 mental health findings from Substance Abuse and Mental Health Services Administration's (SAMHSA) National Survey on Drug Use and Health (NSDUH). This memo is for your information only; you do not need to take any action on this.

### BACKGROUND

The SAMHSA survey is the federal government's premier source of information on the incidence, prevalence, treatment, and other issues related to substance use including tobacco, alcohol, illicit and prescription drugs, and mental illness. The survey is nationally representative of the civilian, non-institutionalized population aged 12 years or older and based on interview data from 68,487 persons.

### KEY FINDINGS

In 2010, an estimated 45.9 million adults aged 18 or older in the United States had any mental illness (AMI) in the past year. This represents 20 percent (1 in 5) of all adults in this country. Among adults aged 18 or older in 2010, 11.4 million adults had serious mental illness (SMI) in the past year (5 percent of adults).

In 2010, an estimated 8.7 million adults (3.8 percent) aged 18 or older had serious thoughts of suicide in the past year. Among adults aged 18 or older, 2.5 million (1.1 percent) made suicide plans in the past year, and 1.1 million (0.5 percent) attempted suicide in the past year. Among the 45.9 million adults aged 18 or older with AMI in 2010, 17.9 million (39.2 percent) received mental health services in the past year. Among the 11.4 million adults aged 18 or older with SMI in 2010, 6.9 million (60.8 percent) received mental health services in the past year.

Among the 45.9 million adults aged 18 or older with AMI in the past year, 20 percent (9.2 million adults) met criteria for substance dependence or abuse in that period compared with 6.1 percent (11.2 million adults) among those who did not have mental illness in the past year. Among the 11.4 million adults aged 18 or older with SMI in the past year, 25.2 percent also had past year substance dependence or abuse compared with 6.1 percent of adults who did not have mental illness.

In 2010, there were 1.9 million youths (8 percent of the population aged 12 to 17) who had a major depressive episode (MDE) during the past year. Among youths aged 12 to 17 in 2010 who had a MDE in the past year, 37.2 percent used illicit drugs in the past year compared with 17.8 percent among youths who did not have a MDE in the past year.

In 2010, 2.9 million youths aged 12 to 17 (12.2 percent) received treatment or counseling for problems with emotions or behavior in a specialty mental health setting (inpatient or outpatient care). Feeling depressed was the most common reason for receiving specialty mental health services among youth (47.6 percent).

## **DISCUSSION**

The economic burden of mental illness in the United States is substantial—about \$300 billion in 2002. Mental illness is an important public health problem in itself; published studies report that about 20-25 percent of all U.S. adults have a mental illness and that nearly 50 percent of U.S. adults will develop at least one type of mental illness during their lifetime. According to the new SAMHSA survey, few are getting the help they need for mental illness.

In addition, mental illness is associated with increased occurrence of chronic diseases such as cardiovascular disease, diabetes, obesity, asthma, epilepsy, and cancer; use of tobacco products and abuse of alcohol; and lower use of medical care, reduced adherence to treatment therapies for chronic diseases, and higher risks of adverse health outcomes.

Through its numerous programs and initiatives, SAMHSA will continue to work to lower the incidence and prevalence of substance use.

## Example of Information Alert

(Note: This is not a real example.)

**TO:** The Secretary  
Through: DS \_\_\_\_\_  
COS \_\_\_\_\_  
ES \_\_\_\_\_

**FROM:** CDC Director \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SUBJECT:** Human Plague Discovery – **INFORMATION**

**WHY THIS INFORMATION IS CRITICAL NOW:** In Colorado Springs, Colorado, CDC indentified a suspected human death from the bubonic plague that will receive nationwide media attention beginning tonight. This memo is for your information only; you do not need to take any action on this.

### **SUMMARY OF ISSUE AND DEPARTMENT RESPONSE/ACTIONS:**

- Plague-related deaths of prairie dogs and a suspected fatal case of bubonic plague in a 28-year-old male occurred today in Colorado Springs. While plague-related prairie dog deaths along Colorado Front Range are not unusual, a human death is cause for concern.
- The Colorado Springs Gazette plans to report in tomorrow's edition that health officials are investigating the death of a man who lived near the prairie dog colony. CNN has inquired about the incident. We expect coverage on tonight's news.
- The local health department is taking appropriate measures to reduce risk of human exposures. CDC will collaborate with local and state public health authorities to respond to this outbreak by sending epidemiologists to Colorado Springs tonight.

**CONTACT:** [Name, phone number, and e-mail of CDC contact; name, phone number, and e-mail of Exec Sec contact]

# C hapter 8: Briefing Memos

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## Briefing Memo Overview

On any given day the Secretary participates in numerous meetings, events, and phone calls with both internal and external participants. Briefing memos provide the Secretary with the information necessary to successfully complete each engagement. This chapter provides uniform guidance for the operating and staff divisions preparing briefing memos for the Secretary.

## Process

Every Friday, the briefing coordinator in the Secretary's Scheduling Office sends out an e-mail summarizing the Secretarial events, meetings, and phone calls for the coming week. The e-mail assigns a point of contact for each event. The briefing point of contact is responsible for collecting all information relevant to the Secretary's participation, writing the memo, and submitting it on time.

## Key Points

- **Submit Memos On Time:** Memos must be submitted on time. Briefing materials are generally due **at noon the day before** the event/meeting/call. If there are significant updates after submitting the memo, contact the briefing coordinator and the person staffing the event/meeting/call to discuss the best way to provide updated information to the Secretary.
  - Note: Information memos on policy discussions will be due 48 hours prior to the event/meeting/call so that the Secretary's counselors have an opportunity to review them. The *Week Ahead Guidance* schedule will reflect early due dates.
- **Define the Secretary's Role:** Above all, the memo should clearly define the Secretary's role in the event/meeting/call. What is expected of her? What does her participation involve? Why is she participating in this event?
- **Be Concise:** The length of the memo should be proportional to the Secretary's involvement. The amount of information included in a memo should reflect the amount of time she is spending on the event/meeting/call.

For example, a memo preparing the Secretary for an hour long, open-press roundtable with members of Congress and a diverse group of stakeholders should include a greater degree of detail than a memo in which the Secretary is delivering opening remarks on a press call and then hanging up without taking questions.

## Checklist

- ✓ Check the *Week Ahead Guidance*: Every Friday, check to see if you have any memos due the following week. If you notice an error in the *Week Ahead Guidance* assignments, please contact the Secretary's briefing coordinator to seek clarification.
- ✓ Draft the memo: The person listed on the *Week Ahead* is responsible for collecting all information relevant to the event/meeting/call and is responsible for drafting the memo.
- ✓ Reach out to other operating and staff divisions: Most events/meetings/calls are not limited to one policy area. It is the memo drafter's responsibility to reach out to other operating and staff divisions to make sure any information pertaining to the event/meeting/call is included in the memo. Make sure information, numbers, and facts coming from a cross-section of divisions match.
  - When appropriate, include information that is topically related to the events or of particular interest to the audience. For example, if the Secretary is doing an event on obesity, please include recently announced or upcoming grants related to obesity.
  - The Office of the Assistant Secretary for Public Affairs (ASPA) and the Office of the Chief of Staff can help provide information for memos or help connect the memo drafter with appropriate operating and staff divisions.
- ✓ Submit the memo on time: Submit the memo by noon the day before the meeting/event/call (or an earlier deadline set by the briefing coordinator).
- ✓ Update the memo: If there are significant edits to the memo after its submission, contact the Secretary's briefing coordinator and the person staffing the event/meeting/call to coordinate providing the Secretary with an update.

## Do's and Don'ts

- **Do:**
  - Tell the Secretary what is expected of him or her.
  - Indicate whether information is public, about to become public, or internal only. This is important when the Secretary is going to be speaking to the media, members of Congress, and other stakeholders.
  - Include local news clips when the Secretary is travelling outside of Washington or speaking with a member of Congress or governor. Include national stories that may have a local impact.
  - Include the name(s) and contact information for the subject matter expert(s) if the issue is highly technical or not something the Secretary has been briefed on previously.
  - Include the Affordable Care Act state profiles, available at [www.HealthCare.gov/law/resources/index.html](http://www.HealthCare.gov/law/resources/index.html).
- **Don't:**
  - Submit the materials late to ensure clearance of every last word of a document. It is better to submit the documents on time, let the Secretary know what still needs clearance, and then update the Secretary prior to the event/meeting/call.

- Send the Secretary volumes of information via e-mail after the briefing deadline unless it is a crisis situation or a newly scheduled event.
- Submit a long memo (more than 10 pages). Include attachments for anything requiring extensive length rather than putting them in the body of the memo.
- Submit decision memos through the briefing memo process. Exec Sec must clear decision memos through the regular Exec Sec process. \*\*\*If a briefing for a policy meeting outlines Secretarial decisions, the memo must go through the Exec Sec process in order to ensure its accuracy, quality, legality, and conformance with Administration policy and message.
- Assume that the Secretary has been briefed. Check with the counselors to the Secretary, the briefing coordinator, or the chief of staff's office.

The following pages contain a template/example of a briefing memo.



## Template/Example of Briefing Memo

**TO:** The Secretary  
**FROM:** [Name, Office]  
**SUBJECT:** [Event Title]  
**DATE:** [Date of Event]

### Event Details

**Location:** [Location of Event]  
**Time:** [Time of Event]  
**Staff:** [Name of Person Staffing Secretary]

### Overview

This section should answer the following:

1. What is the Secretary's role at this event?

Example: You will deliver remarks from a podium before an audience of nurses...You will moderate a roundtable on health IT...You will participate in a meet and greet with hospital leadership.

2. What is the context for her participation? When was the last time she met with this person, group?

Example: You will participate in the final day of a 3-day conference on non-communicable diseases. This is the first UN-level meeting on NCDs.

3. What is the goal/purpose of the event?

Example: The purpose of the press call is to announce the awarding of new Community Transformation Grants and to draw attention to the Administrations work on addressing health disparities.

Example: Tomorrow, you will visit a pharmacy on the south side of Chicago. During your visit, you will tour the store with pharmacy leadership, receive your seasonal flu vaccination, and participate in a press conference with local media. The visit was scheduled after you accepted an invitation from Pharmacy ABC President and CEO Bill Smith. The purpose of your visit is to see firsthand strategies Pharmacy ABC is using to address issues ranging from food deserts to preventive health services. Your visit will also be an opportunity to promote the importance of flu vaccination. This is your third meeting with Pharmacy ABC leadership in the past year.

### Participants

Include the name, title, and if necessary a few lines of biographical information. It is preferable to include a few lines of relevant biographical information over a series of biographical attachments. If the number of participants is large, provide a summary of who is participating and attach the relevant information in an Appendix to the memo.

Example:

- Bill Smith, President and CEO, Pharmacy ABC. Bill Smith has served on the company's board of directors since 2009. You last met with Bill Smith on May 20 at HHS to discuss Pharmacy ABC's efforts to improve access to healthy foods and preventive services in underserved communities.

### **Agenda**

Insert agenda here. Do not copy and paste the entire event agenda. Instead, include only the information relevant to the Secretary's participation.

Example:

10:30 AM	Bill Smith greets YOU.
10:35 AM	Store tour begins
10:55 AM	Store tour ends, and YOU receive flu vaccine
11:00 AM	Speaking program begins
11:20 AM	Media availability
11:30 AM	YOU depart

### **Background**

Expand on the description in the "Overview" section with additional information relevant to the Secretary's participation.

Things to consider:

- Will we announce grants or reports in conjunction with this event/meeting/call? Has HHS awarded any other grants to the group/organization?
- When was the last time the Secretary met with this person, group?
- Is this event/meeting/call part of a White House initiative?
- What is the group/organization's position on the issue?

Example: This is the first time you are visiting the pharmacy, although you met with Bill Smith in May as noted above. The visit is part of your initiative to increase public awareness about flu and the importance of receiving a flu shot each year. It also offers an opportunity for you to observe and increase public awareness about the increasing role pharmacies can play in offering important health screening services in the communities they serve. Finally, the pharmacy's interest in promoting healthy foods is consistent with the First Lady's initiative to fight obesity and improve nutrition.

### **Attachments**

Include additional documents crucial to the Secretary's participation. If the whole document is not necessary, summarize the important information rather than attaching a lot of information that is not all critical to the Secretary's participation.

Examples of attachments include:

- Talking points
- Copies of press materials that are public or being distributed
- Full agenda if relevant
- Short bios on all participants if inclusion in the memo body would make it too long and unwieldy

# C hapter 9: Clearance Process

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## Clearance Process Overview

The Department must clear all letters and decision memos for the Secretary's signature. This means that other operating or staff divisions review these documents to ensure their accuracy, quality, legality, and conformance with Administration policy and message.

The Office of the Secretary's Executive Secretariat manages the clearance process for *most* documents for the Secretary's signature. Policy coordinators in Exec Sec work with specific operating and staff divisions to clear any documents these divisions send to the Secretary.

Policy coordinators receive documents from their divisions, determine who should review them, and then send them for review to the appropriate operating and staff divisions through a special computer system called SWIFT. The documents go to each division's executive secretariat, which distributes them to appropriate staff to review.

When reviewing a document in clearance, divisions have three options:

- **Concur:** Clear the document without any changes.
- **Concur with comments:** Offer substantive or editorial changes that you believe would improve the document.
- **Non-concur:** Signal that Exec Sec should not send the document to the Secretary for signature until the authoring division makes significant changes.

If a division non-concurs with a document in clearance, the authoring agency must revise the document and then re-clear it with the non-concurring division. No document can move forward for signature until all divisions concur or concur with comments.

When your division comments on a document, your division's executive secretary will send the comments back through SWIFT to the appropriate policy coordinator in Exec Sec. Policy coordinators manage revisions to the document and re-clear it, if necessary. Once a document is ready for signature, the policy coordinator moves it forward to the Secretary for consideration.

In addition to clearing documents internally, policy coordinators also work with other federal agencies, the White House, and the Office of Management and Budget to clear documents such as regulations, guidance documents, and *Federal Register* notices.

## Tips for Clearing Documents

- **Review the document carefully.** Look for factual errors, consistency with Administration statements and policy, any legal concerns, and technical accuracy. Style edits are helpful, but substantive sign-off is much more important.
- **Check to see if others should clear the document.** Advise the Exec Sec policy coordinator immediately if you believe Exec Sec should add a critical operating or staff division to the clearance process.
- **Settle policy disputes early.** Discuss significant concerns with a document early with the authoring division. If possible, do so before submitting a non-concurrence. You may either contact the authoring division directly, or you may contact the appropriate Exec Sec policy coordinator. The policy coordinator can set up a conference call or meeting, as necessary.
- **Be specific.** Make sure your comments are clear and specific. Vague comments are difficult to understand and to incorporate. If you have a question about a policy issue in a decision memo, be precise in presenting your question to the authoring agency. If you think wording in a letter is unclear, suggest specific changes to make it clearer.
- **Meet deadlines.** Particularly for high-priority correspondence for the Secretary's signature, you have three business days to clear a letter. For other documents, the policy coordinator will provide the necessary timeframe for your comments. Build in time for internal review if your division's leadership must approve your comments. If you are unable to meet the deadline for any reason, inform the appropriate policy coordinator as soon as possible before the deadline passes with a detailed explanation for the delay. The Department's Executive Secretary and the Chief of Staff will receive notifications of all explanations.
- **Send comments back through the SWIFT system.** Send your comments to your division's executive secretary, who will send them to the Department's Executive Secretariat via the SWIFT document management system. Use this process even if you are simply concurring without comment. Do not send a hard copy or e-mail unless the policy coordinator specifically requests this because of timing concerns.
- **Know who clears what.** While Exec Sec manages many clearance processes for the Department, other parts of the Office of the Secretary also manage clearance processes, as detailed on the following chart.

<b>Who Clears What at HHS</b>	
<b>HHS Coordinating Office</b>	<b>Document Type</b>
Executive Secretariat (ES) in the Office of the Secretary	<p>Decision memos for the Secretary</p> <p>Regulations and guidance documents requiring Departmental review</p> <p>Correspondence for the Secretary</p> <p>Information memos and alerts</p> <p>Reorganization proposals (except congressional notification letters, which ASFR clears)</p> <p>Reports to Congress for authorizing committees</p> <p>All regulatory/guidance documents sent to HHS for review by the White House, including the National Security Staff and Office of Management and Budget</p>
Assistant Secretary for Financial Resources (ASFR)	<p>HHS budget proposals and documents related to the development and issuance of the HHS budget, including the <i>Budget in Brief</i> and the <i>Budget Reference Book</i></p> <p>HHS communications with – and responses to – House and Senate appropriations committees</p> <p>Congressional testimony before appropriations committees and follow up questions for the record</p> <p>Reports to Congress for appropriations committees</p> <p>Reorganization proposals (congressional notification letters only)</p> <p>Special funding opportunity announcements requiring Departmental review (such as those under the Affordable Care Act)</p> <p>Medicare Demonstrations</p>
Assistant Secretary for Planning and Evaluation (ASPE)	<p>Departmental review of legislative proposals submitted by Operating Divisions for inclusion in the HHS annual budget (Circular A-19 process)</p>
Assistant Secretary for Legislation (ASL)	<p>HHS communications with – and responses to – House and Senate authorizing committees</p> <p>Congressional testimony before authorizing committees and follow-up questions for the record</p>

<b>Who Clears What at HHS</b>	
<b>HHS Coordinating Office</b>	<b>Document Type</b>
	<p>Responses to GAO investigations, including audits, reports, and testimony</p> <p>Responses to congressional requests on all matters related to oversight and investigations into Departmental programs and activities</p> <p>Bill reports (Secretarial letters presenting the Administration's views on pending legislation), if GCL requests handling by ASL</p>
Assistant Secretary for Public Affairs (ASPA)	<p>Media materials for major Departmental initiatives and interview requests for senior Departmental leadership</p> <p>OpDiv/StaffDiv media materials, including news releases, media advisories, statements, op-eds, letters to the editor, etc.</p> <p>OpDiv/StaffDiv media interview requests, editorial boards, etc.</p> <p>Publications, ad campaigns</p> <p>Rollout plans involving major Departmental initiatives and/or senior Departmental or Administration leadership</p> <p>FOIA requests</p>
Office of General Counsel for Legislation (GCL)	<p>All documents sent by the OMB Legislative Reference Division for HHS review, including draft bills, other agency testimony, and Statements of Administration Policy (SAPs) on pending legislation</p> <p>All language to implement the Administration's legislative proposals that affect HHS programs (GCL is responsible for both drafting the legislative language and clearing it within the Department)</p> <p>Enrolled bill reports (HHS letters to OMB recommending that the President sign/veto bills passed by Congress that affect HHS programs)</p> <p>Bill reports (Secretarial letters presenting the Administration's views on pending legislation) unless GCL requests ASL to handle</p>
Office of the White House Liaison	Clearance of appointments to Federal Advisory Committees