



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 28, 2011

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter to Acting Director Kenneth E. Melson of the Department's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), dated April 8, 2011, which raises questions about guidance ATF may have distributed regarding Congressional communications, either in writing or otherwise, to ATF personnel.

In answer to your first question, the guidance in the e-mail enclosed with your letter was not distributed to ATF field offices. Your letter also asked whether ATF distributes guidance to employees regarding contacts with Congress. Enclosed is a copy of ATF Order 9000.1A Office of Public and Governmental Affairs, issued on June 5, 2008, which provides general guidance to all ATF employees regarding contacts with Congress. The guidance informs ATF employees that they may not disclose non-public information, including sensitive criminal enforcement information, without approval of the appropriate Headquarters office.¹ The guidance further explains that if a congressional office requests such restricted information, the employee should refer the matter to ATF's Legislative Affairs Division.²

ATF has a compelling interest in ensuring that its investigative files are protected from unauthorized disclosure. ATF's disclosure restrictions comport with the longstanding and nonpartisan policy of the Department of Justice not to release materials contained in open criminal investigative files. ATF works to ensure that these disclosure restrictions are made known to and observed by all employees. These policies and practices are consistent with the statutes you have cited, as they have long been interpreted by the Executive Branch. See *Authority of Agency Officials to Prohibit Employees From Providing Information to Congress*, Letter Opinion for the General Counsel, Department of Health and Human Services, from Jack L. Goldsmith, III, Assistant Attorney General, Office of Legal Counsel (May 21, 2004) available at www.usdoj.gov/olc/opinions.htm.

¹ See ATF Order 9000.1A at A-3.

² See ATF Order 9000.1A at D-5.

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In addition, ATF recognizes the importance of protecting employees from retaliation relating to protected disclosures under the Whistleblower Protection Act and the reporting of waste, fraud, and abuse generally. On February 9, 2011, ATF's Assistant Director for Field Operations issued the enclosed guidance regarding Rights and Duties under the Whistleblower Protection Act via e-mail to all Special Agents in Charge, for subsequent dissemination to all field supervisors.

We hope that this information is helpful. Please do not hesitate to contact this office if we may be of assistance in this or any other matter.

Sincerely,



Ronald Weich
Assistant Attorney General

Enclosures

cc: The Honorable Patrick J. Leahy
Chairman

OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS

FOREWORD

TO: All ATF Employees

1. PURPOSE. This order establishes general guidelines and procedures relative to liaison responsibilities, public contacts, media affairs, congressional affairs, and the library, archive and historical programs within the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
2. CANCELLATIONS. ATF O 9100.1A, Legislative Liaison Responsibilities, dated 8/3/2001, and ATF O 9000.1, Office of Liaison and Public Information, dated 4/23/2001, are canceled.
3. DISCUSSION. This order reflects the restructuring of the Office of Public and Governmental Affairs, which consists of the Liaison Division, the Public Affairs Division, and the Legislative Affairs Division. This order details each division's mission, functions, and personnel responsibilities.
4. AUTHORITIES AND REFERENCES.
 - a. Critical Incident Management System (CIMS) Manual.
 - b. ATF O 2400.6, Performance Management System.
 - c. ATF O 1250.1, Letters of Agreement, Memoranda of Agreement, and Memoranda of Understanding.
 - d. Title 28, CFR, Part 16, Production or Disclosure of Material or Information.
 - e. Title 28, CFR, Section 50.2, Releasing Information Relating to Criminal and Civil Proceedings.
 - f. Title 5, U.S.C., Section 552, Freedom of Information Act.
 - g. Title 5, U.S.C., Section 552a, Privacy Act.
 - h. Title 26, U.S.C., Section 6103, Restricting the Release of Tax Information.
 - i. Title 18, U.S.C., Section 1905, Disclosure of Confidential Information Generally.
 - j. United States Attorney Manual (U.S.A.M.), Title 1-7.000, Media Relations.
5. QUESTIONS. Questions regarding this order should be directed to the Office of Public and Governmental Affairs at 202-648-8700.

Michael J. Sullivan
Acting Director

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CHAPTER A. GENERAL

1. DISCUSSION.

- a. As a publicly funded agency, ATF has a responsibility to inform the public, elected representatives and other Government agency officials of its mission, policies, and activities. It is ATF's policy that every ATF employee be as courteous and helpful as possible when responding to outside inquiries, and that the Bureau actively initiate direct contact with the public, media and Government representatives regarding ATF's mission, policies, and activities.
- b. The Bureau and the public directly benefit from ATF making available accurate and concise information and publicizing its mission, policies and activities, to the extent possible, taking into account law enforcement and privacy concerns. Public knowledge of ATF's mission, policies, and activities promotes understanding and compliance with the laws and regulations enforced by the Bureau, and enables others to identify the Bureau for needed services.
- c. The Bureau's efforts in maintaining a high level of communication with foreign law enforcement, industry, and governmental representatives directly impact the Bureau's ability to fulfill its mission both domestically and internationally. Liaison with these representatives helps to promote mutually beneficial cooperation and relationships.

2. HEADQUARTERS COMPOSITION AND EXECUTIVE LEVEL RESPONSIBILITIES.

- a. The Office of Public and Governmental Affairs (PGA) consists of the Liaison Division, Public Affairs Division, and Legislative Affairs Division. PGA also is responsible for the ATF library, archive, and historical programs.
- b. The Director is responsible for:
 - (1) Setting overall policy and goals for liaison, media, and congressional activities.
 - (2) Delegating responsibilities at all levels to maintain the Bureau's objectives in each of these areas.
 - (3) Ensuring that all Bureau personnel are aware of and carry out their responsibilities, adhering to all restrictions in these program areas.
 - (4) Advising the Attorney General and other Federal agency officials on liaison, media, and disclosure issues that may impact legislative, judicial, or other executive branch agencies.
- c. The Assistant Director (PGA) is responsible for:
 - (1) Providing overall leadership and oversight of PGA, and the successful completion of its duties and assignments.
 - (2) Advising the Director and Executive Staff on communications strategies and challenges.
 - (3) Setting policy for PGA operations.

- (4) Ensuring open communication with the Department of Justice (DOJ).
- (5) Maintaining communication with the Director, Deputy Director, and Executive Staff regarding all matters relevant to liaison, media, and legislative affairs.
- (6) Overseeing the ATF library, archive, and historical programs.
- (7) Serving on boards and committees as assigned by the Director or Deputy Director.
- (8) Reviewing external awards in conjunction with the Office of Management. Upon approval of an award proposal, forwarding to the Office of Professional Responsibility and Security Operations (OPRSO) for clearance.
- (9) Providing the Assistant Director (Field Operations), with input for the performance appraisals of special agents in charge (SACs) insofar as the appraisals pertain to media events and congressional briefings.
- (10) Designating a subordinate employee to act in the event of his or her absence in accordance with ATF O 1150.13, Delegation Order – Designation of Acting Supervisory Officials.

d. The Deputy Assistant Director (PGA) is responsible for:

- (1) Assisting the Assistant Director (PGA) in setting policy with an emphasis on providing guidance designed to ensure the effective operation of the Public Affairs, Liaison, and Legislative Affairs Divisions.
- (2) Managing the resources of PGA to include human resources, budget, and equipment.
- (3) Ensuring all policies and procedures within PGA are communicated and implemented within Headquarters offices and at the field division level.
- (4) Serving as advisor to the Assistant Director (PGA) by providing authoritative analysis on public implications of new or revised Bureau initiatives that have national or international consequences.
- (5) Representing the Bureau at the executive level, formulating interagency cooperative agreements and participating in program performance evaluations that pertain to legislative, liaison and public information projects and programs.
- (6) Performing special assignments, including serving on cross-directorate committees.
- (7) Approving where appropriate particular field requests, such as field requests to issue comments or press releases, conduct press conferences, grant interviews, or deploy or release public information officers (PIOs). See subparagraph 21d for further guidance on these matters.

3. DEFINITIONS.

- a. Public Information. Information that has been made available to a Bureau office by Headquarters or by field divisions for unqualified dissemination (e.g., recruiting brochures, fact sheets, reference information). Any ATF employee may give out this information.
- b. Controlled (Non-public) Information. Information that the Bureau is statutorily prohibited from releasing to the public or that can be released only with approval of the appropriate Headquarters office. Controlled information includes, but is not limited to, national security information; personal information or data subject to the Privacy Act of 1974; tax returns and return information; trace data; and sensitive criminal enforcement, regulatory, and proprietary information. Controlled information may be released only as provided by statutory or regulatory guidelines, as specifically approved by a Headquarters office pursuant to a published routine use for Privacy Act information or by the Office of Chief Counsel or the Disclosure Division.
- c. Discretionary Information. Any information disclosed in accordance with 28 CFR Part 16, Production or Disclosure of Material or Information. It is the responsibility of the official authorized to release the information to ensure that disclosures of discretionary information are in accordance with Bureau policy.

4. GENERAL GUIDELINES FOR RELEASING INFORMATION.

- a. This order provides general guidelines on the release of information, regarding the Bureau, its mission, functions and/or specific activities, which is obtained as a result of an ATF employee's official duties and is communicated to persons outside the Bureau. In some cases, this information may or may not be prohibited from disclosure pursuant to law, regulation, or policy (e.g., Freedom of Information Act; Privacy Act; DOJ policy as stated in U.S.A.M., Title 1-7.000, Media Relations; ATF directive).
- b. Bureau employees should consult with the Disclosure Division and the Associate Chief Counsel (Disclosure and Forfeiture) or applicable field counsel where there is any question about the propriety of a potential disclosure. This consultation is intended to prevent unlawful or erroneous disclosures of information.
- c. Executive branch agencies and employees are restricted by law from lobbying. No employee shall, in their official capacity or under the appearance of their employment with the Bureau, personally advocate for or against existing or proposed legislation enforced by or impacting ATF. This prohibition includes legislation relating to funding and staffing. The Bureau does provide technical advice on pending or proposed legislation in coordination with DOJ. Questions on these issues by the public or a media representative shall be directed to the appropriate PIO and/or public affairs specialist for coordination with the Public Affairs Division and the Legislative Affairs Division for response.
- d. The exchange or release of particular information by the Bureau may be required or restricted by law, regulation, policy, or by reasonable operational considerations. All employees are responsible for complying with all such laws, regulations, policies, and other considerations, and for exercising sound judgment, with respect to disclosing or withholding information. Any unauthorized release of information by an ATF employee may result in disciplinary and/or criminal action. Examples of unauthorized and authorized disclosures are provided below.

- (1) ATF employees shall not provide official Bureau seals, badges, or other indicia to members of the media for use of broadcast or commercial purposes without prior written approval from the Assistant Director (PGA).
- (2) ATF employees shall not publish articles and books, including works of fiction, based on information gained through their employment with ATF, without the authorization of the Assistant Director (PGA) and the Office of Chief Counsel. (See also ATF O 8620.1, Personnel Security, subparagraph 54a.) The Bureau has the right to excise information relating to ongoing investigative matters and operational techniques and procedures. The Bureau also has the right to excise references to classified and other restricted information. (See also 28 CFR, part 16.)
- (3) Disclosure of an ATF employee's personal views, such as a letter to the editor espousing the employee's viewpoint as a member of the public, is generally acceptable. However, no ATF employee shall utilize his/her position, title, or Bureau indicia to express his/her personal opinions to the media or public.

5-10 RESERVED

CHAPTER B. LIAISON DIVISION

11. GENERAL. The Liaison Division:

- a. Is the primary point of contact (POC) with Government agencies at the headquarters level, embassies, professional organizations, and law enforcement associations, and is responsible for maintaining close working relationships with those entities.
- b. Plans and arranges public and private events hosted by the Office of the Director to include presentations, conferences, and meetings. These internal and external events are designed to recognize, foster, and promote the ATF mission, personnel, and interagency relations.
- c. Facilitates visits by dignitaries from foreign and domestic entities, ensuring to the greatest extent possible that the goals of the visit are achieved.
- d. Manages the Director's prepared remarks, personal correspondence, special messages and other written material prepared for the Director's signature, ensuring consistency in message and philosophy, and promoting the ATF mission.
- e. In coordination with the International Affairs Office (IAO), International Affairs Coordination Group (IACG), and appropriate program offices, as applicable, proactively establishes communication with high-level personnel from foreign and domestic agencies for the purpose of pursuing matters of mutual interest and concern.
- f. Coordinates the awards process for the Meritorious Award, Memorial Award, Employee of the Year Award, and the Director's Annual Awards. See ATF O 2400.6, chapter K. The external awards program is coordinated and administered by the Office of Management.
- g. Represents PGA in the coordination and/or administration of Bureau fellowship programs, such as the Police Executive Fellowship Program.

12. RESPONSIBILITIES.

- a. The Chief of the Liaison Division is responsible for:
 - (1) Planning, developing, organizing, and directing working priorities that are reflective of ATF's mission and formulating liaison strategies that enhance ATF programs and initiatives.
 - (2) Serving as the principal advisor to the Director, Assistant Director (PGA), and other members of the Executive Staff on liaison issues.
 - (3) Assuring proper coordination and communication with other agency officials to promote positive interagency cooperation and close working relationships.
 - (4) Coordinating ATF participation in briefings, official visits, or other meetings to ensure appropriate participation and continuity from one visit to the next.
- b. The Program Managers are responsible for:
 - (1) Assessing, developing, and evaluating program goals, needs, operations and accomplishments.

- (2) Planning, directing, coordinating, and overseeing effective development of division programs and projects and evaluating programs to ensure efficiency and economy of operations.
- (3) Advising the Chief on significant issues pertaining to division programs, projects, and the impact of new technologies and initiatives; furnishing technical information and advice to provide direction and uniformity in division programs and projects.
- (4) Representing the Bureau in interagency meetings, conferences, and ad hoc committees on division issues and program initiatives.
- (5) Coordinating projects and programs within ATF and with officials from DOJ or other Federal, State and local law enforcement agencies.
- (6) Engaging Federal law enforcement agencies to ensure that the Bureau's policies and positions on a variety of complex issues are clearly communicated and ensuring their perspective is taken into account as ATF policies and programs are discussed and implemented.
- (7) Engaging law enforcement associations, industry associations, and other organizations to build partnerships and facilitate a free exchange of information. Making assessments and providing general recommendations regarding ATF personnel attendance at conferences hosted by these associations and organizations.
- (8) Overseeing generalized briefings and facilitating coordination and security of official visits by dignitaries from foreign and domestic entities at ATF facilities around the country. Assisting with the itinerary to ensure the goals of the visit are met.
- (9) In coordination with the IAO, establishing communication with high-level personnel from foreign and domestic agencies for the purpose of pursuing mutual interests.
- (10) Coordinating major functions, both public and private, hosted by the Office of the Director, including award ceremonies, presentations, conferences, and meetings.
- (11) Receiving and assessing requests for services and information from foreign embassies and other representatives of foreign governments, ensuring appropriate directorates are notified of such requests, and coordinating the Bureau's response to such requests.
- (12) Speaking before local and national organizations, law enforcement entities, and industry groups in support of Bureau activities.

c. The Project Officers are responsible for:

- (1) Conducting liaison with Federal law enforcement agencies to ensure that the Bureau's policies and positions on a variety of complex issues are clearly communicated to them, as well as making certain that their perspective is taken into account as ATF policies and programs are discussed and implemented.

- (2) Communicating with law enforcement associations, industry associations, and other organizations to build partnerships and facilitate a free exchange of information. Making assessments and providing recommendations regarding ATF personnel attendance at conferences presented by the various associations.
 - (3) Preparing and participating in generalized briefings and facilitating official visits by dignitaries from foreign and domestic entities. Assisting with the itinerary to ensure the goals of the visit are met.
 - (4) Maintaining communication with high-level personnel from foreign and domestic agencies for the purpose of pursuing mutual interest.
 - (5) Assisting with major functions, both public and private, hosted by the Office of the Director, including award ceremonies, presentations, conferences, and meetings.
 - (6) Assisting in the coordination and security of visits by high-ranking dignitaries from other organizations.
 - (7) Speaking before local and national organizations, law enforcement entities, and industry groups in support of Bureau activities.
- d. The Senior Program Analysts are responsible for:
- (1) Organizing most major functions, both public and private, hosted by the Office of the Director, including award ceremonies, conferences, and meetings.
 - (2) Coordinating and communicating within the Bureau on matters related to the Bureau's criminal and regulatory enforcement responsibilities as they may impact other agencies.
 - (3) Coordinating official visits by dignitaries from outside entities, foreign or domestic, to include determining the nature of the visit and developing an itinerary to meet the goals of the visit.
 - (4) Processing requests for information from embassies or other foreign sources and preparing responses to those requests.
- e. The Program Analysts are responsible for:
- (1) Preparing and participating in briefings related to foreign and domestic liaison.
 - (2) Conducting analyses and studies of liaison issues/matters, analyzing and evaluating information from Liaison Division reports, and summarizing this information into single, cohesive documents, highlighting significant facts.
 - (3) Developing recommendations, operating procedures, and staff policies for Liaison Division programs based on analysis of the division's current operations and management's needs.

- (4) Processing requests for information from embassies or other foreign sources and preparing responses to those requests.
 - (5) Planning, participating in, and completing special projects, including large-scale annual events and ceremonies.
- f. The Correspondence Unit Team Leader is responsible for:
- (1) Tracking and supervising the preparation of correspondence in reply to incoming correspondence requiring the Director's signature, as assigned by the Office of the Director and preparing personalized correspondence for the Director as requested, including thank you letters, retirement letters, condolence letters, and congratulatory letters.
 - (2) Reviewing and editing congressional correspondence prepared by others to ensure consistency in content, message, and format.
 - (3) Serving as an expert consultant to ATF staff on the preparation of all forms of correspondence and written communications.
 - (4) Editing correspondence, reports, and other written documents prepared for the Director's signature or release.
- g. The Speechwriter within the Correspondence Unit is responsible for gathering information and preparing talking points, speeches, and other presentations for the Director, ensuring that presentations reflect accurate information, promote the ATF mission, and are in accord with the Director's vision and philosophy.
13. OFFICIAL VISITS.
- a. Visit Requests.
- (1) Requests for official visits by foreign nationals to any ATF facility will be submitted to the Chief, Liaison Division. In the case of official visits to ATF foreign offices, these visits may be handled by the IAO and IAO foreign offices, as appropriate.
 - (2) The Chief, Liaison Division, will designate a member of his or her staff as a Liaison Visit Coordinator who will meet with the ATF POC to gather basic information about the visit and then prepare a visit request assessment and recommendation. The assessment should include clearance checks for all foreign nationals by the Office of Strategic Intelligence and Information (OSII) and OPRSO, the results of which will be forwarded to Physical Security Programs Branch and the Operations Security (OPSEC) Branch. The assessment will also include coordination with IAO and IAO foreign offices, as appropriate.
 - (3) The Chief, Liaison Division, will present the request, assessment and recommendation to the Assistant Director (PGA).

- (4) Upon preliminary approval of the Assistant Director (PGA), the Chief, Liaison Division, will forward an informational synopsis of the visit request to the Chief, IAO via e-mail. ATF directorates having prior or planned contact with the country or domestic entity should indicate their interest in participating in the visit to the Chief, Liaison Division.
 - (5) The Liaison Visit Coordinator will prepare and forward a complete briefing package for the visit to the Assistant Director (PGA), who will then confer with the assistant director of the requesting directorate or his or her delegate to discuss the results of the final assessment and make a decision regarding the visit.
- b. Visit Preparation.
- (1) The assigned Liaison Visit Coordinator will work with the visiting country's POC, and will consult with the appropriate directorate official, including subject matter experts that may have substantive interest in the visit, to prepare an appropriate official briefing package for the visit.
 - (2) The Liaison Visit Coordinator will ensure that all appropriate arrangements are made for the visit, including refreshments (if required), official gifts, transportation, escorts, parking and security guards, and, where necessary, briefings on the applicable cultural customs and general protocol for the visit.
 - (3) Prior to the visit, the Liaison Visit Coordinator will thoroughly brief the Chief, Liaison Division, on the planned itinerary as well as any issues that may affect the success of the visit.
- c. Visit. During the visit, the Liaison Visit Coordinator will be present to ensure, to the greatest extent possible, that the goals of the visitor and ATF are met, and to address any issues that may arise during the course of the visit.
- d. Post Visit.
- (1) After the visit, the Liaison Visit Coordinator will contact the ATF directorate POC(s) as well as a representative of the visiting delegation to ensure that followup issues, if any, have been resolved. Any comments or feedback received during these conversations will be incorporated into an after action report as described below.
 - (2) The Liaison Visit Coordinator will prepare a brief after action report documenting the visit. The report shall include the number of visitors, the stated interests of the visitors, and any issues raised during the visit, to include any followup action items. The Liaison Visit Coordinator will also document the visitor's feedback which will be used in preparing for future visits. In the case of international visitors, the after action report will be timely forwarded to the Chief, IAO, to ensure that any followup action items are handled or resolved by the appropriate parties.

14. SPECIAL EVENTS.

- a. Requests for Special Events generally will be initiated by the Office of the Director, and may include events such as the annual awards ceremony. Requests will be submitted to the Assistant Director (PGA) for action by the Chief, Liaison Division. The Chief will

assign all event requests to a Liaison Event Coordinator, who will meet with the ATF POC to gather specific information about the event and initiate an event tracking log. All proposed contracts for special events will be forwarded to the Office of Chief Counsel for review.

- b. Preparation for Special Events include, but are not limited to, the following:
- (1) Identify a Venue/Location. Factors that will have an impact on identifying the location include applicable DOJ guidelines; availability; cost estimates; the number of expected attendees; traffic or parking considerations; safety concerns/handicap accessibility; Metro accessibility; information on other events prior to, during, or after the event; media presence; catering; indoor vs. outdoor location; availability of holding rooms for ATF executives, official guests, honor guard, band, etc., as applicable; and the security considerations prior to and during the event.
 - (2) Identify Participants. Individuals that should be involved in large events may include personnel from the Executive Protection Branch, Special Operations Branch, etc., as well as the Liaison Event Coordinator, master or mistress of ceremonies, VIPs, sign language interpreter, ATF medic, ATF canine handler, ATF photographer, ATF audiovisual specialist and/or videographer, honor guard, bugler/drummer, taps/rifle team, band or quartet, soloist, ushers and/or VIP hosts, ATF chaplain, and venue POC.
 - (3) Other Items to Consider. Other items that may require consideration for special events include speeches/scripts, program literature, event advertisements, event timeline, briefings, pre-event site walk-through, confirmation of all participants, attendee travel arrangements, transportation to event, conference issues (e.g., hotel rooms, hospitality suite, booth), payment for services, and the use of the Director's Representation Fund.
- c. During the Event. The Liaison Event Coordinator will be present to address any issues that may arise during the event.
- d. Post Event. Within 48 hours of the event, all of the Liaison Division members who participated in the event will meet to discuss the event. The Liaison Event Coordinator will prepare an after action report for the Assistant Director (PGA) within 7 working days of the event's conclusion. The report will include suggestions, photos, constructive criticism, and positive feedback to help prepare for the next event. If required, the Liaison Event Coordinator will provide information to the Correspondence Unit for the purpose of preparing appropriate letters of appreciation for the Director's signature.

15. PROFESSIONAL ASSOCIATIONS.

- a. General Liaison. A program manager or project officer will be assigned to communicate with law enforcement associations and certain industry associations/stakeholders in order to build partnerships and facilitate a free exchange of information.
- b. Conferences. The program manager or project officer will make assessments and provide recommendations regarding Liaison Division and other ATF personnel attendance at conferences presented by the various associations/industries.

16. FEDERAL LAW ENFORCEMENT AGENCIES.

- a. General Liaison. Liaison Division representatives will be assigned to communicate with various law enforcement agencies within each of the departments in the Federal Government at the headquarters level, where ATF does not have dedicated personnel assigned. They will create a bridge for the exchange of information between ATF and the various agencies within each department, in coordination with affected ATF directorates as appropriate.
- b. Field Assistance. The Liaison Division will also provide ATF field personnel with access to sources of information and additional investigative tools and techniques available in other agencies.

17-20 RESERVED

CHAPTER C. PUBLIC AFFAIRS DIVISION

21. GENERAL.

- a. The Public Affairs Division is responsible for:
- (1) All nonoperational contact, apart from those processed under the Freedom of Information and Privacy Acts, with individuals, organizations and the news media for the purpose of providing information about the Bureau, its mission, functions, and specific activities. The Public Affairs Division has overall responsibility for coordinating and initiating media contacts on a national and international level, in coordination with affected directorates.
 - (2) Advising the Director, the Assistant Director (PGA), and other members of the Executive Staff on public information/media issues.
 - (3) Coordinating with and supporting other Headquarters directorates and field offices in carrying out their responsibilities in this area. The division is also responsible for evaluating public and media inquiries to the Bureau, and advising the Director, Assistant Director (PGA), and other members of the Executive Staff on developing issues, potential problem areas, and circumstances involving Bureau credibility. The division advises the Assistant Director (PGA) on policy and procedures in its area of responsibility.
- b. The field division SAC is responsible for notifying his or her chain of command and:
- (1) Consulting with the Chief, Public Affairs Division, where an issue may be sensitive or controversial.
 - (2) Obtaining the approval of the Deputy Assistant Director (PGA) in accordance with the following guidelines.
 - (a) If an issue has or is expected to attract national attention, or involves a Critical Incident Management Response Team (CIMRT) or Critical Incident Management Support Team (CIMST) operation, the SAC must obtain the approval of the Deputy Assistant Director (PGA) prior to issuing comments or press releases, conducting press conferences, granting interviews, or deploying or releasing PIOs.
 - (b) If national or international media representatives may be involved, the SAC must obtain the approval of the Deputy Assistant Director (PGA) prior to issuing information or comments, or granting requests for interviews or press conferences.
 - (c) If an issue concerns legislative or funding matters, the SAC must obtain the approval of the Deputy Assistant Director (PGA) prior to issuing comments or press releases, conducting press conferences, or granting interviews. See chapter D, subparagraph 41c, below.
 - (d) For additional guidance on SAC and other field division responsibilities, see paragraph 23, below.

- c. The only employees authorized to release information, pursuant to the guidelines in this order, to local and regional media are SACs, assistant special agents in charge (ASACs), directors of industry operations (DIOs), resident agents in charge (RACs)/group supervisors, area supervisors, and/or PIOs. Where applicable, the SAC may, on a case-by-case basis, delegate the authority to release information to other division employees.
- d. All field divisions, Headquarters directorates, laboratories and any subordinate offices will submit a copy of any printed or filmed material (e.g., public service announcements, billboards, pamphlets) intended for mass distribution within or outside of ATF to the Chief, Public Affairs Division, prior to publication.

22. RESPONSIBILITIES.

- a. The Chief of the Public Affairs Division is responsible for:
 - (1) Planning, developing, organizing, and directing working priorities that are reflective of ATF's mission and formulating media strategies that accurately, truthfully, and comprehensively address ATF's mission, policies and activities.
 - (2) Serving as the principal advisor to the Director, Assistant Director (PGA), and other members of the Executive Staff on public information/media issues.
 - (3) Providing analyses and advice regarding public perception of the Bureau's mission, policies and activities having national or international implications.
 - (4) Serving as the principal official Bureau spokesperson addressing the national and international media.
 - (5) Serving as the primary contact for the DOJ's Office of Public Affairs.
 - (6) Serving as the primary coordinator of public information resources in support of an activation of a CIMST and CIMRT.
 - (7) Responding to all field requests for consultation about sensitive or controversial issues, and assisting the Deputy Assistant Director (PGA) in evaluating field requests for approval of matters as described in subparagraph 21b, above.
 - (8) Coordinating media relations training to new employees and new supervisors in conjunction with the Office of Training and Professional Development (TPD).
 - (9) Maintaining a thorough knowledge of current and developing events within the Bureau, DOJ and the overall law enforcement community, focusing on sensitive, significant and controversial events; providing timely analysis and advice to Bureau leadership regarding such events; and anticipating, assessing and responding to public and media reactions and inquiries regarding such events.
 - (10) Securing review by the Office of Chief Counsel of information proposed for release by the directorate to the media and/or general public where there is any question about the propriety of a potential disclosure.
 - (11) Supervising PIOs while assigned to national media events and inquiries.
 - (12) Serving as a consultant to the entertainment industry to promote the accurate depiction of ATF, ATF employees, and events involving ATF in film, television, books, magazines, and Internet projects.

- (13) Representing the Bureau in interagency meetings, conferences, and ad hoc committees on division issues and program initiatives.

b. The Program Managers are responsible for:

- (1) Serving as the principal Bureau Headquarters POC for field division PIOs and other field division personnel regarding media issues and public inquiries; directly supervising and coordinating resources and recommendations on deployment of PIOs assigned to national media events and inquiries.
- (2) Developing and coordinating talking points, recommendations for responses to the public, and other material during national media events.
- (3) Developing and implementing division policies, practices and procedures and assessing, developing, and evaluating program goals, needs, operations and accomplishments.
- (4) Advising the Chief, Public Affairs Division, on significant issues pertaining to division programs, projects, and the impact of new technologies and initiatives. Furnishing technical information and advice to provide direction and uniformity in division programs and projects.
- (5) Coordinating projects and programs with management officials in other divisions within the directorate, other directorates at Bureau Headquarters, and DOJ or other Federal, State and local law enforcement agencies, particularly on sensitive, controversial or political matters.
- (6) Providing media relations training to new employees and new supervisors, in conjunction with Public Affairs Division staff members and TPD through internal training programs.

c. The Public Affairs Specialists are responsible for:

- (1) Acting as a Bureau Headquarters POC for field division PIOs and other field division personnel regarding media issues and public inquiries.
- (2) Maintaining a thorough knowledge of current and developing events within the Bureau, DOJ and the overall law enforcement community, focusing on sensitive, significant and controversial events; providing timely analysis and advice to Bureau leadership regarding such events; and anticipating, assessing and responding to public and media reactions and inquiries regarding such events.
- (3) Responding to national media inquiries and providing background, statistical information, interviews, and general guidance on news issues relevant to ATF's operations and responding to public inquiries by providing background and statistical information.
- (4) Ensuring the accurate depiction of ATF, ATF employees, and events involving ATF in film, television, books, magazines, and Internet projects, including gathering of historical and statistical data, arranging interviews and demonstrations with appropriate employees, providing advice and direction to ATF employees, and providing other appropriate support.

- (5) Promoting media interest in ATF's mission, policies and activities.
- (6) Developing public service announcements and writing news releases, talking points, key messages, fact sheets, speeches, feature articles, radio and television text, and other materials in support of national initiatives/programs to further the Bureau's mission.
- (7) Establishing and maintaining effective working relationships with public affairs officials of Federal agencies, national and trade media representatives, and representatives of industries and organizations affected by ATF's industry operations.

d. The Public Information Specialists are responsible for:

- (1) Assisting in the management, policy development, and oversight of ATF's Internet and IntraWeb sites.
- (2) Collecting and maintaining news clips, videos, and still photos of news events involving ATF.
- (3) Planning and developing materials that convey information about ATF's programs, policies, and activities for both external and internal audiences; developing and producing briefings using various multimedia tools.
- (4) Producing the employee newsletter Inside ATF, including planning issues; soliciting stories, photographs, and artwork; writing original articles; editing submissions; planning page layouts; and managing its production and distribution.
- (5) Developing and writing news releases, fact sheets, talking points, key messages, speeches, feature articles, and radio and television text for Bureau officials.
- (6) Establishing and maintaining effective working relationships with public affairs representatives of Federal agencies, national and trade media representatives, and representatives of industries and organizations affected by ATF's industry operations.
- (7) Providing answers and direction to inquiries from the official ATF e-mail address accessed by the public, news media, interest groups, and others.

23. OTHER ATF EMPLOYEES' RESPONSIBILITIES.

- a. All ATF employees shall timely apprise their supervisors of matters that receive, or are reasonably expected to receive, media attention (e.g., significant and/or large-scale warrant execution operations; Special Response Team (SRT) and National Response Team (NRT) activations; significant incidents involving Federal firearms licensees, explosives). Employees shall refer all media inquiries to the PIO through their supervisor. For additional information regarding ATF employees' responsibilities on disclosure matters, see paragraph 4, above.
- b. Special Agents in Charge are responsible for responding to all matters involving local or regional public information interests. Many issues, although local in scope, may impact the perception of ATF on a national scale. Whether the issue is a response to a local enforcement or investigative action or the participation in a joint initiative that may receive

media attention, it is incumbent on the SAC to analyze the issue in every circumstance. The SACs or their delegates are responsible for consulting with, or obtaining prior approval of, PGA officials as delineated in subparagraph 21b. When circumstances dictate, the SAC may delegate the responsibility of spokesperson to the division PIO, ASAC, DIO, or first-line supervisor.

- c. Public Information Officers are members of the field division staff under the direct supervision of the SAC and ensure that the public information initiatives reflect Bureau policies and procedures. PIOs are responsible for complying with all applicable guidelines in this order. Among other things, it is essential that PIOs coordinate with members of the field division management staff and the Public Affairs Division on all field division activities related to, responding to, or in anticipation of a media inquiry requesting specific information regarding ATF policy or ATF enforcement operations in their geographical areas of responsibility, reputation or perception issues, or other matters specifically assigned by the SAC. PIOs must be briefed on these inquiries or anticipated inquiries so that they may prepare to address issues with the media should they be made public. PIOs will coordinate the release of all news releases issued by their respective or assigned ATF field office and will provide an information copy to the Public Affairs Division. PIOs or another contact person will be identified on news releases issued by the respective ATF field office and designated as available to answer media questions. PIOs are specifically responsible for the following:
- (1) Acting as the spokesperson for the SAC and responding appropriately to media inquiries made to any employee or office within the field division.
 - (2) Coordinating all news releases and news conferences with the Public Affairs Division prior to the event consistent with the guidelines set forth in this order.
 - (3) Coordinating responses to media inquiries with the SAC and the appropriate members of the management team to ensure consistent response to issues of interest to the public.
 - (4) Maintaining a media contact list with names, addresses, and telephone and facsimile numbers of the wire services, print, radio, and television outlets in the field division's area of responsibility.
 - (5) Advising the Public Affairs Division on media relations issues, recommending media strategies, and assisting in the selection of persons, other than the PIO, to act as ATF spokespersons and interviewees.
 - (6) Preparing news releases, conducting news conferences, and coordinating interviews and other such activities with the appropriate United States Attorney's Office, State and local prosecutors' representatives, and the Public Affairs Division. See subparagraph 21b, above, for applicable procedures.
 - (7) Obtaining and reviewing news releases issued by an agency other than ATF that mention ATF or otherwise relate to ATF activities, and distributing such news releases to the division management team and the Public Affairs Division.
 - (8) In accordance with paragraph 30, below, maintaining subscriptions, monitoring media coverage, and submitting copies of ATF-generated media material to the Public Affairs Division.

- (9) As assigned by the SAC and required by paragraphs 43 and 44, below, participating in and coordinating field congressional visits in consultation with the Public Affairs and Legislative Affairs Divisions.
 - (10) Serving on the CIMRT and discharging all media responsibilities, as set forth in the Critical Incident Management System (CIMS) Manual.
 - (11) Conducting a press conference, media roundtable, or other media event at least once a month to ensure that the field division is proactive with the media. Supplemental or additional funding for such events as may be necessary may be requested from PGA.
 - (12) Submitting monthly reports to the Public Affairs Division that include the following: significant media events; any congressional visits; community outreach activities (e.g., presentations at schools and to the general public to promote public safety and prevent violence); partnership efforts with industry members and law enforcement organizations to meet common goals; training provided to other Federal, State, local and international agencies; and other initiatives such as Project Safe Neighborhoods in furtherance of ATF's mission.
- d. Team Leader Public Information Officers are members of the field division staff under the direct supervision of the SAC. Team leader PIOs are responsible for complying with all applicable guidelines in this order (e.g., paragraph 21, above). In addition to the duties of the PIO, the team leader PIO's duties include the following:
- (1) Responding to critical incidents as member of a CIMRT; planning, directing, executing, and monitoring campaigns (often national) to convey complex information pertaining to CIMRT responses. Prior to release from CIMRT, conducting post-briefing with the media, coordinating and participating in legislative visits with the concurrence of PGA, and executing other post-CIMRT activities as applicable.
 - (2) Serving as a principal media affairs advisor to the SAC in national or regional crisis incidents; making recommendations regarding media resources needed from ATF Headquarters and field components, the United States Attorney's Office, and other government agencies; and identifying and developing a media affairs plan of action for any critical event.
 - (3) Developing national, regional, and local public media strategies and objectives; providing leadership and support for development and delivery of agency commentary on events and breaking news stories of significance around the country in accordance with applicable guidelines in this order.
 - (4) When requested by PGA, initiating contact and outreach efforts with national media, and ensuring that the media has accurate information regarding the Bureau's mission, policies and activities.
 - (5) Ensuring that information disclosed by ATF officials is consistent within ATF and with information expressed by DOJ and other government agencies; identifying and resolving instances in which such information is not being expressed in a consistent manner.
 - (6) Leading and coordinating the activities of media response teams, to include providing onsite public information and assistance for sensitive, significant and/or controversial ATF investigations having national and international implications.

- (7) Maintaining a thorough knowledge of current and developing events within the Bureau, and the overall law enforcement community, focusing on sensitive, significant and controversial events; providing timely analysis and advice to Bureau leadership regarding such events; and anticipating, assessing and responding to public and media reactions and inquiries regarding such events.
 - (8) Providing leadership and guidance to field PIOs and field managers on impact and implementation of new developments, trends, technology and other matters affecting the Bureau. Supervising detailed PIOs and Information Services Division (ISD) staff members on national media and legislative events.
 - (9) Preparing and presenting media relations training for field PIOs and supervisors and other ATF personnel.
- e. First-line Supervisors are authorized to speak on behalf of ATF and make appropriate releases of public information or discretionary information when they receive inquiries from their local media under the guidelines set forth in this order. First-line supervisors may be the first responders to a critical incident and, as such, may act as the ATF spokesperson. During the initial phases of a critical incident or other fast-breaking situation that may involve reputation or perception issues, sensitive and/or significant investigative matters, or matters of potential regional, national, or international interest, the first-line supervisor may be initially required to handle media inquiries until assistance from the PIO or another supervisor can be provided. In these situations, first-line supervisors shall advise the affected SAC, ASAC, or DIO before conducting media interviews, and, if possible, first consult with the PIO. Among other things, first-line supervisors are responsible for the following:
- (1) Delivering to the PIO copies of indictments, search warrants, arrest warrants, and their supporting affidavits, indicating which such documents, if any, are sealed under court order, and providing an overview of the operation, in advance of law enforcement or industry operations in which media interest is expected or reasonably foreseeable.
 - (2) Speaking at public events in their field office area of responsibility and/or assigning such presentations to appropriate employees in their field office, and notifying the PIO of such speaking engagements.
 - (3) Conducting outreach activities with industry and government associations as appropriate.
 - (4) Timely forwarding original news media material in accordance with paragraph 30, below.

24. RELEASING INFORMATION ABOUT CRIMINAL ENFORCEMENT ACTIONS.

- a. Releasable and Non-releasable Information. The decision whether to release information in a criminal matter requires striking a fair balance between the protection of individuals accused of crime and the public's understanding of the problems of controlling crime and administering government. DOJ policy is that its regulations, for the release of information by DOJ personnel relating to criminal and civil proceedings, are subject to continuing review and consideration. See 28 CFR § 50.2(a)(4). All ATF employees, and in particular PIOs and supervisors, are responsible for knowing and complying with current DOJ policy when releasing information regarding criminal enforcement actions.

As of the date of this order, DOJ policy is set out at 28 CFR § 50.2 and U.S.A.M. § 1-7.500 – 1-7.550. When there is any doubt as to the legality of a potential disclosure, employees should consult with their appropriate field counsel.

b. Coordination on Releases of Information.

- (1) All orders of Federal judges and magistrates on the release of information to the media, including standing orders and local rules, shall be followed.
- (2) In instances where a PIO or supervisor plans to issue a news release, schedule a news conference or make contact with a member of the media relating to any case or matter which may be or is being prosecuted by the United States Attorney's Office, such release, scheduling of a news conference or other media contact shall be approved by the United States Attorney. See U.S.A.M. § 1-7.400. See also subparagraph 21b, above, for additional guidance.
- (3) News releases and news conferences also shall be coordinated with State or local prosecutors, and other agencies participating in criminal enforcement actions. The release of information, however, is not dependent upon another agency's approval, and circumstances may dictate that a release be disseminated without such approval or coordination. However, any release made by ATF shall cite the efforts of cooperating and participating agencies, unless they specifically request to be excluded.
- (4) In formal task force situations, agreements and guidelines on joint news releases and other releases of information shall be developed when the task force is established and incorporated in the memorandum of understanding (MOU) or memorandum of agreement (MOA) between the participating agencies. When written guidelines are developed, they shall be submitted to the appropriate SAC, via the PIO, for approval before formalizing the MOU/MOA (see also ATF O 1250.1, Letters of Agreement, Memoranda of Agreement, and Memoranda of Understanding). Any MOU/MOA with a State and/or local law enforcement agency should provide that any ATF information shared shall remain the property of ATF and that this information may not be made public without ATF authorization or in any manner contrary to Federal law.

25. RELEASING INFORMATION ABOUT INDUSTRY OPERATIONS ADMINISTRATIVE ACTIONS.

- a. Releasable Information. Information regarding final administrative actions, such as settlement agreements, revocations, suspensions or fines, including the name of the person (including a company, partnership or other non-natural person) involved in the action, the facts surrounding the action, and details of all allegations to which the person has admitted, generally may be released unless otherwise prohibited by law.
- b. Non-releasable Information.
 - (1) Information may not be disclosed in violation of any statutory prohibition or restriction, such as 26 U.S.C. § 6103 (relating to tax return information) and 18 U.S.C. § 1905 (relating to trade secrets and other confidential information).
 - (2) Information on administrative actions that are not final (e.g., settlement negotiations or a revocation that is being appealed) may not be disclosed.
 - (3) Trace data.

- c. Other. When ATF takes administrative action against a firearms or explosives permittee or licensee, any release of information shall be coordinated with the SAC, DIO, and associate chief counsel or division counsel through the PIO.

26. RELEASING INFORMATION ABOUT BUREAU EMPLOYEES TO THIRD PARTIES.

- a. Information about Bureau employees is generally prohibited from release to the public. A request for information about an ATF employee must be treated as a Freedom of Information Act (FOIA) request and be referred to the Disclosure Division, except as provided below.
- b. At the request of an ATF employee, the Chief, Human Resources Division (HRD), or an authorized official, may release employment information to assist that employee in obtaining a loan or credit, or for a similar purpose. It is the responsibility of the Chief, HRD, or the authorized official to establish procedures for verification of the authenticity of such a request. The Chief, HRD, or the authorized official should refer any request for information to the Disclosure Division if it appears that the requested information is protected from disclosure under any statute, regulation or policy, or if there is reason to question whether the employee has authorized the release or whether the request is legitimate. Any release of information under this subsection should also be coordinated with the Associate Chief Counsel (Disclosure and Forfeiture Division).
- c. Employees may allow prospective creditors to immediately verify salary and employment data through the National Finance Center (NFC). For further information, contact HRD.

27. CRITICAL INCIDENT OPERATIONS.

- a. A critical incident is an event or series of events, either planned or unplanned, arising from a criminal act, natural disaster, or civil disorder that may require a significant mobilization of ATF resources to increase public safety and effectively resolve the incident. Critical incidents may receive large-scale media attention. The SAC must adhere to all applicable guidelines specified in this order. Additionally, the SAC must evaluate all critical incidents and assess whether additional PIOs are needed to properly address media and public affairs issues.
- b. In the case of planned operations, the SAC shall evaluate the anticipated media and public affairs requirements in advance. If the SAC anticipates that the scheduled activity will generate large-scale media attention (i.e., numerous national and/or international media inquiries) beyond the capabilities of the affected field division, additional resources may be requested.
- c. Activation of a CIMRT requires the deployment of additional media and public affairs resources. The Public Affairs Division, the CIMRT team leader PIOs, and assisting field PIOs will have responsibilities and duties as set out in the CIMS Manual and assigned by the CIMRT commander. In the event of a critical incident, the SAC shall monitor ATF media and public affairs activities.
- d. In incidents involving NRT or SRT activations, the SAC shall similarly assess ATF media and public affairs activities and request additional resources, if needed.

28. REQUESTING PUBLIC AFFAIRS DIVISION SUPPORT.

- a. Where the SAC deems appropriate, the SAC should advise the Chief, Public Affairs Division, of any need for additional personnel (e.g., PIO, Public Affairs Division

representatives) for detail to the affected field division. If a field division PIO is to be detailed, the Chief, Public Affairs Division, will contact the SAC of the PIO selected for the detail and with his or her concurrence, temporarily detail the PIO to the affected field division. The Chief, Public Affairs Division, will coordinate the detail with the SACs. Please refer to guidelines in paragraph 21, above, for proper procedures where approval of the Deputy Assistant Director (PGA) may be required.

- b. While on detail, the PIO's activities will be directed by the SAC of the affected field division. The detailed PIO will also be expected to apprise the public affairs specialist assigned as the POC of significant media matters as they develop and comply with all other guidelines as set forth in this order. Deployment and release of PIOs will be approved by the Public Affairs Division.
29. WRITTEN MEDIA AGREEMENTS. At no time shall any field personnel of ATF enter into a written agreement (e.g., designating a multi-agency spokesperson) with any agency or other entity concerning the release of information without the prior approval of the Assistant Director (PGA), who will ensure all appropriate coordination with the Office of Chief Counsel, the Office of Field Operations, and DOJ.
30. SUBMISSION OF CLIPPINGS, PHOTOGRAPHS, AND TAPES.
- a. PIOs shall subscribe to the major local newspapers in their area of responsibility and to Cable News Network (CNN) or another comparable television news network.
 - b. PIOs must monitor media coverage of regional and local events. PIOs also must submit to the Public Affairs Division photographs and video/audio tapes produced by field personnel showing employees in action that are used in slide shows, brochures, and video presentations.
 - c. Field supervisors must timely forward original news articles, photographs, and video/audio tapes from within their field office area to the PIO for distribution to the affected Headquarters office and the Public Affairs Division. (In larger cities with major daily newspapers, this may be accomplished by downloading news articles involving ATF from the Internet and forwarding them to the Public Affairs Division, or by providing relevant information to the public affairs specialist assigned to the field division.)
31. MEDIA ATTENDANCE AT ENFORCEMENT OPERATIONS.
- a. The practice of law enforcement officers inviting or allowing news reporters to attend the execution of search and arrest warrants in private dwellings was held to violate rights protected by the Fourth Amendment in Wilson v. Layne, 526 U.S. 603 (1999).
 - b. In cases in which a search warrant or arrest warrant is to be executed, no advance information will be provided to the news media about actions to be taken by enforcement operations personnel, nor shall media representatives be solicited or invited to be present. This prohibition will also apply to operations in preparation for the execution of warrants, and to any multiagency action in which ATF personnel participate. Exceptions to the above policy may be granted in extraordinary circumstances by the SAC and the Assistant Director (PGA), with concurrence of the Assistant Director (Field Operations) and the Office of Chief Counsel, with the approval of DOJ. If news media representatives are present, ATF personnel may request them to withdraw if their presence puts the operations or the safety of individuals in jeopardy. (Refer to DOJ policy concerning media coverage of law enforcement operations. For further guidance, see 28 CFR § 50.2.)

32. DEATH NOTIFICATIONS.

- a. Field division PIOs are responsible for notifying the Correspondence Unit of incidents involving line-of-duty deaths of law enforcement officers/agents and of firefighters within their divisions.
- b. The PIO will transmit the name and age of the deceased, his/her department name and address, the name of the department head, the names and addresses of survivors (spouse or next of kin), children's names (if available), and a brief summary of the circumstances surrounding the incident. When available, news clippings of the incident should be attached.
- c. The field division PIO will be the POC for any additional information needed by the Correspondence Unit for preparation of condolence letters from the Director.
- d. Affected Headquarters directorate offices shall use similar procedures to notify the Correspondence Unit of deaths in the affected directorate.

33-40 RESERVED

CHAPTER D. LEGISLATIVE AFFAIRS DIVISION

41. GENERAL.

- a. The Legislative Affairs Division has overall responsibility for coordinating and initiating congressional contacts on a national level; coordinating with and supporting other headquarters and field entities in carrying out their responsibilities related to congressional contacts; evaluating congressional inquiries directed at the Bureau; and advising the Assistant Director (PGA) on developing issues, potential problem areas, and circumstances involving Bureau jurisdiction and appropriations. In addition, the Chief, Legislative Affairs Division, advises the Assistant Director (PGA) on Legislative Affairs Division policy and procedures.
- b. The field divisions are responsible for coordinating and initiating congressional contacts within their geographical area. These field visits concentrate on local ATF operations within a particular congressional district for U.S. representatives or a State for U.S. senators. These field visits generally should not address funding issues or pending legislation. All field visits must be conducted consistent with paragraphs 43 and 44, below.
- c. The field divisions, via the SAC, must obtain the approval of the Deputy Assistant Director (PGA), prior to issuing press releases, conducting press conferences, or granting interviews concerning legislative or funding issues, consistent with subparagraph 21b(2)(c), above.

42. RESPONSIBILITIES.

- a. The Chief of the Legislative Affairs Division is responsible for:
 - (1) Managing the resources of the division.
 - (2) Planning, developing, organizing, and directing working priorities that are reflective of ATF's mission.
 - (3) Formulating legislative strategies that accurately, truthfully, and comprehensively provide information regarding ATF's mission, policies and activities to Members of Congress, congressional committees and staff.
 - (4) Serving as the principal advisor to the Director, Assistant Director (PGA) and other members of the Executive Staff regarding legislative issues.
 - (5) Establishing and maintaining contact with Members of Congress and their staff, particularly those on committees and subcommittees involved with Bureau oversight.
- b. The Deputy Chief of the Legislative Affairs Division is responsible for:
 - (1) Assisting the Chief, Legislative Affairs Division, in managing division resources, and in executing the Chief's other responsibilities as described above.
 - (2) Coordinating and facilitating the work of the program managers/congressional liaison officers, legislative affairs specialists, and management analysts as described below.

- c. The Program Managers/Congressional Liaison Officers are responsible for:
- (1) Assisting the Chief in managing Legislative Affairs Division resources and work priorities, and in executing the Chief's other responsibilities as described above.
 - (2) Developing and implementing Legislative Affairs Division policies, practices and procedures.
 - (3) Assessing, developing, and evaluating program goals, needs, operations and accomplishments.
 - (4) Planning, directing, coordinating, and overseeing effective development of Legislative Affairs Division programs and projects, as well as studies and surveys to evaluate Legislative Affairs Division programs to ensure efficiency and economy of operations. Submitting recommendations and decisions that reflect effective analysis of pertinent material to include laws and regulations, budgets, work studies, and strategic, operating and staffing plans.
 - (5) Advising the Chief, Legislative Affairs Division, on significant issues pertaining to legislative programs, projects, and the impact of new technologies and initiatives. Furnishing technical information and advice to provide direction and uniformity in Legislative Affairs Division programs and projects.
 - (6) Representing the Bureau in interagency meetings, conferences, and ad hoc committees on division legislative issues and program initiatives with policy officials at DOJ.
 - (7) Coordinating projects and programs with management officials in other divisions within the directorate, other directorates at Bureau Headquarters, and with officials from DOJ or other Federal, State and local law enforcement agencies.
 - (8) Building and maintaining relationships with congressional staff members and appropriate DOJ officials.
 - (9) Coordinating meetings between congressional offices and Bureau representatives.
 - (10) Planning and executing staff tours of ATF facilities throughout the country and briefings for Members of Congress and their staff. To the extent Members of Congress and their staff may make official visits to ATF foreign offices, coordinating such visits with the Liaison Division and IAO.
 - (11) Responding to or coordinating the response to inquiries to congressional offices.
- d. The Legislative Affairs Specialists are responsible for:
- (1) Advising the Chief, Legislative Affairs Division, and congressional liaison officers on procedural, protocol, and cultural matters relating to Congress.
 - (2) Performing legislative research and maintaining office records relating to legislation of interest to ATF.
 - (3) Assisting in the preparation of responses to inquiries from Congress.
 - (4) Assisting in staff tours and briefings.

- (5) Building and maintaining relationships with congressional staff members and DOJ officials.
- e. The Management Analysts are responsible for:
- (1) Maintaining and tracking the office record system to include copies of relevant congressional records and workpapers relating to hearings and other congressional inquiries and the administrative requirements of the division.
 - (2) Assisting in the preparation of briefing materials and other reports.
 - (3) Assisting the Chief, Legislative Affairs Division, with office administrative and budget functions.
43. CONGRESSIONAL VISITS. Official visits by the field divisions to congressional staff of House or Senate Members, or the Members if available, in the division's particular geographic area will be conducted as follows:
- a. Biannual Visits. Congressional staff of Members of Congress who are assigned to the appropriations and judiciary subcommittees with jurisdiction over ATF, or the Member, if available, will be visited by the SAC/ASAC and DIO twice a year, preferably in the late spring or early summer to coincide with the annual appropriations process.
 - b. Annual Visits. If the Member of Congress is not on a subcommittee as identified in subparagraph 43a, then his or her staff will be visited by the field division SAC/ASAC and DIO at least once every 2 years. On the alternate years (i.e., any year the SAC/ASAC and DIO does not visit the Member), the SAC's designee(s) will visit these Members. If the Member is available, then the SAC/ASAC and DIO or SAC designee will visit with the Member.
 - c. SAC or Designee Visits to Members of Congress in Washington, DC. When a SAC or his or her designee may have the opportunity to travel to Washington, DC, to visit Members of Congress or staff, he or she is to notify the Chief, Legislative Affairs Division, providing as much advance notice as possible. With the approval of the Assistant Director (PGA), the Chief, Legislative Affairs Division, will schedule and coordinate congressional visits for the SACs in Washington, DC. The Assistant Director (PGA), Deputy Assistant Director (PGA), or Chief, Legislative Affairs Division, will accompany the SAC on all such visits.
 - d. Other Visits. Congressional visits by other division personnel (supervisors and PIOs) must have the approval of the SAC or his or her designee. Division personnel selected to make official visits must be familiar with ATF offices, operations and personnel present in the applicable congressional district or State, and must be able to articulately and accurately discuss those offices, operations and personnel. Priority will also be given to visiting newly elected Members of Congress or their staff during their first year in office. Division personnel must contact the Legislative Affairs Division to notify them of the visits, and provide the topics that will be discussed.
44. GUIDELINES FOR CONGRESSIONAL VISITS. Field divisions will develop an annual plan for visits, in accordance with subparagraphs 43a and 43b, and in consultation with the appropriate Legislative Affairs Division Program Manager and the PIO. During the visit, Members of Congress and their staff shall be briefed on all local ATF initiatives and accomplishments.

- a. The Chief, Legislative Affairs Division is responsible for reviewing the visit plan prepared by the PIO and ensuring that the PIO and other participating ATF personnel are briefed on current ATF legislative issues and proposals.
- b. The Legislative Affairs Specialists are responsible for researching, analyzing and summarizing the issues and proposals appropriate to the congressional office being visited, and providing this information to the Chief, Legislative Affairs Division.
- c. The PIOs are responsible for coordinating and/or participating in all field congressional visits. Among other things, the PIOs shall:
 - (1) Identify all Members of Congress in their geographic area, including the local office addresses, phone numbers and staff; providing and updating telephone numbers and addresses of each ATF office within each Member's congressional district (for Representatives) or State (for Senators). Each local congressional office should also be provided with the telephone number and address of the Legislative Affairs Division in Headquarters.
 - (2) Submit to the Chief, Legislative Affairs Division, the plan for each congressional visit, including an itinerary for the visit and a list of all participants. Should visits arise that are not included in the annual congressional visit plan, sufficient notice of the meeting should be provided to the Chief, Legislative Affairs Division, to permit the Legislative Affairs Division to research and summarize issues appropriate for discussion with the office being visited.
 - (3) Prepare a congressional field information packet for the Member of Congress and his or her staff consisting of documents or pamphlets regarding programs or operations in the Member's State/district. The information packet should include only those documents designated or approved in advance by the Chief, Legislative Affairs Division.
 - (4) Coordinate the official visit plan to the Member's office with the supervisors of other ATF offices who have operational responsibility in the same area.
 - (5) Following each visit, contact the Chief, Legislative Affairs Division, by phone or e-mail during or after the visit if there are issues or questions that require an immediate response.
 - (6) Prepare a detailed report submitted by e-mail to the Chief, Legislative Affairs Division, describing the visit, all comments and questions from the Member and/or the staff, and any additional matters requiring followup.

45. NEWS RELEASES AND ARTICLES.

- a. The PIOs will supply a copy of all local news releases relating to their areas of jurisdiction to appropriate local congressional offices as events occur. News articles highlighting ATF actions may be supplied as well.

- b. The Legislative Affairs Division will forward newspaper articles with ATF significance to appropriate congressional offices, in coordination with the Public Affairs Division and PIOs. If a field office wants to clarify an erroneous article on ATF with a congressional field office, the appropriate field personnel will contact the Chief, Legislative Affairs Division, prior to initiating any contact with the congressional office.

46. CONGRESSIONAL CORRESPONDENCE.

- a. All congressional correspondence received by field offices or other ATF offices will be immediately sent by facsimile or otherwise forwarded to the Legislative Affairs Division. Written responses to congressional offices will be coordinated by the Legislative Affairs Division with PGA having primary responsibility for the issue.
- b. Upon receipt of a written congressional inquiry, the Legislative Affairs Division will review and determine if a written response is necessary or appropriate. On all matters requiring a written response, the division will assign a due date and route to the ATF office with subject matter expertise.
- c. The Legislative Affairs Division will track and supervise the preparation of ATF responses to letters from Members of Congress. Routine responses to congressional inquiries are signed by the Assistant Director (PGA) or his/her designee. Responses of a particularly sensitive nature will be prepared for the signature of the Director.
- d. The Legislative Affairs Division will dispatch and file all signed congressional correspondence and maintain the filing and tracking systems necessary to manage congressional correspondence.

47. INFORMATION RESTRICTIONS. Information provided to congressional offices is governed by the legal and policy restrictions similar to those applicable to the release of information to the public. If a congressional inquiry requests, or appears to request, restricted information, the matter will be referred to the Legislative Affairs Division, which will coordinate the matter with the Office of Chief Counsel.

48-50 RESERVED

CHAPTER E. ATF LIBRARY, ARCHIVE AND HISTORICAL PROGRAMS

51. GENERAL. The ATF library, archive and historical programs collect, preserve and protect reference and historical documents, objects and information, provide access to such materials, and exhibit such materials in support of ATF's mission.
52. RESPONSIBILITIES.
- a. The Librarian is responsible for:
- (1) Collecting, cataloging and maintaining documents, records and reference materials related to the Bureau's mission, programs and operations.
 - (2) Operating, maintaining, and managing the ATF Reference Library, the functions of acquisition, cataloging, circulation, conservation, display, evaluation, indexing, organization, promotion, research, review, and preservation or elimination of materials in the collection.
 - (3) Providing technical advice on the conversion of information between media, such as microform and electronic formats.
- b. The Archivist is responsible for:
- (1) Collecting, authenticating, cataloging and maintaining historical objects related to the history of the Bureau.
 - (2) Organizing and storing ATF historical objects, including attending to proper preservation, physical security, fire protection, environmental controls, access control and research conditions.
 - (3) Studying and assessing the significance and value of historical objects, reporting on archival value, and making recommendations on retention and disposal. Develops and implements a program of preventive conservation for ATF historical objects.
 - (4) Planning and preparing exhibitions of ATF historical objects.
- c. The Historian is responsible for:
- (1) Researching, analyzing, preserving and presenting accurate information about the Bureau and its policies and programs, major events in ATF history, individuals who played a significant role in ATF, statistical data regarding the Bureau's operations, the role of ATF in domestic and international law enforcement, and the impact of the Bureau on preventing terrorism, reducing violent crime and protecting the public and its other past and current missions.
 - (2) Drafting, publishing and updating a concise general history of ATF for general use in ATF publications and other communications.

53-60 RESERVED

Chait, Mark R.

From: Chait, Mark R.
Sent: Wednesday, February 09, 2011 12:56 PM
To: Anderson, (Andy) Glenn N.; Barrera, Hugo J.; Brandon, Thomas E.; Browning, Robert J.; Champion, Robert R.; Crenshaw, Kelvin N.; Durham, Phillip M.; Gant, Gregory K.; Gleysteen, Mike P.; Graham, Zebedee T.; Herkins, Stephen C.; Horace, Matthew W.; [ATF] Newell, William D.; O'Brien, Virginia T.; Potter, Mark W.; Richardson, Marvin G.; Stoop, Theresa R.; Thomas, Guy N.; Torres, John A.; Traver, Andrew L.; Turk, Ronald B.; Webb, J. Dewey; Zapor, Bernard J.; Vido, Paul J.
Cc: Torres, Julie M.; Boxler, Michael B.; McMahon, William G.; McCabe, Harry L.; Hoover, William J.; Melson, Kenneth E.; Roessner, Joel J.; Warren, Mary H.
Subject: FW: Reminder of Rights and Duties under the Whistleblower Protection Act

Please ensure that all supervisors in your field division receive the below guidance. Thank you

Mark R. Chait
Assistant Director
Field Operations

NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This communication may contain Controlled Unclassified Information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of ATF or the Department of Justice without express authorization is strictly prohibited.

From: Roessner, Joel J.
Sent: Tuesday, February 08, 2011 1:15 PM
To: Chait, Mark R.
Cc: Rubenstein, Steve R.; Stinnett, Melanie S.; [ATF]
Subject: Reminder of Rights and Duties under the Whistleblower Protection Act

The Whistleblower Protection Act (WPA) protects most executive branch employees who disclose information that is reasonably believed to evidence a violation of any law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 5 U.S.C. § 2302(b). A Federal agency is prohibited from retaliating against an employee for having made a protected disclosure. Id.

A disclosure that is "specifically prohibited by law" or "specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs" is not protected unless it is made "to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures." Id. As applied to ATF, Inspector General here means the Inspector General of the Department of Justice.

Bureau employees who believe they have experienced retaliation at work for making a protected whistleblower disclosure may report the retaliation to:

- The ATF Internal Affairs Division (OPRSO);

- The Office of the Department of Justice Inspector General using the links at <http://www.justice.gov/oig/> for reporting waste, fraud, abuse, or misconduct; or
- The U.S. Office of Special Counsel, at 800-572-2249, or at www.OSC.gov.

Supervisors and managers are reminded that the WPA generally supersedes ATF rules and policies regarding the disclosure of information. ATF supervisors and managers shall not require or solicit employees to report having made a whistleblower disclosure. If an employee makes an unsolicited report of having made a whistleblower disclosure, or if a manager or supervisor otherwise becomes aware of an employee having made a disclosure that is, or may be, protected by the WPA, the manager or supervisor shall not require or solicit from the employee additional information about the disclosure, nor shall the manager or supervisor make any further inquiry into the matter.

If a manager or supervisor becomes aware of a disclosure and has questions about whether that disclosure is protected by the WPA, or concerns that a disclosure was made in violation of law, may jeopardize an ongoing law enforcement operation or prosecution, or may create threat to public safety, he or she should, through chain-of-command, alert the Deputy Assistant Director of the office in which the manager or supervisor is employed.