



**U.S. Department of Justice**

**Office of Legislative Affairs**

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Office of the Assistant Attorney General

*Washington, D.C. 20530*

March 5, 2015

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

Dr. Mr. Chairman:

This letter memorializes long-standing practices, as well as conversations with your staff, about our efforts to ensure the timely preparation of Department of Justice (the Department) testimony before congressional committees.

Traditionally, the Department has required at least two weeks' written notice prior to the appearance of a Department witness at a congressional hearing. The process of developing a Department official's formal statement on behalf of the Executive Branch is quite involved, and we have found that at least two weeks' notice is necessary to ensure that we are able to submit written testimony to the Committee prior to the hearing. Depending upon the complexity and scope of the issue, it typically takes a week or more to draft, circulate and obtain clearance of the statement within the Department, and an additional week to obtain interagency clearance through the Office of Management and Budget (OMB).

In recent years, we have occasionally waived the two week notice requirement at the request of the Committee. It has become clear, however, that the burden on our operations and the OMB process in compressing the preparation time is significant and not sustainable. Such waivers increase the risk that we will be unable to provide the written statement to the Committee in a timely way. For this reason, we must respectfully advise you of our intention to adhere firmly to the requirement of a formal written invitation at least two weeks in advance of the Department's participation in a congressional hearing.

The letter of invitation should describe the purpose of the hearing and the specific issue on which the Department is being asked to testify. This information will enable us to identify the appropriate witness and to prepare testimony that is responsive to the Committee's interest. In addition, we hope that the Committee staff will continue to engage with us informally before the formal invitation is sent to share with us information about your plans and goals for the hearing, which also will assist us in identifying the most knowledgeable and appropriate Department witness.

We also want to note the established hearing protocol of placing Executive Branch witnesses on the first panel with only other Executive Branch witnesses. That panel is preceded only by Members of Congress and other congressional representatives, such as officials from the Government Accountability Office. Other witnesses, including representatives of organizations and private sector individuals, generally appear on a third panel, after congressional and government agency panels have concluded. We believe that this hearing format contributes to comity between branches and avoids complexities that may arise if Department witnesses appear on or after the same panel with individuals with whom the Department may be in conflict, such as litigants or their representatives. We respectfully anticipate that you will continue this protocol in conducting future hearings and we look forward to working with the Committee on those hearings.

We appreciate your willingness to work cooperatively with the Department before a Department official testifies before your Committee. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik  
Assistant Attorney General

cc: The Honorable Patrick J. Leahy  
Ranking Member