

Appendix P
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2017

The Hon. Harold W. "Trey" Gowdy, III
Chairman, Committee on Oversight &
Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

The Hon. Elijah E. Cummings
Ranking Member, Committee on Oversight &
Government Reform
U.S. House of Representatives
2471 Rayburn House Office Building
Washington, D.C. 20515

The Hon. Mark Meadows
Chairman, Subcommittee on Government
Operations
6460 Thomas P. O'Neill, Jr., Fed. Office Bldg.

The Hon. Gerald E. Connolly
Ranking Member, Subcommittee on
Government Operations
2471 Rayburn House Office Building

The Hon. Jim Jordan
Chairman, Subcommittee on Healthcare,
Benefits, and Administrative Rules
6450 Thomas P. O'Neill, Jr., Fed. Office
Bldg.

The Hon. S. Raja Krishnamoorthi
Ranking Member, Subcommittee on
Healthcare, Benefits, and
Administrative Rules
2471 Rayburn House Office Building

The Hon. Gary J. Palmer
Chairman, Subcommittee on
Intergovernmental Affairs
6430 Thomas P. O'Neill, Jr., Fed. Office Bldg.

The Hon. Valdez Butler Demings
Ranking Member, Subcommittee on
Intergovernmental Affairs
2471 Rayburn House Office Building

The Hon. R. Blake Farenthold
Chairman, Subcommittee on Interior,
Energy and Environment
6430 Thomas P. O'Neill, Jr., Fed. Office Bldg.

The Hon. Stacey E. Plaskett
Ranking Member, Subcommittee on
Interior, Energy and Environment
2471 Rayburn House Office Building

Dear Chairmen and Ranking Members:

Thank you for your letter of December 8, 2017, which requested that the Federal Election Commission provide the Committee on Oversight and Government Reform with a list of guidance documents issued by the FEC since January 1, 2008. Enclosed is that list.

Your December 8 letter specifically references statements of policy and interpretive rules, and also requests identification of "other guidance," which the letter describes as "agency

statement[s] of general applicability and future effect that set[] forth a policy or interpret a statutory or regulatory issue” and “have a significant effect on regulated entities and the public.” In compiling the attached list, FEC staff were mindful of these clarifications regarding the scope of guidance documents the FEC has been asked to identify.

The enclosed list thus identifies all FEC statements of policy and interpretive rules issued since January 1, 2008, as well as other guidance issued during that time period regarding how the FEC interprets and applies laws, legislative rules, and judicial decisions. The Commissioners and FEC staff have conducted a review of Commission documents to the best of their ability in response to your requests; the following categories of documents have been identified in the enclosed list:

1. Regarding formal statements of policy and interpretive rules, the FEC has issued:
 - a. eight statements of policy since January 1, 2008; and
 - b. four interpretive rules since January 1, 2008.
2. Regarding other guidance, the list also identifies:
 - a. six rules of agency organization, procedure, or practice;
 - b. seven FEC Campaign Guides, which are Commission-approved publications designed to summarize the federal campaign finance laws for particular audiences in an effort to help them comply with the Federal Election Campaign Act and FEC regulations; and
 - c. seven press releases that provide generally applicable guidance regarding public compliance with federal campaign finance laws or the Commission’s actions in conformity with judicial decisions.
3. In addition, the list includes a few miscellaneous documents that were also identified as responsive to your letter (e.g., a “guidebook” for complainants and respondents).
4. Finally, the list also includes notations identifying some other documents that do not appear to be responsive to your letter (e.g., FEC directives and advisory opinions), along with explanations for those determinations.

The FEC trusts that this information will be helpful to the Committee on Oversight and Government Reform, and welcomes the opportunity to work with the Committee further as it carries out its oversight responsibilities. If you would like copies of any of the referenced documents, whether on paper or in an electronic form, or if you would like additional information about any of the documents or have any other questions, please feel free to contact me at [REDACTED] or Duane Pugh, the FEC’s Director of Congressional, Legislative and Intergovernmental Affairs, who can be reached at [REDACTED] or by email at [REDACTED].

On behalf of the Commission,



Steven T. Walther
Chairman

cc: Ms. Katy Rother

FEC List of Guidance Documents
Requested by Committee on Oversight and Government Reform (OGR) by letter dated December 8, 2017

| | Title (OGR Question 1) | Form (Q. 2) | Brief Description (Q. 3) | Date (Q. 4) | Issuer (Q. 5) | Fed.Reg. (Q. 7.a.) | Link (Q. 7.b.) | Number (Q. 7.d.) |
|---|---|---------------------|--|----------------|------------------|-----------------------------|---|---------------------|
| 1 | Disclosure of Certain Documents in Enforcement, and Other Matters | Statement of Policy | A statement of policy with respect to placing certain documents on the public record in enforcement, administrative fines, and alternative dispute resolution cases, as well as administrative matters | July 25, 2016 | FEC | 81 FR 50702 (Aug. 2, 2016) | https://transition.fec.gov/law/cfr/ej_compilation/2016/notice2016-06.pdf | Notice 2016-06 |
| 2 | Policy Statement Regarding a Program for Requests for Legal Consideration by Commission | Statement of Policy | A policy statement making two modifications to the program providing for a means by which persons and entities may have a legal question considered by the Commission | May 5, 2016 | FEC | 81 FR 29861 (May 13, 2016) | https://transition.fec.gov/law/cfr/ej_compilation/2016/notice2016-02.pdf | Notice 2016-02 |
| 3 | Policy Statement Regarding a Program for Requesting Consideration of Legal Questions by the Commission | Statement of Policy | A policy statement providing an alternative electronic means of a filing a request with the FEC for consideration of a legal question | Sept. 30, 2013 | FEC | 78 FR 63203 (Oct. 23, 2013) | https://transition.fec.gov/law/cfr/ej_compilation/2013/notice2013-14.pdf | Notice 2013-14 |
| 4 | Policy Statement Regarding a Program for Requesting Consideration of Legal Questions by the Commission | Statement of Policy | A policy statement adopting a program providing for a means by which persons and entities may have a legal question considered by the FEC | July 26, 2011 | FEC | 76 FR 45798 (Aug. 1, 2011) | https://transition.fec.gov/law/cfr/ej_compilation/2011/notice_2011-11.pdf | Notice 2011-11 |
| 5 | Policy Statement Establishing a Pilot Program for Requesting Consideration of Legal Questions by the Commission | Statement of Policy | A policy statement adopting a new pilot program providing for a means by which persons and entities may have a legal question considered by the FEC | July 15, 2010 | FEC | 75 FR 42088 (July 20, 2010) | https://transition.fec.gov/law/cfr/ej_compilation/2010/notice_2010-13.pdf | Notice 2010-13 |

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|----|---|---------------------|--|----------------|------------------|-----------------------------|---|---------------------|
| 6 | Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record | Statement of Policy | A statement of policy resuming the practice of placing all First General Counsel's Reports on the public record, subject to appropriate redaction or withholding | Dec. 4, 2009 | FEC | 74 FR 66132 (Dec. 14, 2009) | https://transition.fec.gov/law/cfr/ej_compilation/2009/notice_2009-28.pdf | Notice 2009-28 |
| 7 | Amendment of Agency Procedures for Probable Cause Hearings | Statement of Policy | An agency procedure amendment providing for Commissioners' questions to the General Counsel, Staff Director, and their staff during probable cause hearings | Oct. 22, 2009 | FEC | 74 FR 55443 (Oct. 28, 2009) | https://transition.fec.gov/law/cfr/ej_compilation/2009/notice_2009-24.pdf | Notice 2009-24 |
| 8 | Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters | Statement of Policy | A new agency procedure providing respondents in non-complaint generated matters procedural protections similar to those of respondents in complaint-generated matters | July 29, 2009 | FEC | 74 FR 38617 (Aug. 4, 2009) | https://transition.fec.gov/law/cfr/ej_compilation/2009/notice_2009-18.pdf | Notice 2009-18 |
| 9 | Date of Political Party Nominations of Candidates for Special Primary Elections in New York | Interpretive Rule | A notice clarifying the FEC's interpretation of its rules for determining the date of a special primary election under New York statutes ¹ | Dec. 5, 2013 | FEC | 78 FR 76032 (Dec. 16, 2013) | http://classic.fec.gov/law/cfr/ej_compilation/2013/notice2013-16.pdf | Notice 2013-16 |
| 10 | Reporting Ultimate Payees of Political Committee Disbursements | Interpretive Rule | A notice clarifying the FEC's interpretation of the regulatory requirement that political committees report the full name and address of each person to whom they make expenditures or other disbursements in certain situations | June 27, 2013 | FEC | 78 FR 40625 (July 8, 2013) | https://transition.fec.gov/law/cfr/ej_compilation/2013/notice2013-09.pdf | Notice 2013-09 |

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|----|---|---|---|----------------|------------------|-----------------------------|---|---------------------|
| 11 | Interpretive Rule on When Certain Independent Expenditures Are “Publicly Disseminated” for Reporting Purposes | Interpretive Rule | Guidance on when independent expenditures communications that take the form of yard signs, mini-billboards, handbills, t-shirts, hats, buttons, and similar items are “publicly disseminated” for purposes of certain reporting requirements in FEC regulations | Sept. 29, 2011 | FEC | 76 FR 61254 (Oct. 4, 2011) | https://transition.fec.gov/law/cfr/ej_compilation/2011/notice_2011-13.pdf | Notice 2011-13 |
| 12 | Interpretive Rule Regarding Electronic Contributor Redesignations | Interpretive Rule | A notice construing the FEC regulatory requirement that a contributor’s redesignation of a contribution for another election be in writing and signed by the contributor to encompass a certain method of electronic redesignation | Mar. 16, 2011 | FEC | 76 FR 16233 (Mar. 23, 2011) | https://transition.fec.gov/law/cfr/ej_compilation/2011/notice_2011-02.pdf | Notice 2011-02 |
| 13 | Agency Procedure Following Submission of Probable Cause Briefs by the Office of General Counsel | Rules of Agency Organization, Procedure or Practice | A notice establishing an agency procedure to formalize the agency’s practice in the latter stages of Probable Cause process in FECA enforcement matters | Oct. 6, 2011 | FEC | 76 FR 63570 (Oct. 13, 2011) | https://transition.fec.gov/law/cfr/ej_compilation/2011/notice_2011-15.pdf | Notice 2011-15 |
| 14 | Agency Procedure for Disclosure of Documents and Information in the Enforcement Process | Rules of Agency Organization, Procedure or Practice | A notice establishing an agency procedure to define formally the scope of documents that will be provided to respondents by the agency, and to formalize the agency’s process of disclosing such documents, during the Commission’s investigation of FECA enforcement matters | June 2, 2011 | FEC | 76 FR 34986 (June 15, 2011) | https://transition.fec.gov/law/cfr/ej_compilation/2011/notice_2011-06.pdf | Notice 2011-06 |

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|----|---|---|---|----------------|------------------|-----------------------------|---|---|
| 15 | Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters | Rules of Agency Organization, Procedure or Practice | A notice establishing a new agency procedure to provide respondents in certain enforcement matters brought under FECA with notice of a non-complaint generated referral and an opportunity to respond thereto | July 29, 2009 | FEC | 74 FR 38617 (Aug. 4, 2009) | https://transition.fec.gov/law/cfr/ej_compilation/2009/notice_2009-18.pdf | Notice 2009-18 |
| 16 | Procedural Rules for Audit Hearings | Rules of Agency Organization, Procedure or Practice | A procedural rule instituting a program to provide committees audited pursuant to FECA with the opportunity to have a hearing before the FEC | July 7, 2009 | FEC | 74 FR 33140 (July 10, 2009) | https://transition.fec.gov/law/cfr/ej_compilation/2009/notice_2009-12.pdf | Notice 2009-12 |
| 17 | Advisory Opinion Procedure | Rules of Agency Organization, Procedure or Practice | A notice establishing a program to allow persons requesting an advisory opinion a limited opportunity to appear before the FEC ⁱⁱ | June 30, 2009 | FEC | 74 FR 32160 (July 7, 2009) | https://transition.fec.gov/law/cfr/ej_compilation/2009/notice_2009-11.pdf | Notice 2009-11 |
| 18 | Rules of Procedure | Rules of Agency Organization, Procedure or Practice | A notice revising the FEC's written rules for conducting its activities when the FEC has fewer than four Members ⁱⁱⁱ | Jan. 24, 2008 | FEC | 73 FR 5568 (Jan. 30, 2008) | https://transition.fec.gov/law/cfr/ej_compilation/2008/notice_2008-01.pdf | Notice 2008-1 |
| 19 | FEC Campaign Guide for Corporations and Labor Organizations | Campaign Guide | A guide summarizing the federal campaign finance laws applicable to corporations, labor organizations and their separate segregated funds to help them comply with FECA and FEC regulations | Oct. 2017 | FEC | None | https://www.fec.gov/resources/cms-content/documents/mtgdoc_17-46-a.pdf and https://www.fec.gov/resources/cms-content/documents/approved-edits.pdf | Agenda Doc. No. 17-46-A and Edits thereto |

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|----|--|----------------|--|----------------|------------------|-----------------------|---|---------------------|
| 20 | FEC Campaign Guide for Congressional Candidates and Committees | Campaign Guide | A guide summarizing the federal campaign finance laws applicable to congressional candidate committees to help them comply with FECA and FEC regulations | June 2014 | FEC | None | https://www.fec.gov/resources/cms-content/documents/candgui.pdf | None |
| 21 | FEC Campaign Guide for Congressional Candidates and Committees | Campaign Guide | A guide summarizing the federal campaign finance laws applicable to congressional candidate committees to help them comply with FECA and FEC regulations | Aug. 2011 | FEC | None | None | None |
| 22 | FEC Campaign Guide for Congressional Candidates and Committees | Campaign Guide | A guide summarizing the federal campaign finance laws applicable to congressional candidate committees to help them comply with FECA and FEC regulations | April 2008 | FEC | None | None | None |
| 23 | FEC Campaign Guide for Political Party Committees | Campaign Guide | A guide summarizing the federal campaign finance laws applicable to party committees to help political party committees at all levels—national, state, district and local—comply with FECA and FEC regulations | Aug. 2013 | FEC | None | https://www.fec.gov/resources/cms-content/documents/partygui.pdf | None |
| 24 | FEC Campaign Guide for Political Party Committees | Campaign Guide | A guide summarizing the federal campaign finance laws applicable to party committees to help political party committees at all levels—national, state, district and local—comply with FECA and FEC regulations | July 2009 | FEC | None | None | None |

| | Title (OGR Question 1) | Form (Q. 2) | Brief Description (Q. 3) | Date (Q. 4) | Issuer (Q. 5) | Fed.Reg. (Q. 7.a.) | Link (Q. 7.b.) | Number (Q. 7.d.) |
|----|---|------------------------------|--|----------------|------------------|-----------------------|---|---------------------|
| 25 | FEC Campaign Guide for Nonconnected Committees | Campaign Guide ^{iv} | A guide summarizing the federal campaign finance laws applicable to non-connected committees to help them comply with FECA and FEC regulations | May 2008 | FEC | None | https://www.fec.gov/resources/cms-content/documents/nongui.pdf | None |
| 26 | FEC Adopts Interim Verification Procedure for Filings Containing Possibly False or Fictitious Information | Press Release | An announcement of an interim procedure staff will follow to verify information in filings from the 2016 election cycle that appears to be unlawfully false or fictitious | Aug. 18, 2016 | FEC | None | https://www.fec.gov/updates/fec-adopts-interim-verification-procedure-for-filings-containing-possibly-false-or-fictitious-information/ | None |
| 27 | FEC Issues Interim Reporting Guidance for National Party Committee Accounts | Press Release | Interim reporting guidance for national party committees for new accounts enabled by the Consolidated and Further Continuing Appropriations Act, 2015 | Feb. 13, 2015 | FEC | None | https://www.fec.gov/updates/fec-issues-interim-reporting-guidance-for-national-party-committee-accounts/ | None |
| 28 | FEC Statement on <i>Van Hollen v. FEC</i> | Press Release | Statement outlining how the FEC would comply with a district court opinion and order invalidating an FEC regulation governing certain electioneering communications ^v | July 27, 2012 | FEC | None | https://www.fec.gov/updates/fec-statement-on-2/ | None |
| 29 | FEC statement on <i>Carey v. FEC</i> reporting guidance ^{vi} for political committees that maintain a non-contribution account | Press Release | Providing guidance to the public on how the FEC intends to proceed consistent with the stipulated order and consent judgment in <i>Carey v. FEC</i> | Oct. 5, 2011 | FEC | None | https://www.fec.gov/updates/fec-statement-on-carey-fec/ | None |

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|----|---|------------------------------|---|----------------|------------------|-----------------------|---|---------------------|
| 30 | FEC Statement on the Supreme Court's Decision in <i>Citizens United v. FEC</i> | Press Release | A statement announcing that, in conformance with the U.S. Supreme Court's decision in <i>Citizens United v. FEC</i> , the FEC will no longer enforce statutory and regulatory provisions prohibiting corporations and labor unions from making either independent expenditures or electioneering communications | Feb. 5, 2010 | FEC | None | https://www.fec.gov/updates/fec-statement-on-the-supreme-courts-decision-in/ | None |
| 31 | FEC Statement on the D.C. Circuit Court of Appeals Decision in <i>EMILY's List v. FEC</i> | Press Release | A statement explaining the general principles the FEC will apply in light of the U.S. Court of Appeals decision in <i>EMILY's List v. FEC</i> | Jan. 12, 2010 | FEC | None | https://www.fec.gov/updates/fec-statement-on-the-dc-circuit-court-of-appeals-decision-in/ | None |
| 32 | FEC's Public Statement on the Supreme Court's Decision in <i>Davis v. FEC</i> | Press Release ^{vii} | A statement outlining the general principles the FEC will apply to conform to the U.S. Supreme Court's decision in <i>Davis v. FEC</i> | July 25, 2008 | FEC | None | https://www.fec.gov/updates/federal-election-commissions-public-statement-on-the-supreme-courts-decision-in/ | None |
| 33 | Six Commissioners' Compliance Tips | Posting | A brief list of basic compliance tips to complement FEC existing outreach efforts | Oct. 31, 2016 | FEC | None | http://classic.fec.gov/pdf/commissioners_tips.pdf | None |
| 34 | Guidebook for Complainants and Respondents on the FEC Enforcement Process | Guidebook | A guidebook to assist complainants and respondents and educate the public by summarizing the FEC's general enforcement policies and procedures and by providing a step-by-step guide through the FEC's enforcement process | May 2012 | FEC | None | https://transition.fec.gov/enforcement/respondent_guide.pdf | None |

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|----|--|----------------|---|----------------|-------------------|-----------------------|---|---------------------|
| 35 | Guideline for Presentation in Good Order ^{viii} | Guideline | A guideline setting forth a uniform format for the presentation of submissions from presidential candidates seeking federal matching funds and specifying a quality of content standard | July 2007 | FEC ^{ix} | None | https://transition.fec.gov/law/policy/guidance/2008_guideline_approved_aug092007.pdf | None |

ⁱ The FEC issued this interpretive rule, which concerns a special primary election and presents unique issues stemming from New York election law. In connection with other special elections, the FEC issues special election notices, which provide the reporting schedule of 12-day pre- and post-election reports specified in FECA as that statutory schedule pertains to the dates chosen under state law for special elections. These notices involve a mechanical application of law, have limited application and future effect, and accordingly do not appear to be responsive to your December 8 letter. Such notices, which are published in the *Federal Register*, are also publicly available on the FEC’s website at this link: <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/>.

ⁱⁱ Pursuant to FECA’s requirement, the FEC issues advisory opinions in response to requests for advice related to “a specific transaction or activity” by the requester. *See* 52 U.S.C. § 30108. FECA prohibits the FEC from proposing rules of law in an advisory opinion. *See* 52 U.S.C. § 30108(b). Although advisory opinions do not appear to be responsive to your December 8 letter, you may access all FEC advisory opinions issued since 2008 on the FEC website, here: <https://www.fec.gov/data/legal/advisory-opinions/>.

ⁱⁱⁱ These Rules of Procedures are contained in an FEC Directive, which is available on the FEC webpage for Guidance Documents. Other FEC Directives do not contain relevant guidance or were not issued in the relevant time period and accordingly do not appear to be responsive to your December 8 letter. All FEC Directives are publicly available on the FEC’s website at this link: <https://www.fec.gov/about/leadership-and-structure/>.

^{iv} FEC Campaign Guides are written prepared by FEC staff and then submit to the Commission for review and are approved by the Commission pursuant to a vote. The FEC also makes available to the public other educational materials that are prepared by FEC staff, and based primarily on Campaign Guides, such as e brochures, Tips for Treasurers, and answers to frequently asked questions. These other, more informal documents do not appear to be responsive to your December 8 letter. Some of the materials also may be found on the FEC’s website at this link: <https://www.fec.gov/help-candidates-and-committees/>.

^v A subsequent U.S. Court of Appeals decision found the challenged FEC regulation valid, superseding this guidance.

^{vi} The FEC also issues FEC Forms and related Instructions for meeting FECA’s reporting requirements, as directed and authorized by FECA, 52 U.S.C. §§ 30107(a)(8) and 30111(a)(8). Forms and Instructions area available at <https://www.fec.gov/help-candidates-and-committees/forms/>. FECA provides for submission of these forms for Congressional review, *see* 52 U.S.C. § 30111(d), and accordingly the forms are outside the scope of your December 8 letter.

^{vii} Although the FEC has issued many other press releases, only the press releases that appear to be responsive to your December 8 letter are listed. FEC Press Releases are available on the FEC website here: https://www.fec.gov/updates/?update_type=press-release.

^{viii} The Guideline for Presentation in Good Order is listed because it is included on the FEC website page of Guidance Documents. Two other related documents, the Financial Control and Compliance Manual for Presidential Primary Candidates Receiving Public Financing (April 2000) and the General Election Supplement (June 2000) to that document, are not responsive because, by their terms, the documents “merely

suggest one approach to managing” a system for accounting, reporting, and recordkeeping. (Manual, at iii, emphasis in original.) Finally, the Commission issues a Schedule of Matching Fund Submission Dates and Dates to Submit Revised Statements of Net Outstanding Campaign Obligations, for each presidential election, however, such documents do not appear to be responsive because they are not an interpretation of laws or regulations, and are of limited applicability and limited future effect. The 2016 version of that document is available on the FEC website here: http://classic.fec.gov/pages/brochures/submission_dates_2016.pdf.

^{ix} OGR’s Question 6 asks about submission of any listed document to the Regulatory Reform Task Force, Office of Information and Regulatory Affairs, the Government Accountability Office, or Congress. None of the listed documents were submitted to any of those entities. The FEC is not subject to the requirement in Executive Order 12866 to submit significant policy and guidance documents to the Office of Information and Regulatory Affairs (OIRA), nor is it subject to the requirement in Executive Order 13777 to establish a Regulatory Reform Task Force. OIRA guidance states that “agencies subject to EO 13777 are only those agencies subject to the regulatory review requirements of EO 12866,” which the guidance states “are those authorities of the United States that are an ‘agency’ under 44 U.S.C. § 3502(5).” OIRA Guidance Implementing Executive Order 13777 at 2, n.2. Accordingly, because 44 U.S.C. § 3502(1) expressly excludes the FEC from the definition of “agency,” Executive Orders 12866 and 13777 do not apply to the FEC.

Appendix Q
Federal Energy Regulatory Commission

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, DC 20426

January 29, 2018

OFFICE OF THE CHAIRMAN

The Honorable Trey Gowdy
Committee on Oversight and
Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Gowdy:

Thank you for your letter dated January 11, 2018, regarding “guidance” documents issued by the Federal Energy Regulatory Commission (“Commission”) since January 1, 2008. Commission staff has conducted an initial search for materials responsive to your letter. The attached spreadsheet lists all responsive documents identified during the course of the Commission’s search as well as responses to certain information requested in your letter.

In conducting the search for guidance documents, two types of guidance documents were identified: (1) policy statements and other guidance orders (“Commission Guidance”) and (2) staff documents including responses to Frequently Asked Questions that are available on the Commission’s website (“Staff Guidance”). Based on the information in your letter distinguishing binding regulations from non-binding guidance, staff did not include within the attached spreadsheet, notice-and-comment rulemaking proceedings and the resulting regulations promulgated by the Commission.¹

Please note that responses to the additional information requested in your letter – specifically, Items 1-5 and 7 – are addressed within the attached spreadsheet. Question 6 is addressed below.

Question 6a. You asked, for each guidance document listed, whether the guidance was considered significant. Commission Guidance is considered significant

¹ Staff relied on the OMB definition for “guidance documents” in identifying responsive materials included in the attached spreadsheet. In this regard, staff did not include certain Agency-related procedures and information contained on its website that staff did not consider to be encompassed within OMB’s definition of a “guidance document,” as set forth in footnote 2 of your letter. By way of example, materials explaining basic Agency-related filing procedure and protocol were not considered responsive.

because it is voted on by the Commission; however, it is not legally binding until it is applied in a particular proceeding. Staff Guidance is not considered significant because it is not intended to impose any new requirements. Rather, Staff Guidance is comprised of staff documents that are intended to provide summaries of previous Commission findings for the public, or to otherwise provide informal staff guidance and views.

Question 6b. You asked, for each guidance document listed, whether the Commission submitted the guidance for review by the Office of Information and Regulatory Affairs. Commission Guidance and Staff Guidance are not typically submitted for review by the Office of Information and Regulatory Affairs.

Question 6c. You asked, for each guidance document listed, whether the Commission submitted the guidance document to Congress and GAO. Commission Guidance and Staff Guidance are not typically submitted to Congress and GAO.

Question 6d. You asked, for each guidance document listed, whether the Regulatory Reform Task Force has reviewed or has plans to review the guidance documents identified in the attached spreadsheet, and for the results of any such review. The Regulatory Reform Task Force process is still ongoing. In reviewing the Commission's regulations and requirements, the Task Force has also considered relevant guidance documents.

I hope this information is helpful. If I can be of further assistance or if you have any questions about the information provided in the attached spreadsheet, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kevin J. McIntyre". The signature is written in a cursive style with a large, stylized "K" and "M".

Kevin J. McIntyre
Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

OFFICE OF
EXTERNAL AFFAIRS

2018 JAN 12 P 4: 17

FEDERAL ENERGY
REGULATORY COMMISSION

January 11, 2018

The Honorable Kevin J. McIntyre
Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Mr. Chairman:

Agencies issue a wide variety of policy documents for different purposes. Generally, when a policy is intended to be binding, agencies issue a regulation.¹ Other times, agencies issue statements of policy, interpretive rules, and other guidance regarding how the agency plans to interpret laws and legislative rules.²

These various forms of guidance are not legally binding, but, according to the Government Accountability Office (GAO), the documents have wide-ranging effects on public and private sector behavior. In a 2015 report, GAO stated: "guidance documents can have a significant effect on regulated entities and the public, both because of agencies' reliance on large volumes of guidance documents and the fact that the guidance can prompt changes in the behavior of regulated parties and the general public."³

The GAO also found agencies' use of guidance varied significantly, ranging from as few as ten at some agencies to more than one hundred guidance documents each year at others.⁴ The reason for this discrepancy is unclear. It is also unclear whether there are uniform practices or strategies throughout the executive branch for developing and issuing guidance documents.

To help the Committee better understand how and when federal agencies issue guidance documents, please provide a list of all guidance documents issued by your agency since January 1, 2008, including the following for each guidance document listed:

¹ GOV'T ACCOUNTABILITY OFFICE, GAO-17-404T, REGULATORY GUIDANCE PROCESSES: SELECTED DEPARTMENTS COULD STRENGTHEN INTERNAL CONTROL AND DISSEMINATION PRACTICES 14 (April 2015), available at <http://www.gao.gov/assets/670/669688.pdf>.

² Agencies use a variety of names to refer to guidance documents, such as memoranda, policy statements, manuals, circulars, bulletins, advisories, or guidance. The Office of Management and Budget defines a guidance document as an agency statement of general applicability and future effect that sets forth a policy or interprets a statutory or regulatory issue. *Id.* at 7.

³ *Id.* at 8.

⁴ *Id.* at 13.

NON-DOCKETED ITEM

2018-00007

1. The title;
2. The name of the form of guidance, such as circular, guidance, frequently asked questions, bulletin, memoranda, or statement;
3. A brief description of the subject;
4. The date of issuance;
5. The issuing agency, component, office, or program;
6. An indication of whether:
 - a. The guidance was considered significant;
 - b. The agency submitted the guidance for review by the Office of Information and Regulatory Affairs, and if it was:
 - i. The title of the guidance used in the submission; and
 - ii. The date submitted;
 - c. The agency submitted the guidance to Congress and GAO, and if it was:
 - i. The title of the guidance used in the submission; and
 - ii. The date submitted;
 - d. The Regulatory Reform Task Force has reviewed or has plans to review the guidance document, and any results of such review; and
7. To the extent applicable:
 - a. The Federal Register citation;
 - b. A hyperlink to a copy of the document;
 - c. The Regulation Identification Number; and
 - d. Any other identification number for the document.

Provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on January 25, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request.

Please contact James Lesinski of the majority staff at [REDACTED] or [REDACTED] with any questions about this request. Thank you for your attention to this matter.



Trey Gowdy
Chairman

Sincerely,



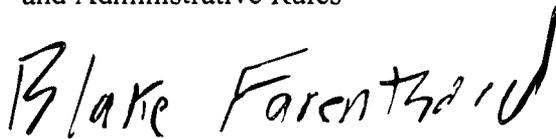
Mark Meadows
Chairman
Subcommittee on Government Operations



Jim Jordan
Chairman
Subcommittee on Healthcare, Benefits,
and Administrative Rules



Gary J. Palmer
Chairman
Subcommittee on Intergovernmental Affairs



Blake Farenthold
Chairman
Subcommittee on the Interior, Energy,
and Environment

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable Gerald E. Connolly, Ranking Member
Subcommittee on Government Operations

The Honorable Raja Krishnamoorthi, Ranking Member
Subcommittee on Healthcare, Benefits, and Administrative Rules

The Honorable Val Butler Demings, Ranking Member
Subcommittee on Intergovernmental Affairs

The Honorable Stacey E. Plaskett, Ranking Member
Subcommittee on the Interior, Energy, and Environment

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

- All matters before the Committee
- The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date

| Question 1 | Question 2 | Question 3 | Question 4 | Question 5 | Question 7 | | |
|--|--------------------|---|--------------------|-----------------------|--------------------------------|---|---|
| Title | Form of Guidance | Description | Date of Issuance | Issuing Agency/Office | Docket Number | Federal Register/FERC Citation | Hyperlink |
| Report and Recommendations on the Two-Year Hydro Pilot Process | Report to Congress | Report on review of two year hydro pilot process as required by the Hydropower Regulatory Efficiency Act of 2013 | May 31, 2017 | Staff | N/A | N/A | Report and Recommendations on the Two-Year Hydro Pilot Process |
| Policy Statement on Establishing License Terms for Hydroelectric Projects | Policy Statement | This policy statement adopts a 40-year default license term for original and new licenses for hydropower projects located at non-federal dams. The policy statement also describes when the Commission will consider issuing those projects a license with a term for less or more than 40 years. | October 19, 2017 | Commission | PL17-3-000 | 82 FR 49501 (2017) 161 FERC ¶ 61,078 (2017) | http://www.ferc.gov/whats-new/comm-meet/2017/101917/H-1.pdf |
| Utilization of Electric Storage Resources for Multiple Services When Receiving Cost-Based Rate Recovery | Policy Statement | This policy statement clarifies precedent and provides guidance on the ability of electric storage resources to provide services at and seek to recover their costs through both cost-based and market-based rates concurrently. | January 19, 2017 | Commission | PL17-2-000 | 82 FR 9343 (2017) 158 FERC ¶ 61,051 (2017) | http://www.ferc.gov/whats-new/comm-meet/2017/011917/E-2.pdf |
| Policy Statement on Hold Harmless Commitments | Policy Statement | The policy statement discusses hold harmless commitments offered by applicants as ratepayer protection mechanisms to mitigate adverse effects on rates that may result from transactions subject to section 203 of the Federal Power Act. | May 19, 2016 | Commission | PL15-3-000 | 81 FR 33502 (2016) 155 FERC ¶ 61,189 (2016) | http://www.ferc.gov/whats-new/comm-meet/2016/051916/E-5.pdf |
| Cost Recovery Mechanisms for Modernization of Natural Gas Facilities | Policy Statement | The policy statement clarifies the ability of interstate natural gas pipelines to recover costs of modernizing their facilities and infrastructure to enhance the efficient and safe operation of their systems. | April 16, 2015 | Commission | PL15-1-000 | 80 FR 22366 (2015) 151 FERC ¶ 61,047 (2015) | http://www.ferc.gov/whats-new/comm-meet/2015/041615/G-1.pdf |
| Payment of Dividends from Funds Included in Capital Accounts | Policy Statement | This policy statement provides guidance that the Federal Power Act should be interpreted as not prohibiting the payment of dividends from funds included in capital accounts by any public utility that has a market-based rate tariff on file with the Commission, does not have captive customers, and does not provide transmission or local distribution service. | July 17, 2014 | Commission | PL14-1-000 | 79 FR 42665 (2014) 148 FERC ¶ 61,020 (2014) | http://www.ferc.gov/whats-new/comm-meet/2014/071714/E-11.pdf |
| Allocation of Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded Transmission Projects & Priority Rights To New Participant-Funded Transmission | Policy Statement | This policy statement clarifies and refines the Commission's policies governing the allocation of capacity for new merchant transmission projects and new nonincumbent, cost-based, participant-funded transmission projects. | January 17, 2013 | Commission | AD12-9-000 & AD11-11-000 | 78 FR 5268 (2013) 142 FERC ¶ 61,038 (2013) | http://www.ferc.gov/whats-new/comm-meet/2013/011713/E-2.pdf |
| Promoting Transmission Investment Through Pricing Reform | Policy Statement | This policy statement provides guidance regarding the Commission's evaluation of applications for electric transmission incentives under section 219 of the Federal Power Act. | November 15, 2012 | Commission | RM11-26-000 | 77 FR 69754 (2012) 141 FERC ¶ 61,129 (2012) | http://www.ferc.gov/whats-new/comm-meet/2012/111512/E-3.pdf |
| Policy Statement on The Commission's Role Regarding The Environmental Protection Agency's Mercury and Air Toxics Standards | Policy Statement | The Commission issued this policy statement to explain how it will provide advice to the Environmental Protection Agency (EPA) for it to rule on requests for Administrative Orders to operate in noncompliance with EPA's Mercury and Air Toxics Standards. | May 17, 2012 | Commission | PL12-1-000 | 77 FR 30274 (2012) 139 FERC ¶ 61,131 (2012) | http://www.ferc.gov/whats-new/comm-meet/2012/051712/E-5.pdf |
| Revised Policy Statement on Penalty Guidelines | Policy Statement | This policy statement revises the Policy Statement on Penalty Guidelines to address comments the Commission received. | September 17, 2010 | Commission | PL10-4-000 | Not Published in Federal Register 132 FERC ¶ 61,216 (2010) | https://www.ferc.gov/whats-new/comm-meet/2010/091610/M-1.pdf |
| Policy Statement on Penalty Guidelines | Policy Statement | This policy statement was issued to add greater fairness, consistency, and transparency to the Commission's civil penalty determinations. | March 18, 2010 | Commission | PL10-4-000 | Not Published in Federal Register 130 FERC ¶ 61,220 (2010) | http://www.ferc.gov/whats-new/comm-meet/2010/031810/M-1.pdf |
| Policy Statement On Disclosure Of Exculpatory Materials | Policy Statement | The Commission issued this policy statement to provide guidance concerning the obligations and procedures for disclosing exculpatory materials during investigations under Section 1b and administrative enforcement actions under Part 385 of the Commission's regulations. | December 17, 2009 | Commission | PL10-1-000 | Not Published in Federal Register 129 FERC ¶ 61,248 (2009) | http://www.ferc.gov/whats-new/comm-meet/2009/121709/M-2.pdf |
| Smart Grid Policy Statement | Policy Statement | This policy statement provides guidance regarding the development of a smart grid for the nation's electric transmission system, focusing on the development of key standards to achieve interoperability and functionality of smart grid systems and devices. | July 16, 2009 | Commission | PL09-4-000 | 74 FR 37097 (2009) 128 FERC ¶ 61,060 (2009) | http://www.ferc.gov/whats-new/comm-meet/2009/071609/E-3.pdf |
| Policy Statement on Compliance | Policy Statement | This policy statement provides additional guidance to the public on compliance with the Commission's governing statutes, regulations, and orders. The policy statement also addresses factors related to effective compliance that the Commission will take into account in considering whether to reduce or eliminate civil penalties for violations. | October 16, 2008 | Commission | PL09-1-000 | Not Published in Federal Register 125 FERC ¶ 61,058 (2008) | http://www.ferc.gov/whats-new/comm-meet/2008/101608/M-3.pdf |

| Question 1 | Question 2 | Question 3 | Question 4 | Question 5 | Question 7 | | |
|---|------------------|---|-------------------|-----------------------|-----------------------------------|--|--|
| Title | Form of Guidance | Description | Date of Issuance | Issuing Agency/Office | Docket Number | Federal Register/FERC Citation | Hyperlink |
| Revised Policy Statement on Enforcement | Policy Statement | This policy statement provides guidance to the regulated community as to the Commission's enforcement policies concerning its governing statutes, regulations, and orders, including how it has applied its enhanced enforcement tools under the Energy Policy Act of 2005. | May 15, 2008 | Commission | PL08-3-000 | Not Published in Federal Register 123 FERC ¶ 61,156 (2008) | http://www.ferc.gov/whats-new/comm-meet/2008/051508/M-1.pdf |
| Composition of Proxy Groups for Determining and Oil Pipeline Return on Equity | Policy Statement | This policy statement concerns the composition of the proxy groups used to determine gas and oil pipelines' return on equity under the Discounted Cash Flow model. | April 17, 2008 | Commission | PL07-2-000 | 73 FR 23222 (2008) 123 FERC ¶ 61,048 (2008) | http://www.ferc.gov/whats-new/comm-meet/2008/041708/G-1.pdf |
| Electric Quarterly Report Filing Requirements Guide | Manual | This staff-developed guide is designed to assist filers in submitting information accurately in the Electric Quarterly Report. | November 15, 2017 | Staff | N/A | N/A | http://www.ferc.gov/docs-filing/eqr/eqr-requirements-guide.pdf |
| Guidelines for Reporting on Cultural Resources Investigations for Natural Gas Projects | Manual | Assist project sponsors in preparing report filings under FERC regulations for interstate natural gas projects and for purposes of complying with Section 106 of the National Historic Preservation Act. | July 2017 | Staff | AD15-10-000 | Various notices published in Fed Reg, and full text of guidance document is on FERC website. | https://www.ferc.gov/industries/gas/enviro/guidelines/cultural-guidelines-final.pdf |
| Guidance Manual for Environmental Report Preparation for Applications Filed under the Natural Gas Act | Manual | The Guidance Manual provides guidance to applicants on how to prepare environmental resource reports for both interstate natural gas projects and Commission-jurisdictional LNG facilities and explains how these projects may demonstrate compliance with certain regulatory requirements. | February 2017 | Staff | AD16-3-000 | Various notices published in Fed Reg, and full text of guidance document is on FERC website. | https://www.ferc.gov/industries/gas/enviro/guidelines/guidance-manual-volume-1.pdf https://www.ferc.gov/industries/gas/enviro/guidelines/guidance-manual-volume-2.pdf |
| Handbook for Using Third-Party Contractors To Prepare Environmental Documents for Natural Gas Facilities and Hydropower Projects | Manual | Provides an overview of the voluntary third-party contracting program to enable applicants seeking certificates for natural gas facilities and licenses for hydropower projects to fund a third-party contractor to assist the Commission staff in reviewing the environmental aspects of applications and preparing the environmental documents required by the National Environmental Policy Act of 1969. | August 2016 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/enviro/tpc/tpc-handbook.pdf |
| Upland Erosion Control, Revegetation, and Maintenance Plan | Manual | Identifies baseline mitigation measures for minimizing erosion and enhancing revegetation in upland areas affected by FERC-jurisdictional natural gas projects. | May 2013 | Staff | AD12-2-000 | Various notices published in Fed Reg, and full text of guidance document is on FERC website. | https://www.ferc.gov/industries/gas/enviro/plan.pdf |
| Wetland and Waterbody Construction and Mitigation Procedures | Manual | Identifies baseline mitigation measures for minimizing the extent and duration of project-related disturbance on wetlands and waterbodies affected by FERC-jurisdictional natural gas projects. | May 2013 | Staff | AD12-2-000 | Various notices published in Fed Reg, and full text of guidance document is on FERC website. | https://www.ferc.gov/industries/gas/enviro/procedures.pdf |
| Notice of No Further Review and Guidance Order | Guidance Order | The order addresses how repetitive infractions of the same or a closely-related Reliability Standard are treated as an aggravating factor in penalty determinations for violations of Reliability Standards. | August 27, 2010 | Commission | NP10-143-000 through NP10-159-000 | 132 FERC ¶ 61,182 | https://www.ferc.gov/CalendarFiles/20100827173602-NP10-143-000.pdf |
| Further Guidance Order on Reliability Notices of Penalty | Guidance Order | The order announces the Commission's willingness to accept abbreviated-format notice of penalty filings under FPA section 215, and provides guidance on the types of violations that may be appropriate for short-form filings. | October 26, 2009 | Commission | AD10-1 et al. | Not Published in Federal Register 129 FERC ¶ 61,069 | https://www.ferc.gov/CalendarFiles/20091026151449-AD10-1-000.pdf |
| Guidance Order on Compliance Audits Conducted by the Electric Reliability Organization and Regional Entities | Guidance Order | The order provides guidelines to NERC and the Regional Entities responsible for conducting audits under FPA section 215 to enhance consistency in compliance audit processes, including guidelines for audit leadership and pre-audit training. | January 15, 2009 | Commission | AD09-3-000 | 126 FERC ¶ 61,038 | https://legacyexternalwebsitefiles.balch.com/upload/FERC_Compliance_Audit_Guidance_Order.pdf |
| Order Clarifying Requirement to Notify Commission of Material Changes in Facts under the Public Utility Holding Company Act of 2005 and Allowing 45-Day Filing Period for Updated Notifications | Guidance Order | This order provides further guidance on filing requirements under the Public Utility Holding Company Act of 2005. | November 20, 2008 | Commission | PL09-2-000 | 73 FR 71640 (2008) 125 FERC ¶ 61,208 (2008) | http://www.ferc.gov/whats-new/comm-meet/2008/112008/E-18.pdf |
| Guidance Order on Reliability Notices of Penalty | Guidance Order | The order provides guidance to the North American Electric Reliability Corporation (NERC) to ensure that its notice of penalty filings under FPA section 215 contain information needed for Commission review, and to promote comparability and consistency in setting penalties. | July 3, 2008 | Commission | AD08-10 et al. | Not Published in Federal Register 124 FERC ¶ 61,015 | https://www.ferc.gov/CalendarFiles/20080703131349-AD08-10-000.pdf |
| Order on Violation Severity Levels Proposed by the Electric Reliability Organization | Guidance Order | The order sets out guidelines the Commission will use to evaluate Violation Severity Levels assigned to each requirement in NERC Reliability Standards. | June 19, 2008 | Commission | RR08-4-000 | 123 FERC ¶ 61,284 | https://elibrary.ferc.gov/idmws/nvcommon/-/1/19377012_1.pdf |
| Interpretive Order Modifying No-Action Letter Process and Reviewing Other Mechanisms for Obtaining Guidance | Guidance Order | The order addresses certain procedural and process matters and expands the scope of the "no-action" letter process through which entities subject to the Commission's authority may seek a determination on whether staff would recommend enforcement action. | May 15, 2008 | Commission | PL08-2-000 | 123 FERC ¶ 61,157 (2008) | https://www.ferc.gov/whats-new/comm-meet/2008/051508/M-2.pdf |

| Question 1 | Question 2 | Question 3 | Question 4 | Question 5 | Question 7 | | |
|---|--------------------------|---|-------------------|-----------------------|---------------|--|---|
| Title | Form of Guidance | Description | Date of Issuance | Issuing Agency/Office | Docket Number | Federal Register/FERC Citation | Hyperlink |
| Order Providing Guidance on Recovery of Reliability Penalty Costs by Regional Transmission Organizations and Independent System Operators | Guidance Order | The order provides guidance on recovery of penalty costs assessed on RTOs and ISOs for violation of reliability standards under FPA section 215, denying automatic pass-through of such costs to member organizations and instead requiring RTOs & ISOs to seek Commission approval for direct assignment of penalty costs to individual member(s) and/or for allocation of costs to all members. | March 20, 2008 | Commission | AD07-12-000 | Not Published in Federal Register 122 FERC ¶ 61,247 | https://www.ferc.gov/whats-new/comm-meet/2008/032008/E-3.pdf |
| FAST-41 FERC.gov website | Guidance on website | Guidance on implementation of the Fixing America's Surface Transportation Act for FERC Projects | September 1, 2017 | Staff | N/A | N/A | https://www.ferc.gov/legal/fed-sta/fast-41.asp |
| Updated Chapter 2 of Engineering Guidelines - Selecting and Accommodating Inflow Design Floods for Dams | Guidance on website | Assistance to licenses in preparing Inflow Design Floods for Dams | August 1, 2015 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/chap2.pdf |
| Updated Chapter 6 of Engineering Guidelines - Emergency Action Plans | Guidance on website | Assistance to licenses for preparing Emergence Action Plans | July 1, 2015 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/chap6.pdf |
| Compliance Handbook | Guidance on website | Description of compliance procedures at hydropower projects | January 1, 2015 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/gen-info/handbooks/compliance_handbook.pdf |
| Managing Hydropower Project Exhibits - Drawings Guide | Guidance on website | Assistance for preparing hydropower project exhibits | August 1, 2014 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/gen-info/guidelines/drawings-guide.pdf |
| Owner's Dam Safety Program | Guidance on website | Guidance to licenses on their individual dam safety programs | August 1, 2012 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/safety/initiatives/odsp.asp |
| Shoreline Management Planning | Guidance on website | Assistance to stakeholders on preparing shoreline management plans | July 2012 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/gen-info/guidelines/smpbook.pdf |
| A Guide to Understanding and Applying the Integrated Licensing Process Study Criteria | Guidance on website | Document to explain ILP study criteria | March 2012 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/gen-info/guidelines/guide-study-criteria.pdf |
| Ideas for Implementing and Participating in the Integrated Licensing Process | Guidance on website | Assistance to stakeholders participating in the ILP | March 2011 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/gen-info/licensing/ilp/eff-eva/ideas.pdf |
| Time Sensitive EAP | Guidance on website | Document to assist in development of Emergency Action Plans (dam safety) | September 2009 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/safety/initiatives/time-initiative.asp |
| Preparing Environmental Documents | Guidance on website | Assistance to stakeholders in preparing the environmental documents | September 2008 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/gen-info/guidelines/eaguide.pdf |
| BOEM/FERC Guidelines on Regulation of Marine and Hydrokinetic Energy Projects on the OCS | Guidance on the website | Guidance hydropower marine and hydrokinetic projects regulation | July 19, 2012 | Staff | N/A | N/A | http://www.ferc.gov/industries/hydropower/gen-info/licensing/hydrokinetics/pdf/mms080309.pdf |
| Guidelines for Drilling In and Near Embankment Dams | Guidance on website | Information for best practices for drilling near embankment dams | June 2016 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide/drilling/guidelines.pdf |
| Revision 3A - Security Program for Hydropower Projects (Adding Cybersecurity Requirements) | Guidance on website | Guidance for licenses on security programs at hydropower projects including the cybersecurity requirement | March 2016 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/safety/guidelines/security/security.pdf |
| Draft Risk Informed Decision Making Guidelines | Guidance on website | Provides Information on Risk Informed Decision Making | March 2016 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/safety/guidelines/ridm.asp |
| Hydropower Primer | Guidance | Description of hydropower program and roles and responsibilities of the Office of Energy Projects | April 2017 | Staff | N/A | N/A | https://www.ferc.gov/legal/staff-reports/2017/hydropower-primer.pdf |
| Brochure on Hydropower Licensing | Guidance | Assistance to stakeholders on how to get involved in hydropower licensing | December 2016 | Staff | N/A | N/A | Hydropower Licensing – How to Get Involved brochure |
| Whitepaper on Hydrokinetic Pilot Project Licensing | General Paper - Guidance | Description of hydrokinetic pilot project licensing | April 14, 2008 | Staff | N/A | N/A | https://www.ferc.gov/industries/hydropower/gen-info/licensing/hydrokinetics/pdf/white_paper.pdf |
| Tree Trimming and Vegetation Management Landowners | FAQs | The FAQs provide information about federal standards requiring utilities to manage vegetation along higher-voltage transmission lines under FERC's FPA section 215 authority, including the limited scope of those requirements. | December 7, 2017 | Staff | N/A | N/A | https://www.ferc.gov/resources/faqs/tree-veget.asp |
| Electric Quarterly Reports FAQs | FAQs | These FAQs are provided to assist filers in complying with the Electric Quarterly Report filing requirements. | November 22, 2017 | Staff | N/A | N/A | http://www.ferc.gov/docs-filing/eqr.asp |
| Exempt Wholesale Generators | FAQs | These questions and answers address matters under 42 USC 16451 et seq and 18 CFR part 366. | February 16, 2017 | Staff | N/A | N/A | https://www.ferc.gov/resources/faqs/ewg.asp |
| Qualifying Facilities | FAQs | These questions and answers address matters under 16 USC 824a-3 and 18 CFR Part 292. | August 12, 2012 | Staff | N/A | N/A | https://www.ferc.gov/resources/faqs/qf-faqs.asp |
| Gas Pre-Filing FAQs | FAQs | The FAQs provide explanations of various meetings and procedures used in the FERC pre-filing review process for natural gas facility applications. | May 30, 2012 | Staff | N/A | N/A | https://www.ferc.gov/resources/faqs/prefiling.asp |
| Power Marketers | FAQs | These questions and answers address matters under 16 USC 824d and 18 CFR Part 35. | May 30, 2012 | Staff | N/A | N/A | https://www.ferc.gov/resources/faqs/power-market.asp |

| Question 1 | Question 2 | Question 3 | Question 4 | Question 5 | Question 7 | | |
|---|---------------------|--|-------------------|-----------------------|---------------|--------------------------------|---|
| Title | Form of Guidance | Description | Date of Issuance | Issuing Agency/Office | Docket Number | Federal Register/FERC Citation | Hyperlink |
| Market-Based Rates | FAQs | These questions and answers address matters under 16 USC 824d and 18 CFR Part 35. | May 30, 2012 | Staff | N/A | N/A | https://www.ferc.gov/industries/electric/gen-info/mbr.asp |
| Accounting - Material Deviations | FAQs | These questions and answers address matters under 15 USC 717c and 18 CFR Part 154. | May 30, 2012 | Staff | N/A | N/A | https://www.ferc.gov/resources/faqs/material-dev.asp |
| Small Entity Compliance Guide Mandatory Reliability Standards (Order No. 693) | Compliance Guide | The Compliance Guide provides an introduction to FERC's authority under FPA section 215 to oversee mandatory reliability standards, including their applicability to small entities. | N/A | Staff | N/A | N/A | https://www.ferc.gov/industries/electric/indus-act/reliability/sm-entity-compliance.pdf |
| Staff White Paper on Anti-Market Manipulation Enforcement Efforts Ten Years After EPAAct 2005 | Advisory | The White Paper provides information on: (1) some of the various factors that have been found to be indicative of fraudulent conduct under the Anti-Manipulation Rule; (2) some of the specific types of conduct and behaviors that have been found to constitute market manipulation; (3) mitigating and aggravating factors that have lessened or heightened an entity's culpability and sanctions for such conduct; and (4) the types of cases that staff has closed without action and the various factors that led to such decisions. | November 17, 2016 | Staff | N/A | N/A | https://www.ferc.gov/legal/staff-reports/2016/marketmanipulationwhitepaper.pdf |
| Effective Energy Trading Compliance Practices | Advisory | The purpose of the White Paper is to provide examples of compliance practices that have been effective in detecting and deterring market manipulation and of compliance practices that have been ineffective. | November 17, 2016 | Staff | N/A | N/A | https://www.ferc.gov/legal/staff-reports/2016/tradecompliancewhitepaper.pdf |
| Suggested Best Practices for Industry Outreach Programs to Stakeholders | Advisory | Presents best practices and highlights tools that Commission staff believe can be used to effectively engage stakeholders in the application process for siting, construction, and operation of interstate natural gas facilities and LNG terminals. | July 2015 | Staff | N/A | N/A | https://www.ferc.gov/industries/gas/enviro/guidelines/stakeholder-brochure.pdf |
| Guidance for Applicant-Prepared Draft Environmental Assessments for Certain Proposed Natural Gas Projects | Advisory | Provides applicants with guidance for using an applicant prepared environmental assessment process in implementing the National Environmental Policy Act for FERC-jurisdictional natural gas projects. | April 2011 | Staff | N/A | N/A | https://www.ferc.gov/industries/gas/enviro/draft-ea-guidance.pdf |
| Accounting and Financial Reporting for Pensions and Post-retirement Benefits other than Pensions | Accounting Guidance | The delegated order provides accounting and financial reporting guidance for Pensions and Post-retirement Benefits other than Pensions. | December 28, 2017 | Staff | AI18-1-000 | N/A | https://www.ferc.gov/enforcement/acct-matts/docs/AI18-1-000.pdf |
| Accounting and Reporting Guidance for New Electric Storage Technologies | Accounting Guidance | The delegated order provides accounting and reporting guidance for new electric storage technologies. | February 20, 2014 | Staff | AI14-1-000 | N/A | https://www.ferc.gov/enforcement/acct-matts/docs/AI14-1-000.pdf |
| Revision to Accounting Release No. 5, Capitalization of Allowance for Funds Used During Construction | Accounting Guidance | The delegated order provides guidance on the proper period for capitalization of Allowance for Funds Used During Construction. | February 16, 2011 | Staff | AI11-1-000 | N/A | https://www.ferc.gov/enforcement/acct-matts/docs/AI11-1-000.pdf |
| Guidance on Formula Rate Updates | Guidance on website | Provides guidance for utilities in the preparation of their annual electric transmission formula rate updates and annual update informational filings to avoid common deficiencies. | July 17, 2014 | Staff | N/A | N/A | https://www.ferc.gov/industries/electric/indus-act/oatt-reform/staff-guidance.pdf |

Appendix R
Federal Housing Financing Agency



FEDERAL HOUSING FINANCE AGENCY
Office of the Director

December 22, 2017

The Honorable Trey Gowdy
Chairman
Committee on Oversight
and Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Gowdy:

This letter and the enclosure are in response to your December 8, 2017 letter requesting information about the Federal Housing Finance Agency's (FHFA's) guidance documents.

FHFA was established on June 30, 2008 and the enclosure contains a list of guidance documents issued by FHFA from that date to the date of this letter, including the title, reference number, description and hyperlink for each. FHFA guidance documents are routinely made public through publication on FHFA's website, unless contrary considerations exist. Other identifying information referenced in your letter does not appear to be applicable in light of the fact that FHFA is a relatively small agency and does not have offices fitting the description of "component, office, or program" that would be considered the issuer of the documents as opposed to the agency itself.

The summaries contained in the enclosure are drawn from descriptions in FHFA's overview of regulations and guidance included in our Annual Reports to Congress. In line with the standards of what is deemed "economically significant" expressed in Executive Order 12866 or "major" in the Congressional Review Act, none of FHFA's guidance documents are considered "significant." None of these guidance documents have been submitted to other agencies for review.

While we have made a good faith effort to list and provide information on all documents meeting the criteria outlined in your December 8 letter, if we subsequently find other documents that we consider responsive they will be provided. Additionally, if there are documents other than those listed in the enclosure that you believe would be responsive to your request, please advise me so I can ensure appropriate follow up.

If you have any additional questions, please contact Peter Brereton, Associate Director, Office of Congressional Affairs and Communications at [REDACTED].

Sincerely,

A handwritten signature in cursive script, appearing to read "Melvin L. Watt". The signature is written in black ink and is positioned above the printed name.

Melvin L. Watt

Enclosure

cc: The Honorable Mark Meadows
The Honorable Jim Jordan
The Honorable Gary J. Palmer
The Honorable Blake Farenthold
The Honorable Elijah E. Cummings
The Honorable Gerald E. Connolly
The Honorable Raja Krishnamoorthi
The Honorable Val Butler Demings
The Honorable Stacey E. Plaskett

| Title | Reference | Date | Description | Hyperlink |
|--|------------|------------------------|---|---|
| 2017 | | | | |
| Acquired Member Asset Price Risk Governance | AB 2017-03 | 11/21/2017 | Provides Federal Housing Finance Agency (FHFA) guidance for Federal Home Loan Bank (FHLBank) Acquired Member Asset (AMA) price risk governance. It sets forth that a FHLBank should: (1) estimate expected spread to funding; (2) establish minimum expected spreads; (3) adopt total portfolio and acquisition limits; (4) create controls; and (5) conduct board and management committee education and reporting. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB-2017-03.pdf |
| Information Security Management | AB 2017-02 | 9/28/2017 | Provides Federal Housing Finance Agency (FHFA) guidance on information security management for supporting a safe and sound operational environment and promoting the resilience of Fannie Mae, Freddie Mac, the Federal Home Loan Banks, and the Office of Finance (OF) (collectively, the regulated entities). The guidance in this AB is applicable to the regulated entities and is based on current regulatory and industry standards. It does not prescribe specific standards or technology solutions, but describes three main components of an information security program (program). | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB-2017-02.pdf |
| Classifications of Adverse Examination Findings | AB 2017-01 | 3/13/2017 | Establishes classifications of adverse examination findings at Fannie Mae, Freddie Mac, the Federal Home Loan Banks (the regulated entities) and the Office of Finance. Adverse examination findings are typically risk management deficiencies, increases in risk exposures, or violations of laws, regulations, or orders that affect the performance or condition of a regulated entity or the Office of Finance. This advisory bulletin establishes classifications of examination findings that identify priorities for remediation by the regulated entities and the Office of Finance and guide FHFA in the development of supervisory strategies. This advisory bulletin supersedes and rescinds Advisory Bulletin 2012-01, Categories of Examination Findings (April 2, 2012). | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB-2017-01-Classifications-of-Adverse-Examination-Findings.pdf |
| FHFA Examination Manual | N/A | 3/3/2017 and 8/30/2017 | FHFA issued modules for Default Legal Services and Single-Family Mortgage Securitization Management on August 30, 2017 and March 3, 2017, respectively. FHFA also revised the Information Technology Risk Management Program module in January 2017 and the OMWI Diversity and Inclusion module in June 2017. Supplemental examination modules complement the modules in the FHFA Examination Manual. | https://www.fhfa.gov/SupervisionRegulation/ExaminerResources/Pages/Manual-and-Supplemental-Guidance.aspx |
| 2016 | | | | |
| Advisory Bulletin on Internal Audit Governance and Function | AB 2016-05 | 10/7/2016 | Communicates FHFA's supervisory expectations for the regulated entities and the OF to establish independent Internal Audit functions and that those functions provide timely feedback to management and assurance to audit committees on the effectiveness of regulated entities' internal controls, risk management, and governance. Timely and reliable information about elevated risks and internal control systems are important so that management can make prompt corrections. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/Final_AB_Internal_Audit_2016-05.pdf |
| Advisory Bulletin on Data Management and Usage | AB 2016-04 | 9/29/2016 | Rescinds and replaces three Finance Board guidance documents issued between 1996 and 2002 relating to risk assessment: internal auditor independence; internal audit department external reviews; and examination reviews of audit independence, audit committee oversight of selection, compensation and performance evaluation of the audit director. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB2016-04_Data-Management-and-Usage-AB.pdf |
| Advisory Bulletin on Affordable Housing Program: Monitoring of Income Eligibility and Rents for Shelters for the Homeless and Victims of Domestic Violence | AB 2016-03 | 8/29/2016 | Communicates FHFA's guidance under the AHP on how the FHLBanks may verify AHP household income eligibility and rents in the case of shelters for the homeless and shelters for victims of domestic violence. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB_on_AHP_Homeless_and_Victims_of_Domestic_Violence_to_FHLBanks_8-29-2016.pdf |

| Title | Reference | Date | Description | Hyperlink |
|---|------------|--------------------------------|---|---|
| Advisory Bulletin on FHLBank Changes to Internal Market Risk Models | AB 2016-02 | 4/21/2016 | Updates previous guidance on how an FHLBank may obtain approval to implement significant changes to a previously approved internal market risk model after proper notification to FHFA. The Bulletin describes the procedures and documentation for the notification process. The Bulletin rescinds and replaces the 2005 Finance Board guidance on changes to internal market risk models. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB_Market-Risk-Model-Approval_Final.pdf |
| Advisory Bulletin on Classification of Investment Securities at FHLBanks | AB 2016-01 | 1/21/2016 | Communicates FHFA's guidance on the classification of investment securities at the FHLBanks. The Bulletin incorporates the guidance provided by the Uniform Agreement on the Classification and Appraisal of Securities Held by Depository Institutions issued by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation in October 2013. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB-2016-01_Classification-of-Investment-Securities-at-FHLBanks.pdf |
| FHFA Examination Manual | N/A | 12/8/2016 and 12/12/2016 | On December 12, FHFA issued the Diversity and Inclusion (D&I) Examination Module and on December 8 issued the Fraud Overview and Fraud Risk Management supplemental examination module for field testing. Supplemental examination modules complement the modules in the FHFA Examination Manual. | https://www.fhfa.gov/SupervisionRegulation/ExaminerResources/Pages/Manual-and-Supplemental-Guidance.aspx |
| 2015 | | | | |
| Advisory Bulletin on Fraud Risk Management | AB 2015-07 | 9/29/2015 | Communicates to Fannie Mae and Freddie Mac (the Enterprises) the Federal Housing Finance Agency's (FHFA) supervisory expectations for fraud risk management, including the establishment and maintenance of internal controls to prevent, deter, and detect fraud or possible fraud. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB2015-07_Fraud-Risk-Management.pdf |
| Advisory Bulletin on Information Technology Investment Management | AB 2015-06 | 9/21/2015 | Provides Federal Housing Finance Agency (FHFA) guidance on information technology (IT) investment management by Fannie Mae and Freddie Mac (the Enterprises). FHFA expects that each Enterprise's IT investment management will include sound governance and effective monitoring and reporting that reflect relevant risk assessments of the Enterprise. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB_2015-06_Info-Technology-Investment-Management.pdf |
| Advisory Bulletin on Federal Home Loan Bank Core Mission Achievement | AB 2015-05 | 7/14/2015 | Provides Federal Housing Finance Agency (FHFA) guidance on Federal Home Loan Bank (Bank) core mission achievement. It should be considered in conjunction with FHFA's Advisory Bulletin 2010-AB-02, Strategic Plans. The Advisory Bulletin also describes how FHFA will assess the Banks' core mission achievement, as well as FHFA's expectations about the content of the strategic plans for Banks with core mission assets below specified levels. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/Core%20Mission%20AB%20-%207-14-2015%20FINAL.pdf |
| Advisory Bulletin on Federal Home Loan Bank Unsecured Credit Exposure Reporting | AB 2015-04 | 6/26/2015 | Applies to the Federal Home Loan Banks (FHLBanks) and the Office of Finance (OF), and describes changes to the manner in which the FHLBanks are to report their unsecured credit exposures. The AB provides guidance to the FHLBanks in fulfilling the requirements of Section 932.9(e)(1), Section 932.9(e)(2), Section 1273.6(f), and Section 1260.2 of the Federal Housing Finance Agency (FHFA) regulations, which pertain to FHLBank reporting requirements and OF monitoring requirements, as described below. This AB replaces and supersedes the Federal Housing Finance Board guidance on unsecured credit reporting requirements provided by AB-02-07, dated August 27, 2002. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2015-AB-04%20Bank%20Unscd%20Cred%20Rptg%20-%206-26-2015.pdf |
| Advisory Bulletin on Rescission of Division of Enterprise Regulation Guidance Documents | AB 2015-03 | 3/26/2015 | To rescind five examination guidance documents issued by the Office of Federal Housing Enterprise Oversight (OFHEO). | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB2015-03_Rescission-of-DER-Guidance-Documents.pdf |
| Advisory Bulletin on Enterprise Fraud Reporting | AB 2015-02 | 3/26/2015 | Communicates to Fannie Mae and Freddie Mac (the Enterprises) the Federal Housing Finance Agency's (FHFA) fraud reporting requirements pursuant to 12 CFR Part 1233 (FHFA Regulation). Rescinds and replaces FHFA's Regulatory Policy Guidance RPG-2011-001, Reporting of Fraudulent Financial Instruments, dated March 2011. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB2015-02_Enterprise-Fraud-Reporting.pdf |

| Title | Reference | Date | Description | Hyperlink |
|---|------------|-----------|--|---|
| Advisory Bulletin on FHLBank Fraud Reporting | AB 2015-01 | 2/12/2015 | Communicates the Federal Housing Finance Agency's (FHFA) guidance on fraud activity reporting for the Federal Home Loan Banks (FHLBanks). Rescinds and replaces FHFA's Regulatory Policy Guidance RPG-2011-001, Reporting of Fraudulent Financial Instruments (RPG-2011-001), as the RPG applies to the FHLBanks. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2015-AB-01_Bank_Fraud_Reporting_for_2-12-2015.pdf |
| FHFA Examination Manual | N/A | 6/25/2015 | On June 25, FHFA issued the Bank Secrecy Act/Anti-Money Laundering Program and the Office of Foreign Assets Control Compliance supplemental examination modules for field testing. Supplemental examination modules complement the modules in the FHFA Examination Manual. | https://www.fhfa.gov/SupervisionRegulation/ExaminerResources/Pages/Manual-and-Supplemental-Guidance.aspx |
| 2014 | | | | |
| Advisory Bulletin on Oversight of Single-Family Seller/Servicer Relationships | AB 2014-07 | 12/1/2014 | Communicates FHFA's supervisory expectation that the Enterprises maintain the safety and soundness of their operations by effectively managing counterparty risks by implementing a board-approved risk management framework that specifically includes risk-based oversight of single-family Seller/Servicers. The risk management framework should include policies and procedures that assess financial, operational, legal, compliance, and reputation risks associated with its single-family Seller/Servicer counterparties and take appropriate action to mitigate those risks or reduce the Enterprise's exposure. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB2014-07-Oversight-of-Single-Family-Seller-Servicer-Relationships1212014.pdf |
| Advisory Bulletin on Mortgage Servicing Transfers | AB 2014-06 | 6/11/2014 | Communicates FHFA's supervisory expectations for risk management practices at the Enterprises in conjunction with the sale and transfer of mortgage servicing rights or the transfer of the operational responsibilities of servicing mortgage loans owned or guaranteed by the Enterprises. Specifically, an Enterprise should have policies and procedures in place to adequately review proposed transfers and an Enterprise should only approve those transactions that are consistent with sound business practice, aligned with the Enterprise's board-approved risk appetite, and in compliance with regulatory and Conservator requirements. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2014%20AB-06%20Mortgage%20Servicing%20Transfers%20Advisory%20Bulletin.pdf |
| Advisory Bulletin on Cyber Risk Management Guidance [Rescinded and replaced 9/28/2017] | AB 2014-05 | 5/19/2014 | Communicates FHFA's supervisory expectations to the Enterprises and the Federal Home Loan Banks for cyber-risk management. Specifically, it describes the seven main components of a program to manage cyber-risk effectively: proportionality; cyber-risk management; risk assessments; monitoring and response; system, patch, and vulnerability management; third party management, and privacy and data protection. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/Pages/Rescinded-Advisory-Bulletins.aspx |
| Advisory Bulletin on Guidance on the Retirement of the Microsoft Windows XP Operating System | AB 2014-04 | 3/20/2014 | Communicates FHFA's supervisory expectations to the Enterprises and the Federal Home Loan Banks regarding Microsoft's retirement and ending of support for the Windows XP operating system and Office 2003 on April 8, 2014. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB_2014-04.pdf |
| Advisory Bulletin on Rescission of the Federal Home Loan Bank Examination Manual and the Division of Enterprise Regulation Supervision Handbook | AB 2014-03 | 3/11/2014 | Rescinds the prior Finance Board FHLBank Examination Manual and FHFA Division of Enterprise Regulation Supervision Handbook that were superseded by the FHFA Examination Manual issued on December 19, 2013. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB-2014-03_Rescission_of_FHLBank_Examination_Manual_and_DER_Supervision_Handbook.pdf |
| Advisory Bulletin on Operational Risk Management | AB 2014-02 | 2/18/2014 | Communicates FHFA's supervisory expectations to the Enterprises and the Federal Home Loan Banks for an operational risk management program. Specifically, it describes the four basic components of a program to manage operational risk effectively: risk identification and assessment; measurement and modeling; reporting; and risk management decision-making. It also addresses governance aspects of operational risk management, i.e., the duties and responsibilities of management and the board of directors. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB_2014-02_Operational_Risk_Management_(2-18-2014).pdf |

| Title | Reference | Date | Description | Hyperlink |
|--|------------|------------|--|---|
| Advisory Bulletin on Liquidity Risk Management | AB 2014-01 | 2/18/2014 | Communicates FHFA's supervisory expectations for a liquidity risk management process at the Enterprises. Specifically, it describes key elements of an effective risk management process including adequate board of directors and senior management oversight; appropriate liquidity management policies, procedures, and limits; appropriate risk measurement methodology, monitoring, and reporting systems; adequate management information systems and internal controls; an effective contingency funding plan; adequate levels of highly liquid assets; a funding strategy that provides appropriate diversification of funding, regularly assesses market access, and identifies alternative sources of funding; and active management of intraday liquidity and collateral. | http://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB2014-01_Liquidity-Risk-Management.pdf |
| FHFA Examination Manual | N/A | 12/18/2014 | The FHFA Examination Manual was first published in 2013, and FHFA revised five of the 25 modules during 2014: AMA; Advances and Collateral; Capital; Insurance Management; and Office of Finance. In addition, FHFA issued the Multifamily Mortgage Underwriting and Acquisitions supplemental examination module on December 18. Supplemental examination modules complement the modules in the FHFA Examination Manual. | https://www.fhfa.gov/SupervisionRegulation/ExaminerResources/Pages/Manual-and-Supplemental-Guidance.aspx |
| 2013 | | | | |
| Advisory Bulletin on Collateralization of Advances and Other Credit Products; Perfection and Control of Collateral | AB 2013-10 | 12/23/2013 | Communicates FHFA's expectations on credit risk management practices that ensure the FHLBank advances remain "fully secured," as required by statute, relative to the perfection and control of collateral, when accepting particular types of collateral. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/Perfection_and_Control_of_Collateral.pdf |
| Advisory Bulletin on Collateralization of Advances and Other Credit Products to Insurance Company Members | AB 2013-09 | 12/23/2013 | Provides guidance on credit risk management practices to ensure FHLBank advances remain fully secured when lending to insurance company members. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/Collateralization_for_Insurance_Company_Lending.pdf |
| Advisory Bulletin on Guidance on On-Site Monitoring of Projects under the Affordable Housing Competitive Application Program | AB 2013-08 | 12/13/2013 | Provides guidance to the FHLBanks on incorporating site visits into their project monitoring policies and procedures for certain projects awarded funds under the competitive application program of the Affordable Housing Program (AHP). Describes the existing monitoring requirements of the AHP regulation and provides guidance to the FHLBanks on how they may meet those requirements by identifying risks and conditions that may warrant a visit to the project site. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/201308_AB_2013-08_On-Site_Monitoring_Under_the_Affordable_Housing_Competitive_Application_Program_508%20(1).pdf |
| Advisory Bulletin on Model Risk Management Guidance | AB 2013-07 | 11/20/2013 | Sets the minimum thresholds, based on the extent and scale of model development for each regulated entity and the Office of Finance, for FHFA's supervisory expectations for model risk management by outlining the framework of baseline control and governance requirements. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB_2013-07_Model_Risk_Management_Guidance.pdf |
| Advisory Bulletin on Guidance on Scoring Tie-Break Methodologies in the Affordable Housing Competitive Application Program | AB 2013-06 | 10/8/2013 | Provides guidance under the AHP regulation, 12 CFR Part 1291, on how the FHLBanks may treat AHP competitive program applications in the event that two or more applications have identical scores in the same funding round and there is insufficient AHP subsidy to approve all of the tied applications. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2013-AB-06_AHP_Tie-Break_Methodologies.pdf |
| Advisory Bulletin on Management of Deficiency Balances | AB 2013-05 | 9/16/2013 | Establishes supervisory expectations for deficiency balance management at the Enterprises. Describes factors that should be considered when deciding whether to pursue recovery of deficiency balances as part of a deficiency balance management program. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/20130916_AB_2013-05_Management-of-Deficiency-Balances_508.pdf |
| Advisory Bulletin on Rescission of Division of Bank Regulation Advisory Bulletins | AB 2013-04 | 7/16/2013 | Rescinds 29 ABs issued between 1996 and 2007 by the Finance Board relating to the examination of the FHLBanks. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/20130716_AB_2013-04_Rescission-of-Division-of-Bank-Regulation-Advisory-Bulletins_508.pdf |

| Title | Reference | Date | Description | Hyperlink |
|---|------------|------------|---|---|
| Advisory Bulletin on FHFA Enforcement Policy | AB 2013-03 | 5/31/2013 | Disseminates the internal FHFA policy for taking enforcement actions, when determined appropriate, to address compliance with laws, rules, or regulations; supervisory guidance, examination findings, or failure to comply with final agency orders; capital deficiencies; failure to meet prudential standards; and/or unsafe or unsound practices or conditions. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/20130531_AB_2013-03_FHFA-Enforcement-Policy_508%20(2).pdf |
| Advisory Bulletin on Clarification of Implementation for Advisory Bulletin 2012-02, Framework for Adversely Classifying Loans, Other Real Estate Owned, and Other Assets and Listing Assets for Special Mention | AB 2013-02 | 5/13/2013 | Clarifies that the implementation of the asset classification framework set forth in AB 2012-02 may occur in two phases. The asset classification provision to be implemented by January 1, 2014 and the charge-off provisions should be implemented no later than January 1, 2015. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2013_AB_2013-02_Clarification_of_Implementation_for_Asset_Classification_Framework_May_13_2013_508.pdf |
| Advisory Bulletin on Contingency Planning for High-Risk or High-Volume Counterparties | AB 2013-01 | 4/1/2013 | Establishes guidelines for contingency plans for high-risk or high-volume counterparties at the regulated entities. The guidelines describe the criteria Fannie Mae, Freddie Mac and the FHLBanks should use to develop plans for managing counterparty credit risk exposures. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/20130401_AB_2013-01_Contingency-Planning-for-High-Risk-or-High-Volume-Counterparties_508.pdf |
| FHFA Examination Manual | N/A | 12/19/2013 | The FHFA Examination Manual comprises an overview of the examination process and 25 modules that provide examination instructions and work programs organized by risk category or line of business or activity. The examination manual serves as a reference tool and describes standards and expectations for the examinations of the regulated entities and the Office of Finance. | https://www.fhfa.gov/SupervisionRegulation/ExaminerResources/Pages/Manual-and-Supplemental-Guidance.aspx |
| 2012 | | | | |
| Advisory Bulletin on FHFA Examination Rating System | AB 2012-03 | 12/19/2012 | Communicates the new examination rating system to be used when examining the regulated entities and the FHLBanks' Office of Finance. The FHFA Examination Rating System replaces the rating systems previously developed by FHFA's predecessor agencies. The new rating system is based on assessment of seven individual components: Capital, Asset quality, Management, Earnings, Liquidity, Sensitivity to market risk, and Operational risk, known as the CAMELSO framework. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/FHFA_AB_2012-03.pdf |
| Advisory Bulletin on Framework for Adversely Classifying Loans, Other Real Estate Owned, and Other Assets and Listing Assets for Special Mention | AB 2012-02 | 4/9/2012 | Established guidelines for adverse classification and identification of special mention assets and off-balance sheet credit exposures at the regulated entities, excluding investment securities. These guidelines include sound practices for managing credit risk at the regulated entities. A clarification of implementation of this bulletin was issued in Advisory Bulletin 2013-AB-02, May 13, 2013. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2012_AB_2012-02_Framework_for_Classifying_Loans_508.pdf |
| Advisory Bulletin on Categories for Examination Findings [Rescinded and replaced 3/13/2017] | AB 2012-01 | 4/2/2012 | Established categories for safety and soundness and Affordable Housing Program examination findings for the regulated entities. Examination findings are deficiencies related to risk management, risk exposure, or violations of laws, regulations, or orders that affect the performance or condition of a regulated entity. This advisory bulletin establishes a hierarchy of examination findings categories that distinguish levels of seriousness to identify priorities for remediation by the regulated entities and guide FHFA in developing supervisory strategies. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/Pages/Rescinded-Advisory-Bulletins.aspx |
| 2011 | | | | |
| Advisory Bulletin on Standard & Poor's Rating Action and Risk-Based Capital Calculation for Federal Securities | AB 2011-02 | 8/9/2011 | Advises the FHLBanks that Standard & Poor's downgrade of U.S. and federal agency securities on August 5, 2011, does not affect the FHLBanks' riskbased capital calculations. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2011_AB_2011_02_Standard_and_Poor's_Rating_Action_508.pdf |
| Advisory Bulletin on Operational Readiness for Swaps-Related Reporting, Clearing, and Recordkeeping Requirements | AB 2011-01 | 3/8/2011 | Advises the FHLBanks to prepare to comply with derivatives reporting and clearing requirements proposed by the Commodity Futures Trading Commission under the Dodd-Frank Act. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2011-AB-01_(Swaps_Guidance_030411)_508.pdf |

| Title | Reference | Date | Description | Hyperlink |
|--|--------------|------------|---|--|
| Policy Guidance - RPG-2011-001 [Rescinded and replaced 2/12/2015 and 3/26/2015] | RPG 2011-001 | 3/30/2011 | Advices each regulated entity to develop and implement or enhance existing reporting structures, policies, procedures, internal controls, and operational training programs to sufficiently discover and report fraud or possible fraud in accordance with the guidance. This policy guidance replaced OFHEO Policy Guidance PG-08-001 and was effective on the date issued. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2015-AB-01_Bank_Fraud_Reporting_for_2-12-2015.pdf https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB2015-02_Enterprise-Fraud-Reporting.pdf |
| 2010 | | | | |
| Strategic Plans | 2010-AB-02 | 11/9/2010 | Sets forth principles the Division of Federal Home Loan Bank Regulation will use in evaluating the FHLBanks' strategic plans; reminds the FHLBanks of the regulatory requirement (12 CFR 917.5) that strategic plans set quantitative performance goals with respect to multifamily, small business, small farm, and small agribusiness lending to community financial institution members. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2010-AB-02_strategic_Plan.pdf |
| Advisory Bulletin on Nontraditional and subprime mortgages | 2010-AB-01 | 4/6/2010 | Answers various specific questions raised by earlier guidance (2008AB02) advising FHLBanks not to buy mortgages (or MBS backed by mortgages) not complying with the banking agencies' joint guidance on nontraditional and subprime mortgages. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2010-AB-2010-01_QandA_on_2008-AB-02_508.pdf |
| 2009 | | | | |
| Advisory Bulletin on Validation and Documentation of Models and Related Controls on Internal Processes | 2009-AB-03 | 12/15/2009 | Explicitly includes credit risk models and also addresses the validation of externally managed vendor models, internally managed vendor models, and the importance of validating and documenting the controls over models and their use. It also discusses model validation and documentation in the case of a model that is jointly used by several FHLBanks. (This replaces AB 2006-AB-02 which focused on market risk models). | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB-2017-03.pdf |
| Advisory Bulletin on Principles of Executive Compensation at the FHLBanks and the Office of Finance | 2009-AB-02 | 10/27/2009 | Outlines several principles for sound incentive compensation practices to which the Federal Home Loan Banks (FHLBanks, Banks, or organization) and the Office of Finance (OF, or organization) should adhere in setting executive compensation policies and practices. In evaluating compensation at the FHLBanks and the OF, the FHFA Director will consider the extent to which an executive's compensation is consistent with these principles. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2009_AB_2009-02_Principles_for_Executive_Compensation_at_the_FHLBanks_and_the_OF_10-27-09_508.pdf |
| Examination Guidance for Accounting Practices | N/A | 10/27/2009 | The guidance sets forth examination guidance and standards relating to the accounting practices of the Fannie Mae, Freddie Mac, and the FHLBanks consistent with the safety and soundness responsibilities of FHFA. | N/A |
| Advisory Bulletin on Disclosure of Preliminary Capital Classifications | 2009-AB-01 | 7/20/2009 | Advisory Bulletin 2006-AB-03, Disclosure in SEC Filings of "Unpublished Information" as Defined in Part 911 of the Finance Board Rules and Regulations, provides written authorization for each Federal Home Loan Bank (FHLBank) to use or disclose in its Securities and Exchange Commission (SEC) filings unpublished information that is material to the Bank's financial condition and business operations, provided that the disclosure is limited to a recital of the factual content of the unpublished information. This authority is granted the FHLBanks so that management of an FHLBank can satisfy the disclosure requirements of the Securities Exchange Act of 1934. Through the public filing of various disclosure documents, including annual reports on Form 10-K, quarterly reports on Form 10-Q, and current reports on Form 8-K, each FHLBank must disclose all material information concerning its financial condition and business operations. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2009_AB_2009-01_Disclosure_of_Cap_Classifications_7-20-09_508.pdf |

| Title | Reference | Date | Description | Hyperlink |
|---|------------|----------|---|---|
| 2008 | | | | |
| Advisory Bulletin on Application of Guidance on Nontraditional and Subprime Residential Mortgage Loans to Specific FHLBank Assets | 2008-AB-02 | 7/1/2008 | Communicates FHFB's expectation that residential mortgage loans (a) purchased under the FHLBanks' Acquired Member Assets programs, (b) backing private-label MBS in which the FHLBanks invest, or (c) serving as collateral securing advances must conform to the bank regulatory agencies' guidance that emphasizes underwriting requirements and risk management standards. | https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/2008-AB-02.pdf |

Appendix S

Federal Labor Relations Authority



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
1400 K STREET N.W. • WASHINGTON, D.C. 20424
(202) 218-7900 FAX: (202) 482-6778
www.FLRA.gov

JAN 02 2018

OFFICE OF THE CHAIRMAN

VIA HAND DELIVERY

December 21, 2017

The Honorable Trey Gowdy, Chairman
Committee on Oversight
and Government Reform
2418 Rayburn House Office Building
Washington, DC 20515

The Honorable Jim Jordan, Chairman
Subcommittee on Healthcare, Benefits,
and Administrative Rules
20515 Rayburn House Office Building
Washington, DC 20515

The Honorable Gary J. Palmer, Chairman
Subcommittee on Intergovernmental Affairs
330 Cannon House Office Building
Washington, DC 20515

The Honorable Mark Meadows, Chairman
Subcommittee on Government Operations
1024 Longworth House Office Building
Washington, DC 20515

Re: Committee Request for FLRA Guidance Documents

Dear Chairman Gowdy, Chairman Meadows, Chairman Jordan, and Chairman Palmer:

The Federal Labor Relations Authority (the "FLRA") is responsible for establishing policies and guidance regarding the labor-management relations program for 2.1 million non-Postal, federal employees worldwide, approximately 1.2 million of whom are represented in 2,200 bargaining units.

Although I have only been in this position for less than two weeks, I am pleased to submit the attached response to the Committee's December 8, 2017 request for all guidance documents issued by the FLRA since January 1, 2008. If you or your staff require additional information or have any questions, please contact Solicitor Fred B. Jacob (at [REDACTED] or [REDACTED]) or Gina Grippando, Counsel for Regulatory and Public Affairs (at [REDACTED] or [REDACTED]).

Sincerely,

A handwritten signature in black ink, appearing to read "Colleen Duffy Kiko".

Colleen Duffy Kiko
Chairman

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable Gerald E. Connolly, Ranking Member
Subcommittee on Governmental Operations

The Honorable Raja Krishnamoorthi, Ranking Member
Subcommittee on Healthcare, Benefits and Administrative Rules

The Honorable Val Butler Demings, Ranking Member
Subcommittee on Intergovernmental Affairs

The Honorable Stacey E. Plaskett, Ranking Member
Subcommittee on Intergovernmental Affairs

Majority Staff
Committee on Oversight and Government Reform

Minority Staff
Committee on Oversight and Government Reform

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

December 8, 2017

The Honorable Patrick Pizzella
Acting Chairman
U.S. Federal Labor Relations Authority
1400 K Street NW #2
Washington, DC 20005

Dear Mr. Pizzella:

Agencies issue a wide variety of policy documents for different purposes. Generally, when a policy is intended to be binding, agencies issue a regulation.¹ Other times, agencies issue statements of policy, interpretive rules, and other guidance regarding how the agency plans to interpret laws and legislative rules.²

These various forms of guidance are not legally binding, but, according to the Government Accountability Office (GAO), the documents have wide-ranging effects on public and private sector behavior. In a 2015 report, GAO stated: “guidance documents can have a significant effect on regulated entities and the public, both because of agencies’ reliance on large volumes of guidance documents and the fact that the guidance can prompt changes in the behavior of regulated parties and the general public.”³

The GAO also found agencies’ use of guidance varied significantly, ranging from as few as ten at some agencies to more than one hundred guidance documents each year at others.⁴ The reason for this discrepancy is unclear. It is also unclear whether there are uniform practices or strategies throughout the executive branch for developing and issuing guidance documents.

To help the Committee better understand how and when federal agencies issue guidance documents, please provide a list of all guidance documents issued by your agency since January 1, 2008, including the following for each guidance document listed:

¹ GOV’T ACCOUNTABILITY OFFICE, GAO-17-404T, REGULATORY GUIDANCE PROCESSES: SELECTED DEPARTMENTS COULD STRENGTHEN INTERNAL CONTROL AND DISSEMINATION PRACTICES 14 (April 2015), *available at* <http://www.gao.gov/assets/670/669688.pdf>.

² Agencies use a variety of names to refer to guidance documents, such as memoranda, policy statements, manuals, circulars, bulletins, advisories, or guidance. The Office of Management and Budget defines a guidance document as an agency statement of general applicability and future effect that sets forth a policy or interprets a statutory or regulatory issue. *Id.* at 7.

³ *Id.* at 8.

⁴ *Id.* at 13.

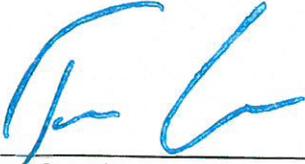
1. The title;
2. The name of the form of guidance, such as circular, guidance, frequently asked questions, bulletin, memoranda, or statement;
3. A brief description of the subject;
4. The date of issuance;
5. The issuing agency, component, office, or program;
6. An indication of whether:
 - a. The guidance was considered significant;
 - b. The agency submitted the guidance for review by the Office of Information and Regulatory Affairs, and if it was:
 - i. The title of the guidance used in the submission; and
 - ii. The date submitted;
 - c. The agency submitted the guidance to Congress and GAO, and if it was:
 - i. The title of the guidance used in the submission; and
 - ii. The date submitted; and
 - d. The Regulatory Reform Task Force has reviewed or has plans to review the guidance document, and any results of such review; and
7. To the extent applicable:
 - a. The Federal Record citation;
 - b. A hyperlink to a copy of the document;
 - c. The Regulation Identification Number; and
 - d. Any other identification number for the document.

Provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on December 22, 2017. An attachment to this letter provides additional instructions for responding to the Committee's request.

The Honorable Patrick Pizzella
December 8, 2017
Page 3

Please contact Katy Rother of the majority staff at [REDACTED] or [REDACTED] with any questions about this request. Thank you for your attention to this matter.

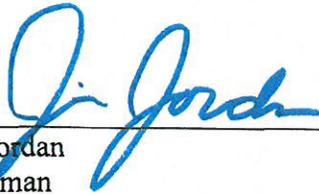
Sincerely,



Trey Gowdy
Chairman



Mark Meadows
Chairman
Subcommittee on Government Operations



Jim Jordan
Chairman
Subcommittee on Healthcare, Benefits,
and Administrative Rules



Gary J. Palmer
Chairman
Subcommittee on Intergovernmental Affairs



Blake Farenthold
Chairman
Subcommittee on the Interior, Energy,
and Environment

Enclosure

- cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform
- The Honorable Gerald E. Connolly, Ranking Member
Subcommittee on Government Operations
- The Honorable Raja Krishnamoorthi, Ranking Member
Subcommittee on Healthcare, Benefits, and Administrative Rules
- The Honorable Val Butler Demings, Ranking Member
Subcommittee on Intergovernmental Affairs
- The Honorable Stacey E. Plaskett, Ranking Member
Subcommittee on the Interior, Energy, and Environment



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C. 20424

OFFICE OF THE SOLICITOR

BY HAND

December 21, 2017

The Honorable Trey Gowdy, Chairman
Committee on Oversight
and Government Reform
2418 Rayburn House Office Building
Washington, DC 20515

The Honorable Jim Jordan, Chairman
Subcommittee on Healthcare, Benefits,
and Administrative Rules
20515 Rayburn House Office Building
Washington, DC 20515

The Honorable Gary J. Palmer, Chairman
Subcommittee on Intergovernmental Affairs
330 Cannon House Office Building
Washington, DC 20515

The Honorable Mark Meadows, Chairman
Subcommittee on Government Operations
1024 Longworth House Office Building
Washington, DC 20515

Re: Committee Request for FLRA Guidance Documents

Dear Chairman Gowdy, Chairman Meadows, Chairman Jordan, and Chairman Palmer:

We write to respond to your letter dated December 8, 2017, requesting guidance documents issued by the Federal Labor Relations Authority (the "FLRA") from January 1, 2008 to the present. We enclose a DVD-rom disc containing your letter and a chart of the requested guidance. Each column of the chart contains information corresponding to a numbered request in your letter. Please note that none of the FLRA's guidance qualifies as a "significant guidance document" as that term is defined in the Office of Management and Budget's *Final Bulletin for Agency Good Guidance Practices*, 72 Fed. Reg. 3434-01, 3439 (Jan. 25, 2007).

Our response includes guidance prepared – most notably, summaries of FLRA case law – to educate outside parties concerning the public functions that the Federal Service Labor-Management Relations Statute, 5 U.S.C. §§ 7101-7135, charges the FLRA with performing. In an abundance of caution, we also have included links to training materials that we use to educate agencies, labor organizations, federal employees, and members of the general public about federal-sector labor law.

Our response does not include internal agency policies not generally available to the public concerning subjects such as management of FLRA employees, the format to be used in

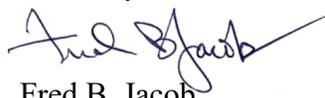
drafting FLRA documents, and case processing procedures. Our response also does not include FLRA regulations available with the U.S. Government Publishing Office.

Finally, due to the adjudicatory functions that the FLRA performs, many of the FLRA's manuals are routinely updated to include recent FLRA case law. To the extent possible, we have included the dates the FLRA created and/or last updated the identified documents. We have not included prior versions of those documents because the changes from one document to the next are often as small as inserting references to individual case decisions.

Pursuant to Paragraph 19 of the instructions for responding to Committee document requests attached to your letter, I certify that (1) a diligent search has been completed of all documents in our possession, custody, or control that reasonably could contain responsive documents, and (2) all documents located during our search that are responsive have been identified to the Committee on the attached list.

If you have any questions or need additional assistance, your staff may contact me at [REDACTED] or [REDACTED]

Sincerely,



Fred B. Jacob
Solicitor

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable Gerald E. Connolly, Ranking Member
Subcommittee on Governmental Operations

The Honorable Raja Krishnamoorthi, Ranking Member
Subcommittee on Healthcare, Benefits and Administrative Rules

The Honorable Val Butler Demings, Ranking Member
Subcommittee on Intergovernmental Affairs

The Honorable Stacey E. Plaskett, Ranking Member
Subcommittee on the Interior, Energy, and Environment

Majority Staff
Committee on Oversight and Government Reform

Minority Staff
Committee on Oversight and Government Reform

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: Fred B. Jacob
Bar number: [REDACTED] State/District of admission: DC
Attorney for: Federal Labor Relations Authority
Address: 1400 K St., NW, Washington, DC 20424
Telephone: [REDACTED]

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for Federal Labor Relations Authority in (select one):

- All matters before the Committee
 The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: Fred B. Jacob
Attorney's email address: [REDACTED]
Firm name (where applicable): Federal Labor Relations Authority
Complete Mailing Address: 1400 K St., NW
Washington, DC 20424

I agree to notify the Committee within 1 business day of any change in representation.

[Signature]
Signature of Attorney

12/21/17
Date

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|--|-------------------------|---|--|---------------------------------------|---------------------------------------|---|
| Unfair Labor Practice Case Law Outline | Guides and Manuals | A detailed overview of Federal Labor Relations Authority (“FLRA”) cases concerning unfair labor practice (“ULP”) issues. The outline is designed to help federal government agencies, employees, and labor organizations understand their rights and responsibilities in collective bargaining. | Sept. 20, 2010; last updated Aug. 15, 2017 | Office of the General Counsel (“OGC”) | N/A | https://go.usa.gov/xmnSz ; <i>see also</i> https://go.usa.gov/xnUBg |
| Guidance on Meetings | Guides and Manuals | Guidance on the types of meetings that can lead to ULPs, including formal discussions, investigatory (Weingarten) interviews, and bypasses. | Sept. 1, 2015 | OGC | N/A | https://go.usa.gov/xmnSh ; <i>see also</i> https://go.usa.gov/xnUBx |
| Guidance on Information Requests | Guides and Manuals | Guidance on union and agency rights, responsibilities, and obligations regarding information requests. It covers common issues, such as the Privacy Act and the definition of particularized need. | Oct. 31, 2011 | OGC | N/A | https://go.usa.gov/xmnh3 ; <i>see also</i> https://go.usa.gov/xnUBC |
| Model Union Request for Information | Guides and Manuals | Model form that unions can use when drafting information requests. This document was issued in conjunction with the Guidance on Information Requests above. | Oct. 31, 2011; last updated Jan. 7, 2016 | OGC | N/A | https://go.usa.gov/xmnhA ; <i>see also</i> https://go.usa.gov/xnUBY |
| Model Agency Response to Request for Information | Guides and Manuals | Model form that agencies can use when responding to information requests. This document was issued in conjunction with the Guidance on Information Requests above. | Oct. 31, 2011; last updated Jan. 7, 2016 | OGC | N/A | https://go.usa.gov/xnUA6 ; <i>see also</i> https://go.usa.gov/xnUBT |
| ULP Casehandling Manual | Guides and Manuals | Manual that FLRA agents follow when processing ULP cases. It describes the procedures for handling and investigating ULP charges. | Last updated July 20, 2016 | OGC | N/A | https://go.usa.gov/xmnhb |
| Litigation Manual | Guides and Manuals | Manual that FLRA agents follow when prosecuting ULP complaints. | Aug. 2000 | OGC | N/A | https://go.usa.gov/xmnhZ |

¹The number of the Congressional Request to which each column is responsive is identified as “(Q[request number]).”

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|---|-------------------------|---|---|---|---------------------------------------|--|
| ULP Factsheet – Filing through Appeals | Guides and Manuals | Brief outline of the standards applied to ULP claims, how they are adjudicated, and what parties in the process should know. | Last updated Jan. 22, 2016 | OGC | N/A | https://go.usa.gov/xnnhk |
| ULP Frequently Asked Questions | Guides and Manuals | Answers to ULP questions that are frequently asked by agencies, employee unions, employees, and members of the general public. | Webpage created Dec. 8, 2015 | OGC | N/A | https://go.usa.gov/xnnh9 |
| Representation Case Law Outline | Guides and Manuals | A detailed overview of FLRA cases concerning representation issues. | 2013; last updated Aug. 8, 2017 | OGC | N/A | https://go.usa.gov/xnnhN |
| Representation Case Handling Manual | Guides and Manuals | Manual that provides detailed information about FLRA procedures for processing representation petitions. | 2000; corrected copy posted Feb. 20, 2015 | OGC | N/A | https://go.usa.gov/xnnhQ |
| Hearing Officer’s Guide | Guides and Manuals | Guide to the FLRA’s representation hearing procedures. | 2000 | OGC | N/A | https://go.usa.gov/xnnhm |
| Representation Frequently Asked Questions | Guides and Manuals | Answers to questions about union elections and representation matters that are frequently asked by agencies, employee unions, employees, and members of the general public. | Webpage created Dec. 22, 2015 | OGC | N/A | https://go.usa.gov/xnnhy |
| Guide to Arbitration Under the Federal Service Labor-Management Relations Statute | Guides and Manuals | Overview of the arbitration-appeals process, including the grounds upon which the FLRA will review an arbitration award. | Oct. 12, 2010; updated Sept. 30, 2016 | Office of the Authority (the “Authority”) | N/A | https://go.usa.gov/xnnhV ; <i>see also</i> https://go.usa.gov/xnUBZ ; https://go.usa.gov/xnUB5 |

¹The number of the Congressional Request to which each column is responsive is identified as “(Q[request number]).”

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|---|-------------------------|---|--|----------------------|--|---|
| Guide to Negotiability Under the Federal Service Labor-Management Relations Statute | Guides and Manuals | Guide designed to help parties understand the negotiability process and their rights and responsibilities in connection with that process. | Draft issued Apr. 2013; final guide issued June 17, 2013 | The Authority | Public comment sought on Apr. 22, 2013 | https://go.usa.gov/xnnhv ; <i>see also</i> https://go.usa.gov/xnUZv ; https://go.usa.gov/xnUZp |
| Guide to Dispute Resolution Procedures Used by the Federal Service Impasses Panel | Guides and Manuals | Guide concerning the various types of dispute-resolution procedures used by the Federal Service Impasses Panel (“FSIP”). | Webpage created Sept. 17, 2009 | FSIP | N/A | https://www.flra.gov/fsip_drpg |
| OGC: ULP Case Processing in the Absence of a General Counsel | Guides and Manuals | Answers to commonly asked questions concerning ULP processing during times when the FLRA does not have a General Counsel. | Nov. 2017 | OGC | N/A | https://go.usa.gov/xnU92 |
| Overview of Procedures | Guides and Manuals | Overview of procedures used by the Office of Administrative Law Judges (“OALJ”) to process ULP claims. | Webpage created Jan. 19, 2016 | OALJ | N/A | https://go.usa.gov/xnU9b |
| <i>American Foreign Service Association and U.S. Department of State</i> | Decision Guidance | Decision in <i>American Foreign Service Association and U.S. Department of State</i> , Case No. FS-PS-0002 (June 20, 2017); https://go.usa.gov/xnUKq , which was the first Foreign Service Labor Relations Board (“FSLRB”) case involving a request for a “general statement of policy or guidance.” The FSLRB found that union dues should not be deducted from an individual’s paycheck once he transitions from active duty to retirement unless the individual chooses to continue the deductions. | June 20, 2017 | FSLRB | N/A | https://go.usa.gov/xnUKq ; <i>see also</i> https://go.usa.gov/xnUBu |

¹The number of the Congressional Request to which each column is responsive is identified as “(Q[request number]).”

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|--|-------------------------|--|--------------------------------|--------------------------|---------------------------------------|--|
| Basic Statutory Training Slides (OGC) | Training Materials | PowerPoint slides that accompany <i>Basic Statutory Training</i> given by the FLRA to agency representatives, union representatives, and members of the general public. This document contains eight sets of slides concerning eight topics that are covered during the FLRA's <i>Basic Statutory Training</i> . | Last updated Jan. 1, 2016 | OGC | N/A | https://go.usa.gov/xnUKn |
| Online Training | Training Materials | Web-based training available to federal agency employees entitled <i>Basic Statutory Training</i> . | May 3, 2012 | OGC | N/A | https://go.usa.gov/xnU9D ; see also https://go.usa.gov/xnUKD |
| Advanced Statutory Training Slides (OGC) | Training Materials | PowerPoint slides for the FLRA's advanced statutory training entitled <i>Office Moves and the Duty to Bargain</i> . | Oct. 2015 | OGC, the Authority, FSIP | N/A | https://go.usa.gov/xnUHH |
| Advanced Statutory Training Slides (OGC) | Training Materials | PowerPoint slides for the FLRA's advanced statutory training entitled <i>Bargaining</i> . | Oct. 2008 | OGC | N/A | https://go.usa.gov/xnUKn |
| Advanced Statutory Training Slides (OGC) | Training Materials | PowerPoint slides for the FLRA's advanced statutory training entitled <i>Furloughs and Collective Bargaining</i> . | Mar. 2013 | OGC | N/A | https://go.usa.gov/xnU6c ; see also https://go.usa.gov/xnUKn |
| Representation Training Slides (OGC) | Training Materials | PowerPoint slides for the FLRA's training entitled <i>Bargaining-Unit Determinations: Appropriate Units and Exclusions</i> . | Dec. 2010 | OGC | N/A | https://go.usa.gov/xnU6a ; see also https://go.usa.gov/xnUKn |
| Online Training | Training Materials | Web-based training available to federal agency employees entitled <i>Statutory Exclusions from Bargaining Units</i> . | Aug. 1, 2013 | OGC | N/A | https://go.usa.gov/xnU9D ; see also https://go.usa.gov/xnUZG |
| Representation Training Slides (OGC) | Training Materials | PowerPoint slides for the FLRA's training entitled <i>Reorganizations: Impact on Bargaining Units and Impact on Bargaining Obligations</i> . | Dec. 2010 | OGC | N/A | https://go.usa.gov/xnU64 ; see also https://go.usa.gov/xnUKn |

¹The number of the Congressional Request to which each column is responsive is identified as "(Q[request number])."

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|----------------------------------|-------------------------|---|--------------------------------|----------------------|---------------------------------------|---|
| Online Training | Training Materials | Web-based training available to federal agency employees entitled <i>Impact of Reorganization on Bargaining Units</i> . | Aug. 1, 2013 | OGC | N/A | https://go.usa.gov/xnU9D ; <i>see also</i> https://go.usa.gov/xnUZG |
| Arbitration Training (Authority) | Training Materials | PowerPoint slides for the FLRA's training entitled <i>After Arbitration: Filing Exceptions with the Authority</i> . | July 18, 2017 | The Authority | N/A | https://go.usa.gov/xnU6W |
| Arbitration Training (Authority) | Training Materials | Handout for the FLRA's training entitled <i>After Arbitration: Filing Exceptions with the Authority</i> . | July 18, 2017 | The Authority | N/A | https://go.usa.gov/xnU6k |
| Arbitration Training (Authority) | Training Materials | PowerPoint slides for the FLRA's training entitled <i>Comprehensive Arbitration Training</i> . | Aug. 3, 2016 | The Authority | N/A | https://go.usa.gov/xnU65 |
| Arbitration Training (Authority) | Training Materials | Training exercises with answers for the FLRA's federal-sector labor arbitration training. | Aug. 2016 | The Authority | N/A | https://go.usa.gov/xnU6E ; <i>see also</i> https://go.usa.gov/xnUKn |
| Arbitration Training (Authority) | Training Materials | Procedural exercises for the FLRA's federal-sector labor arbitration training. | July 2015 | The Authority | N/A | https://go.usa.gov/xnU6d ; <i>see also</i> https://go.usa.gov/xnUKn |
| Online Training | Training Materials | Web-based training available to federal agency employees entitled <i>Arbitration Training</i> . | Aug. 25, 2012 | The Authority | N/A | https://go.usa.gov/xnU9D ; <i>see also</i> https://go.usa.gov/xnUKj |
| Arbitration Training (Authority) | Training Materials | PowerPoint slides for the FLRA's training entitled <i>Unique Attributes of Federal-Sector Arbitration</i> . This material was presented to the Society of Federal Labor & Employee Relations Professionals on May 19, 2017. | May 19, 2017 | The Authority | N/A | https://go.usa.gov/xnU6f |
| Arbitration Training (Authority) | Training Materials | Diagram that explains how the parts of 5 U.S.C. 7106 interact. | Last updated Feb. 5, 2016 | The Authority | N/A | https://go.usa.gov/xnU6F |

¹The number of the Congressional Request to which each column is responsive is identified as "(Q[request number])."

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|------------------------------------|-------------------------|--|--|----------------------|---------------------------------------|--|
| Negotiability Training (Authority) | Training Materials | PowerPoint slides for the FLRA's training entitled <i>Navigating the Negotiability Process</i> . | Aug. 16, 2017 | The Authority | N/A | https://go.usa.gov/xnU6h |
| Negotiability Training (Authority) | Training Materials | PowerPoint slides for the FLRA's training entitled <i>Negotiability In Depth: Management Rights and Beyond</i> . | Aug. 17, 2017 | The Authority | N/A | https://go.usa.gov/xnUF3 |
| Negotiability Training (Authority) | Training Materials | PowerPoint slides for the FLRA's <i>Comprehensive Negotiability Training</i> . | Draft issued Apr. 2013; last updated July 22, 2015 | The Authority | N/A | https://go.usa.gov/xnUFC ; see also https://go.usa.gov/xnUWd |
| Negotiability Training (Authority) | Training Materials | Table of authorities for the FLRA's <i>Comprehensive Negotiability Training</i> . | July 2015 | The Authority | N/A | https://go.usa.gov/xnUKn |
| Negotiability Training (Authority) | Training Materials | Diagram explaining the three phases of negotiability. | Uploaded Feb. 5, 2016 | The Authority | N/A | https://go.usa.gov/xnUF2 |
| Case-Law Updates (Authority) | Training Materials | Outline of case law entitled <i>Recent, Significant Authority Decisions</i> that was created for a Feb. 2016 ABA presentation. | Feb. 2016 | The Authority | N/A | https://go.usa.gov/xnUFb ; see also https://go.usa.gov/xnUKn |
| Case-Law Updates (Authority) | Training Materials | Outline of case law entitled <i>FLRA Case Law Update</i> that was created for an Apr. 29, 2016 Society of Federal Labor & Employment Relations Professionals presentation. | Apr. 29, 2016 | The Authority | N/A | https://go.usa.gov/xnUFD |
| Online Training | Training Materials | Web-based training available to federal agency employees entitled <i>Federal Service Impasses Panel Process and Procedures</i> . | Aug. 2, 2012 | FSIP | N/A | https://go.usa.gov/xnU9D ; see also https://go.usa.gov/xnUKT |

¹The number of the Congressional Request to which each column is responsive is identified as "(Q[request number])."

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|---|--|---|--------------------------------|--|---------------------------------------|---|
| Checklist for Filing Arbitration Appeals (Exceptions) | Checklists | Outline of procedures that parties should follow when filing arbitration appeals or exceptions to appeals. This document includes timeliness requirements, required content, and other procedural requirements. | Webpage created July 10, 2009 | The Authority | N/A | https://go.usa.gov/xnUKR |
| Statement of Standard Procedures in Representation Hearings Before Hearing Officers | Checklists | Outline of the procedures that are followed in representation hearings. | Jan. 1996 | The Authority | N/A | https://go.usa.gov/xnUK5 |
| Alternative Dispute Resolution | Alternative Dispute Resolution ("ADR") | Overview of the ADR services provided by various FLRA offices. | Webpage created July 14, 2009 | Collaboration and Alternative Dispute Resolution Office ("CADRO"), OGC, FSIP | N/A | https://go.usa.gov/xnUK9 |
| Collaboration and Alternative Dispute Resolution Office (CADRO) | ADR | Overview of the functions of CADRO. | Webpage created July 15, 2009 | CADRO | N/A | https://go.usa.gov/xnUKk |
| Settlement Judge Program | ADR | Overview of the Settlement Judge Program. | Webpage created Sept. 20, 2009 | OALJ, CADRO | N/A | https://go.usa.gov/xnUKB |

¹The number of the Congressional Request to which each column is responsive is identified as "(Q[request number])."

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|---|-------------------------|---|--------------------------------|----------------------|---------------------------------------|---|
| Settlement Judge Program Frequently Asked Questions | ADR | Answers to questions about the Settlement Judge Program including information concerning requesting a settlement conference, participation in a settlement conference, and confidentiality. | Webpage created Apr. 14, 2016 | OALJ, CADRO | N/A | https://go.usa.gov/xnUKW |
| OGC Alternative Dispute Resolution | ADR | Overview of ADR services provided by the OGC. | Webpage created Aug. 31, 2009 | OGC | N/A | https://go.usa.gov/xnUKZ |
| Settlement Corner | ADR | Overview of the times when ADR may be useful, as well as examples of novel resolutions that parties may consider when assessing disputes for which resolution may be challenging. | Webpage created Jan. 14, 2016 | OGC | N/A | https://go.usa.gov/xnUBJ |
| ADR Frequently Asked Questions | ADR | Answers to questions about the FLRA's ADR services. | Webpage created July 15, 2009 | The Authority; CADRO | N/A | https://go.usa.gov/xnUBh |
| File a Case | Case Types | General information concerning filing a case with the FLRA. | Webpage created Jan. 20, 2012 | The FLRA | N/A | https://go.usa.gov/xnUXf |
| Unfair Labor Practice | Case Types | General information concerning the definition of a ULP. | Webpage created July 13, 2009 | The FLRA | N/A | https://go.usa.gov/xnUXG |
| Representation | Case Types | General information concerning representation issues. | Webpage created July 13, 2009 | The FLRA | N/A | https://go.usa.gov/xnUXs |

¹The number of the Congressional Request to which each column is responsive is identified as "(Q[request number])."

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|--|-------------------------|---|--|----------------------|---------------------------------------|---|
| Arbitration | Case Types | General information concerning federal-sector labor arbitration. | Webpage created July 10, 2009 | The FLRA | N/A | https://go.usa.gov/xnUXF |
| Negotiability | Case Types | General information concerning negotiability disputes and basic procedures in negotiability cases. | Webpage created July 10, 2009 | The FLRA | N/A | https://go.usa.gov/xnUXe |
| Negotiation Impasse | Case Types | General information concerning negotiation impasses. | Webpage created July 10, 2009 | The FLRA | N/A | https://go.usa.gov/xnUXu |
| Other Types | Case Types | General information concerning other types of cases that the FLRA adjudicates. | Webpage created July 13, 2009 | The FLRA | N/A | https://go.usa.gov/xnUXJ |
| Guidance that has been subsequently rescinded. | | | | | | |
| Online Training | Training Materials | Web-based training previously available to federal agency employees entitled <i>Creating Management Forums to Improve Delivery of Government Services</i> . The training was developed in response to Executive Order 13522, which was rescinded on Sept. 29, 2017. The online training was removed from the FLRA’s website on or about Oct. 3, 2017. | May 18, 2011; removed on or about Oct. 3, 2017 | OGC | N/A | See https://go.usa.gov/xnU9X ; https://go.usa.gov/xnUMY |

¹The number of the Congressional Request to which each column is responsive is identified as “(Q[request number]).”

FEDERAL LABOR RELATIONS AUTHORITY

Response to Congressional Requests: FLRA Guidance Issued on or After Jan. 1, 2008

| (Q1) ¹ : Title | (Q2): Document Category | (Q3): Document Description | (Q4): Issuance/ Update Date(s) | (Q5): Issuing Office | (Q6): External Review Before Issuance | (Q7): Hyperlink |
|---|-------------------------|--|--------------------------------------|----------------------|---------------------------------------|--|
| Online Training | Training Materials | Web-based training previously available to federal agency employees entitled <i>Bargaining Over 5 U.S.C. § 7106(b)(1)</i> . This training was intended to be a companion to the May 18, 2011 training listed above concerning Executive Order 13522. The online training has since been removed from the FLRA’s website. | Sept. 29, 2011; subsequently removed | OGC | N/A | See https://go.usa.gov/xnUDt ; https://go.usa.gov/xnUMY |
| Guidance on Electronic Notice Dissemination | Guides and Manuals | Guidance concerning electronic notice postings (i.e., emails) as remedies for ULPs. The FLRA has since adopted electronic notice postings as a traditional remedy. See <i>ULP Case Law Outline</i> , at 86 (citing <i>DOJ, BOP, Fed. Transfer Ctr., Okla. City, Okla.</i> , 67 FLRA 221 (2014)); https://go.usa.gov/xmnSH (last visited Dec. 15, 2017). | May 31, 2011; rescinded Jan. 2014 | OGC | N/A | https://go.usa.gov/xnUMb ; see also https://go.usa.gov/xnnh4 ; https://go.usa.gov/xnUBj |

¹The number of the Congressional Request to which each column is responsive is identified as “(Q[request number]).”

Appendix T
Federal Maritime Commission



Federal Maritime Commission
Washington, D.C. 20573 - 0001

Office of the Chairman

January 25, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, District of Columbia 20515-6143

Dear Chairman Gowdy:

I am writing in response to your January 11, 2018 letter requesting information on the Federal Maritime Commission's (Commission or FMC) use of policy statements, interpretive rules, and other guidance documents that reflect how the Commission intends to interpret the shipping laws and legislative rules which it administers.

The Federal Maritime Commission does not frequently issue guidance documents in lieu of rulemakings, nor do we seek to expand the Commission's rules through non-binding policy guidance. Accordingly, we have a limited list of the materials you seek and documents deemed responsive to the Committee's request. Attached is a list describing our responsive documents, including materials published on the FMC's website to assist regulated entities and the shipping public, such as providing "plain language" guidance on license renewals and bond rider forms.

The FMC is a small independent agency of 123 employees. The FMC's mission is to ensure a competitive and reliable international transportation supply system that supports the U.S. economy and protect the public from unfair and deceptive practices. In order to accomplish its mission, the Commission regularly communicates with the public and its stakeholders through open public meetings and hearings, rulemakings, and other venues such as the FMC's website and social media accounts.

The Commission prioritizes acting through the formal public notice and comment rulemaking process rather than issuing statements of general applicability and future effect that are not regulatory actions. The formal rulemaking process includes publishing notice of proposed rulemakings in the Federal Register and seeking public comments. The FMC relies on robust public participation to assist in modernizing its regulations and providing clear and transparent guidance to its regulated entities within its rulemaking documents.

On occasion the Commission has issued guidance documents, including two industry circulars on tariff systems issued in 2000 that remain available on the Commission's website. None of the guidance documents issued by the Commission are deemed significant under Office of Management and

Budget (OMB) Bulletin 07-02, *Final Bulletin for Agency Good Guidance Practices (GGP Bulletin)*.¹ Accordingly, the guidance documents were not submitted to the Office of Information and Regulatory Affairs, Congress, or the Government Accountability Office (GAO) for review.

Notwithstanding the above OMB guidance, the Commission has sought to identify for the Committee all Commission statements of general applicability and future effect that appear to set forth a policy or interpret a statutory or regulatory issue. Internal policy documents that set forth solely administrative agency policies, such as Commission Orders and Managing Directives, are not included because internal administrative policies do not offer guidance to regulated entities or the public.

In general, guidance materials are found on the Commission's website with other, non-guidance content aimed at educating stakeholders and the public on services offered by the FMC, general alerts and advisories on trade conditions, and particular ocean transportation intermediary or vessel carrier actions. Commission forms approved by OMB without additional accompanying guidance/instructions, such as Form FMC-65, *Foreign-based Unlicensed NVOCC Registration/Renewal*, have not been included as responsive.²

Non-web-based guidance documents are rare at the FMC. Although Commission staff performs outreach and gives presentations that discuss the Shipping Act and FMC regulations to outside groups, these presentations are not maintained by the Commission as guidance documents and are not readily-retrievable. Those presentations identified are included in this response. Internally, these presentations are not considered guidance documents, as they are employed to alert and educate industry groups as to new rulemaking initiatives and final rules, rather than to elaborate or expand upon published regulations. Since 2017, the content of all staff presentations are transmitted and reviewed by the Office of General Counsel and the Office of the Chairman in advance of any public distribution.

As the Committee seeks guidance documents dating as early as 2008, the Commission has included, to the extent available, past web content that is no longer available publicly through the Commission's website. Web content removed prior to a 2010 website migration is no longer available for retrieval. Existing page content may have changed from the time of initial posting. In some instances, information on when the content was posted and removed is not available or has been approximated. Based on federal recordkeeping requirements, superseded content may not have been preserved.

The Commission is engaged in a voluntary effort to provide regulatory reform consistent with Executive Order 13771, *Reducing Regulations and Controlling Regulatory Costs* and Executive Order 13777, *Enforcing the Regulatory Reform Agenda*. As an independent regulatory agency, the Commission is not required to comply with the recent regulatory reform Executive Orders, but given its historic and

¹ Section 1(4)(a) of the GGP Bulletin defines a significant guidance document as a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to: lead to an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866, as further amended.

² FMC Forms that collect information can be found at https://www.fmc.gov/resources/forms_and_applications.aspx.

Congressionally mandated deregulatory emphasis, the Commission has established a Regulatory Reform Task Force (RRTF) and is engaged in a systematic review and overhaul of its regulations. The RRTF recently announced a 24-month Plan for Regulatory Reform of Existing FMC Rules, prioritizing existing regulations for review, modification, or potential repeal.³ Each rulemaking will seek public feedback. In the course of that examination, the RRTF will look at any guidance documents related to modified or repealed rules, and insure that any guidance is appropriately updated and formally published within the formal rulemaking process.

I invite you to contact me directly with any questions you may have regarding the mission of the Federal Maritime Commission or any additional information that would be beneficial to you in your examination of guidance documents. Alternatively, your staff can contact John DeCrosta of my staff at [REDACTED] or via [REDACTED].

Sincerely,



Michael A. Khouri
Acting Chairman

Cc: The Honorable Elijah E. Cummings, Ranking Member

³ The Plan for Regulatory Reform of Existing FMC Rules can be found at <https://www.fmc.gov/assets/1/Page/RegReformPlan.pdf>.

Federal Maritime Commission Guidance Documents

Prepared for the House of Representatives Committee on Oversight and Government Reform

About the information provided:

The list provides all available information responsive to the Committee's request.

- 1) The prepared table does not include a section for responses to the following inquiry as all FMC Commission responses for the inquiry are negative:
 6. An indication whether:
 - a. The guidance was considered significant;
 - b. The agency submitted the guidance for review by the Office of Information and Regulatory Affairs, and if it was:
 - i. The title of the guidance used in the submission; and
 - ii. The date submitted;
 - c. The agency submitted the guidance to Congress and GAO, and if it was:
 - i. The title of the guidance used in the submission; and
 - ii. The date submitted;
 - d. The Regulatory Reform Task Force has reviewed or has plans to review the guidance document, and any results of such review.
- 2) The Commission's website houses the majority of the FMC's guidance documents. In 2010, the Commission migrated all existing web content to a new platform. As a result of this migration, the date of issuance for documents before 2010 is not ascertainable unless it is listed on the document itself.
- 3) Based on current Commission website protocols, most content issued will not have an issued date. Issuance dates provided for the documents are approximate and, unless otherwise noted, have been compiled based on information on the Commission website updating efforts and Commission recordkeeping. For older content, the Commission has added a "Date Last Updated" category to better describe the current webpage version's date of issuance.
- 4) Several webpages post similar guidance, but are listed under separate pages. The Commission has included duplicative content in its response. The Commission is working to redesign its website, which will remove duplicative pages moving forward.
- 5) Commission meetings held in Open Session are transcribed. Meeting transcripts have not been included in this response. Copies of transcripts are available upon request.

I. Current Guidance Documents

| 1 | |
|----------------------------------|--|
| Title: | Guidance for NVOCCs on Revised Optional Bond Rider Forms, November 2012 |
| Form of Guidance: | Webpage posting |
| Description: | FMC plain language description of rules amending the amount of bond coverage used to evidence additional Non-Vessel-Operating Common Carrier (NVOCC) financial responsibility when operating in the trade with the People's Republic of China (PRC). |
| Date of Issuance: | October 1, 2012 and December 9, 2015 |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/news/revised_optionalbond_forms.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 2 | |
| Title: | Guidance on License Updates |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of OTI license updated deadlines and process; schedule for license update notification |
| Date of Issuance: | April 18, 2016 |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/guidance_renewals.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 3 | |
| Title: | How to How to Become FMC Licensed / Apply for an OTI License |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of OTI license application process |
| Date of Issuance: | March 29, 2012 |

| | |
|----------------------------------|---|
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/how_to_apply_for_oti_license.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 4 | |
| Title: | How to Apply for a PVO Certificate |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of PVO Certificate application process |
| Date of Issuance: | March 29, 2012 |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/how_to_apply_for_a_pvo_certificate.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 5 | |
| Title: | How to File Carrier / MTO Agreements |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing Carrier / MTO Agreements |
| Date of Issuance: | February 7, 2012 |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/filing_carrier_mto_agreements.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 6 | |
| Title: | How to File a Shipping Act Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing a Shipping Act Complaint |
| Date of Issuance: | March 30, 2012 |
| Issued by: | Federal Maritime Commission / Office of Consumer Affairs and Dispute Resolution |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/filing_a_shipping_act_complaint.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |

| | |
|----------------------------------|--|
| 7 | |
| Title: | How to File a Petition for Appeal of Staff Action |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing a Petition for Appeal of Staff Action |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=8b0ab64d0abf011b6a49ae6325e342fb&rgn=div5&view=text&node=46:9.0.1.1.3&idno=46#se46.9.502_176</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 8 | |
| Title: | How to File a Petition for Declaratory Order |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing a Petition for Declaratory Order |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=8b0ab64d0abf011b6a49ae6325e342fb&rgn=div5&view=text&node=46:9.0.1.1.3&idno=46#se46.9.502_175</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 9 | |
| Title: | How to Request Issuance, Amendment or Repeal of FMC Rules |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of How to Request Issuance, Amendment or Repeal of FMC Rules |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=96cd40c1ef820171220addb113eead14&rgn=div5&view=text&node=46:9.0.1.1.3&idno=46#se46.9.502_151</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |

| | |
|----------------------------------|--|
| 10 | |
| Title: | How to File an Information Guidelines Change Request |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of How to File an Information Guidelines Change Request |
| Date of Issuance: | September 20, 2010 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/about/information_quality_guideline_details.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 11 | |
| Title: | How to Request Review of Classified or Declassified FMC Information |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of How to Request Review of Classified or Declassified FMC Information |
| Date of Issuance: | March 1, 2011 |
| Issued by: | Federal Maritime Commission / Office of the Managing Director |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/about/mandatory_declassification_review.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 12 | |
| Title: | How to File Service Contracts |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of How to File Service Contracts |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis & Office of Information Technology |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/how_to_file_service_contracts.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 13 | |
| Title: | How to File NSAs |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of How to File NSAs |
| Date of Issuance: | March 30, 2012 |

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| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/how_to_file_nsas.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 14 | |
| Title: | How to Apply for Practice Before the Commission for Non-Attorneys |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of How to Apply for Practice Before the Commission for Non-Attorneys |
| Date of Issuance: | August 8, 2013 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/non_attorney_instructions.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 15 | |
| Title: | For Ocean Transportation Intermediaries: Ocean Transportation Intermediary License Application Worksheet |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Application to become and an Ocean Transportation Intermediary |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/FormFMC-18worksheet.pdf</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 16 | |
| Title: | For Ocean Transportation Intermediaries: Foreign Based Unlicensed NVOCC Registration (New application and changes) |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Foreign Based Unlicensed NVOCC Registration/Renewal |
| Date of Issuance: | 2016 |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |

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| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/FMC-65Rev4-2016.pdf</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 17 | |
| Title: | For Ocean Transportation Intermediaries: NVOCC Service Arrangement Registration |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of NVOCC Service Arrangement Registration |
| Date of Issuance: | 2017 |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/FMC-78andInstructions2017.pdf</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 18 | |
| Title: | For Ocean Transportation Intermediaries: Guidance for NVOCCs on Revised Optional Bond Riders |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Guidance for NVOCCs on Revised Optional Bond Riders |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/news/revised_optionalbond_forms.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 19 | |
| Title: | For Filing an Agreement: Instructions for the Information Form for Agreements |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Instructions for the Information Form for Agreements. |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/Information%20Form%20Instructions.pdf</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |

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| 20 | |
| Title: | For Filing an Agreement: Information Form for Agreements |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Information Form for Agreements |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/Information%20Form%20for%20Agreements.doc</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 21 | |
| Title: | For Filing an Agreement: Instructions for the Monitoring Report Form |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Instructions for the Monitoring Report Form |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/Monitoring%20Report%20Instructions.pdf</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 22 | |
| Title: | For Filing an Agreement: Monitoring Report Form |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Monitoring Report Form |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/Monitoring%20Report%20Form.pdf</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 23 | |
| Title: | Filing a Shipping Act Complaint Formats: Format for Filing a Small Claims Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Format for Filing a Small Claims Complaint |
| Date of Issuance: | Not Available |

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| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/assets/1/Page/SmallClaimsComplaintFormat.pdf</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 24 | |
| Title: | Filing a Shipping Act Complaint Formats: Instructions for Drafting a Shipping Act Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Instructions for Drafting a Shipping Act Complaint |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/drafting_complaint.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 25 | |
| Title: | Industry Oversight: Ocean Transportation Intermediaries |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Ocean Transportation Intermediaries |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/ocean_transportation_intermediaries.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 26 | |
| Title: | Industry Oversight: Vessel-Operating Common Carriers |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Vessel-Operating Common Carriers |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/vessel_operating_common_carriers.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |

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| 27 | |
| Title: | Industry Oversight: Passenger Vessel Operators |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Passenger Vessel Operators |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/passenger_vessel_operators.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 28 | |
| Title: | Industry Oversight: Marine Terminal Operators |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Marine Terminal Operators |
| Date of Issuance: | Not Available |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/marine_terminal_operators.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 29 | |
| Title: | Negotiated Rate Arrangements |
| Form of Guidance: | PowerPoint presentation |
| Description: | Explanation of NRAs |
| Date of Issuance: | 2012 |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: N/A</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
| 30 | |
| Title: | Guidance on Amended Service Contract and NVOCC Service Arrangements |
| Form of Guidance: | Webpage posting |
| Description: | Information on regulatory changes to Service Contract and NVOCC Service Arrangement Regulations |
| Date of Issuance: | 2017 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |

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| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/amended_service_contract_nsas_rule.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 31 | |
| Title: | Filing a Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing a Complaint |
| Date of Issuance: | Unknown |
| Date Last Updated: | March 27, 2012 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/filing_a_complaint.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 32 | |
| Title: | Filing a Formal Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing a Formal Complaint |
| Date of Issuance: | Unknown |
| Date Last Updated: | December 17, 2012 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/filing_a_formal_complaint.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 33 | |
| Title: | Filing a Shipping Act Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing a Shipping Act Complaint |
| Date of Issuance: | Unknown |
| Date Last Updated: | December 19, 2012 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: |

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| | https://www.fmc.gov/resources/filing_a_shipping_act_complaint.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 34 | |
| Title: | Filing a Small Claims Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Filing a Small Claims Complaint |
| Date of Issuance: | Unknown |
| Date Last Updated: | December 17, 2012 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/filing_a_small_claims_complaint.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 35 | |
| Title: | Filing Carrier / MTO Agreements |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of procedures for filing agreements with the Commission |
| Date of Issuance: | Not Available |
| Date Last Updated: | 12/17/2012 |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/filing_carrier_mto_agreements.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 36 | |
| Title: | How to Apply for a PVO Certificate |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of application procedures for passenger vessel operator certificates |
| Date of Issuance: | Not Available |
| Date Last Updated: | 5/19/2015 |
| Issued by: | Federal Maritime Commission / Bureau of Certification and Licensing |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/how_to_apply_for_a_pvo_certificate.aspx |

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| | c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 37 | |
| Title: | How to Publish Tariffs and MTO Schedules |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of procedures for tariff and MTO schedule publication |
| Date of Issuance: | Not Available |
| Date Last Updated: | 4/17/2012 |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/how_to_publish_tariffs_and_mto_schedules.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 38 | |
| Title: | Investigations |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Investigation types at the Commission |
| Date of Issuance: | Not Available |
| Date Last Updated: | 9/21/2010 |
| Issued by: | Federal Maritime Commission |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/electronic_reading_room/investigations.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 39 | |
| Title: | Filing an Informal Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Small Claims Procedures at the Commission |
| Date of Issuance: | Not Available |
| Date Last Updated: | 10/29/2010 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/bureaus_offices/informal_complaints.aspx c. The Regulation Identification Number: N/A |

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| | d. Any other identification number for the document: N/A |
| 40 | |
| Title: | Filing an Informal Complaint |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of Small Claims Procedures at the Commission |
| Date of Issuance: | Not Available |
| Date Last Updated: | 2/7/2012 |
| Issued by: | Federal Maritime Commission / Office of the Secretary |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/resources/informal_complaints.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 41 | |
| Title: | Guidance for NVOCCs on How to Use Negotiated Rate Arrangements |
| Form of Guidance: | Webpage posting |
| Description: | Explanation of NRAs and their use. |
| Date of Issuance: | Not available |
| Date Last Updated: | 10/25/2013 |
| Issued by: | Federal Maritime Commission / Bureau of Trade Analysis |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/news/negotiated_rate_arrangement_exemption.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |
| 42 | |
| Title: | Circular Letter No. 00-1 |
| Form of Guidance: | Webpage posting/ Circular |
| Description: | Explanation of charges assessed for access to tariffs and tariff systems |
| Date of Issuance: | April 6, 2000 |
| Date Last Updated: | October 4, 2010 |
| Issued by: | Federal Maritime Commission |
| To the extent applicable: | a. Federal Register citation: N/A b. A hyperlink to a copy of the document: https://www.fmc.gov/about/circular_letter_no_001.aspx c. The Regulation Identification Number: N/A d. Any other identification number for the document: N/A |

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| 43 | |
| Title: | Circular Letter No. 00-2 |
| Form of Guidance: | Webpage posting/ Circular |
| Description: | Explanation of public access to tariffs and tariff systems under the Ocean Shipping Reform Act of 1998 |
| Date of Issuance: | October 6, 2000 |
| Date Last Updated: | October 4, 2010 |
| Issued by: | Federal Maritime Commission |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: https://www.fmc.gov/about/circular_letter_no_002.aspx</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |

II. Former Guidance Document

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| 44 | |
| Title: | Questions |
| Form of Guidance: | Retired webpage posting |
| Description: | Extensive list of questions and answers on various topics including tariffs, FOIA, service contracts, PVOs, and others. |
| Date of Issuance: | Not available |
| Date Last Updated: | August 2010 – November 2015 |
| Issued by: | Federal Maritime Commission |
| To the extent applicable: | <p>a. Federal Register citation: N/A</p> <p>b. A hyperlink to a copy of the document: N/A</p> <p>c. The Regulation Identification Number: N/A</p> <p>d. Any other identification number for the document: N/A</p> |
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