

FDA Staff Manual Guides, Volume III - General Administration

External Relations

Attendance by FDA Employees at Congressional Hearings

Effective Date: 09/27/2021

1. Purpose
2. Policy
3. Effective Date

1. Purpose

The purpose of this Guide is to state the FDA policy governing employees' attendance at Congressional hearings or other legislative and oversight functions, and to set forth guidelines for securing proper approval to attend these meetings.

2. Policy

A. Attendance in an Official Capacity. The Commissioner of Food and Drugs, or the person who will represent the Agency as principal witness at a hearing, determines who will accompany him or her to provide additional testimony or support at the hearing, in consultation with the below officials. Employees attend the hearings in this capacity as a part of their official duties.

- The Associate Commissioner for Legislation for all congressional hearings, except it shall be the Director of the Office of Congressional Appropriations for hearings before the Senate or House Appropriations Committees.

B. Attendance in a Job-Related Capacity. Any FDA employee whose job performance may be enhanced by observing a particular hearing may attend, as part of his or her official duties, provided approval is secured from the immediate supervisor and:

- The Associate Commissioner for Legislation for all congressional hearings, except it shall be the Director of the Office of Congressional Appropriations for hearings before the Senate or House Appropriations Committees.

C. Attendance in an Unofficial Capacity. Any FDA employee failing to meet the criteria described in a. or b. above may attend a Congressional hearing during official working hours, but must use approved annual leave. The leave

must be approved and scheduled in advance by the immediate supervisor covering the period of absence from official duty. The employee should not identify themselves as an FDA employee nor disclose any information or opinion on behalf of the Agency to any persons present (e.g., press, advocacy groups, lobbyists) at the hearing given their attendance in an unofficial capacity and in non-duty status.

3. Effective Date

This effective date of this guide is September 27, 2021.

4. Document History – SMG 2127.1, “Attendance by FDA Employees at Congressional Hearings”

Status (I, R, C)	Date Approved	Location of Change History	Contact	Approving Official
Initial	09/24/2021	N/A	OPLIA/OL	Andrew Tantillo, Acting Associate Commissioner for Legislative Affairs