

US EPA ARCHIVE DOCUMENT

**Office of Congressional and Intergovernmental Relations:
Lead Office for Performance Partnerships
Roles and Responsibilities and Issue Resolution Process**

The Office of Congressional and Intergovernmental Relations (OCIR) was named lead office for performance partnerships by the Deputy Administrator in a July 13, 2003 memorandum.¹ As lead office, OCIR is responsible for advancing the Administration's goal to strengthen the State-EPA partnership and for facilitating the resolution of policy and implementation issues associated with performance partnerships. OCIR's responsibilities include:

--Securing Administrator's approval for new grants to be eligible for PPGs. There is a presumption that any new State and Tribal Assistance Grant (STAG) program will be approved by the Administrator for inclusion in PPGs,² unless there is specific legislative or policy history indicating that Congress or the Administration meant for that particular grant not to be included. OCIR will coordinate with the appropriate offices to develop a decision package for the Administrator's signature approving new programs for PPG eligibility.

- If an EPA office believes a new STAG grant should be excluded from PPGs, the office must notify OCIR.
- OCIR will convene meetings with all interested offices, including the Office of General Counsel (OGC), Office of Grants and Debarment (OGD), and the Office of the Chief Financial Officer (OCFO); develop the issue for Steering Committee deliberation; and raise the issue to the Deputy Administrator or Administrator as necessary.
- When the Administrator determines a program is eligible for inclusion in a PPG, OCIR will prepare an announcement for the Administrator's signature in accordance with 40 CFR Part 35, Subparts A and B.

--Promoting PPG flexibility in EPA program guidance. OCIR may review -- in conjunction with OGC, OGD, and the American Indian Environmental Office (AIEO) -- guidance issued by the National Program Managers (NPMs) to ensure the guidance is consistent with the PPG regulation (40 CFR Part 35, Subpart A and B) and does not inappropriately restrict PPG flexibility. All NPMs will share their drafts for mutual and timely review under the OCFO-led process.

--Coordinating the Agency's PPA and PPG development process. OCIR will work with OGD (including the grants competition advocate), program offices, and Regions, as appropriate, to ensure that grant guidance, planning cycles of competitive grants, and other grant-related implementation policies and procedures serve to enhance State and EPA joint planning and priority setting.

¹ Linda Fisher, Deputy Administrator, "Performance Partnership Grant Steering Committee Recommendations and Decisions," memorandum, July 11, 2003.

²Ibid.

--*Maintaining a NEPPS information clearinghouse.* OCIR will track, analyze, and disseminate information about performance partnerships, such as information on which States are participating in NEPPS with a PPG and/or a PPA and the dollars and grant programs included in PPGs. OCIR will maintain a resource center on the web that will make available all performance partnership policy documents, PPAs, and relevant evaluations. OCIR will also be responsible for responding to Congressional or other third party inquiries about performance partnerships.

--*Managing the Performance Partnership Steering Committee.* As staff lead for the Steering Committee and staff work groups, OCIR will, as needed, organize sub-workgroups or other forums to address PPG implementation issues. OCIR will coordinate regular PPG work group reports to the Steering Committee on issues and activities. Under the guidance of the Steering Committee guidance, OCIR will consider other longer term initiatives.

--*Resolving internal EPA Performance Partnership Grant issues.* When internal PPG issues arise (for example, where an NPM disagrees with a Regional Administrator's decision, after appropriate NPM consultation, to accede to a State request for flexibility³) involved program offices or regions should notify OCIR. OCIR will then:

- Bring the interested parties, including the program and regional offices, OGD, and OGC together to discuss issues and possible resolutions. OCIR will help facilitate an informal resolution if possible.
- If informal resolution is not possible within a reasonable time frame, OCIR will, after consultation with the involved offices, place the issue on the agenda for the Performance Partnership Steering Committee to discuss. The Steering Committee may either resolve the issue by consensus or elevate it to the Deputy Administrator.
- If the issue is elevated to the Deputy Administrator, OCIR, will work with involved offices to coordinate briefing materials, including any Steering Committee advice or position(s), for the Deputy Administrator.
- Decisions of the Deputy Administrator will be final.
- OCIR will work with the Deputy Administrator's office and other involved offices to prepare and communicate any necessary documentation of the decision.

--*Resolving performance partnership disputes involving EPA and external parties.* External PPG disputes, such as those between States or other parties and EPA, will be resolved through

³ 40 CFR Part 35.107(a)(2) states that "if an applicant proposes a workplan that differs significantly from the goals and objectives, priorities, or core performance measures in the national program guidance . . . the Regional Administrator must consult with the appropriate National Program Manager before agreeing to the workplan."

the EPA Disputes Resolution Process described at 40 CFR Part 31, Subpart F. However, States and Regions should make every opportunity to resolve issues through direct communication and negotiation, with headquarters involvement where appropriate. The dispute resolution process should be regarded as a last resort option. When a State appeals the decision of the Regional Administrator, the Deputy Administrator will be the discretionary review official.⁴

--*Developing guidance for performance partnerships.* As NPM, OCIR will develop and communicate guidance on performance partnerships. Guidance will be updated as necessary, no more frequently than annually. OCIR will follow the Agency-wide process prescribed by the OCFO.

⁴Designating the Deputy Administrator as the discretionary review official for external disputes may require a deviation from 40 CFR Part 31, Subpart F.

