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AUG 30 1972

John L. Catalan, Attorney
Office of the General Counsel

EXECUTIVE ORDER 11671 - COMMITTEE MANAGEMENT

We have reviewed the proposed draft revision to 10 CFR Part 7 and have the following comments or questions:

1. The definition of intra-agency committee is not clear. Does it refer to committees composed exclusively of employees of a single government agency?
2. The Advisory Committee for Biology and Medicine advises the Commission on matters relating to the biomedical and environmental research programs of the AEC and related matters. The revision indicates that appointments of the members to the ACBM will henceforth be by the General Manager rather than by the Commission as in the past. We suggest that the ACBM should continue to be appointed by the Commission.
3. We have requested that the ACBM be exempt from the requirements that its meetings be open to the public. Will a determination be required periodically to approve such an exemption?

Original signed by John R. Totter

John R. Totter, Director
Division of Biomedical and
Environmental Research

bcc: Miss Elmo
ADA

MC # 06169

OFFICE ▶	DBER:ADA	DEP DIR	DIR		
SURNAME ▶	JCWhitaker:fk	WWBurr	JRTotter		
DATE ▶	8/30/72				

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UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

August 18, 1972

Heads, Divisions and Officers, Headquarters
Managers of Field Offices
Chief Counsel, Field Offices

EXECUTIVE ORDER 11671 - COMMITTEE MANAGEMENT

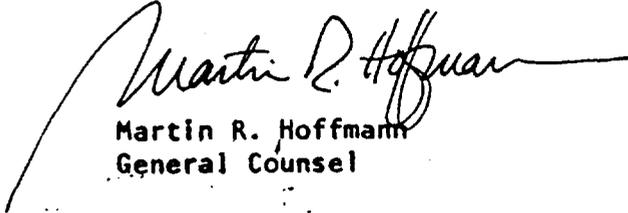
By memorandum dated July 26, 1972, Don Bostock informed you of the issuance of Executive Order 11671 and the effect of the EO on our rules and regulations concerning advisory boards.

The EO necessitates revision of OMB Circular A-63 which is in process. It also requires revision of AECM 0105, 4139, and 10 CFR, Part 7. This office has the responsibility for preparing the revision of 10 CFR, Part 7.

A review of the draft OMB Circular A-63 indicates that its contents, if they remain substantially the same, should be implemented by one of the AECM chapters rather than in 10 CFR, Part 7. Therefore, we are proceeding to revise 10 CFR, Part 7 without awaiting completion of the circular. Enclosed hereto for your examination and comment is the draft revision.

In addition to the draft revised Part 7, also enclosed is a comparative text to facilitate your review and copies of the EO and the draft OMB Circular A-63.

Comments may be directed to John L. Catalan and we would appreciate receiving them by September 11, 1972.


Martin R. Hoffmann
General Counsel

Enclosures:
As stated above

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DOE ARCHIVES

Comparative text - bracketed material
to be deleted - underlined material to be added

ADVISORY BOARDS

E.O. 11671
sections

§7.1 Purpose

(a) The regulations in this part shall govern the establishment and operation of advisory boards [established] created pursuant to sections 161a., 26, 29, and 157a. of the Atomic Energy Act of 1954, as amended (68 Stat. 919) to the extent not inconsistent with specific law.

(b) [Except as made applicable by the Commission,] The regulations shall not apply:

[(1) To any advisory board for which Congress by statute has specified the purpose, composition and conduct unless and to the extent such statute authorizes the President to prescribe regulations for the formation or use of such boards;]

[[2]] (1) To any advisory [committee] board composed wholly of representatives of state or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organization[;]

(2) To interagency and advisory boards, including industrial advisory boards whose existence is to be twelve months or less;

(3) [To any local, regional, or national committee whose sole function is the dissemination of information for public agencies, or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.] To intra-agency advisory boards.

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DOE ARCHIVES

E.O. 11671
sections

§ 7.2 Definitions.

As used in this part:

[(a) The term "advisory board" means any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is established under authority of the Atomic Energy Act of 1954, as amended, in the interest of obtaining advice or recommendations, or for any other purpose, and that is not composed wholly of full-time salaried officers or employees of the Government. The term also includes any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is not established by the Commission, but only during any period when it is being utilized by the Commission in the same manner as a Government-formed advisory committee. The term does not include any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is established in the interest of obtaining information and recommendations and is composed wholly of full-time salaried officers or employees of the Government and of employees of AEC contractors who furnish such information and recommendations as services under, and in accordance with the terms of, the contract between AEC and their employers.

(b) The term "industry advisory committee" means an advisory board composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic, service, or product basis. An industry advisory

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§ 7.10 Industry advisory boards

(a) Each industry advisory board shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the Commission, the General Manager or Director of Regulation, as the case may be makes a written determination that such limitations would interfere with effective committee operation, detailing the reasons therefor.

discussed, and recommendations made and reasons therefor, and the written information made available for consideration by the board.

§ 7.7 Exceptions

The provisions of the preceding section shall apply to all advisory and industry advisory boards except to the extent that a determination is made in writing by the General Manager or the Director of Regulation, as the case may be, that a board's activities are matters which fall within policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure.

§ 7.8 Availability of Records

The availability to the public of records of such boards shall be determined pursuant to Section 552 of Title 5 of the United States Code and other applicable law.

§ 7.9 Duration

Unless its duration is otherwise fixed by statute or Presidential directive, a board shall terminate not later than two years from the date of its formation unless the Commission determines in writing not more than 60 days prior to the expiration of such two-year period that its continued existence is in the public interest. A like determination by the Commission shall be required not more than sixty days prior to the end of each subsequent two-year period to continue the existence of such advisory board thereafter. For the purpose of these regulations, the date of formation of an advisory board in existency on June 7, 1972, shall be deemed to be January 1, 1972, or the actual date of its formation whichever is later.

(c) Advisory boards shall not receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises, unless the department or agency head determines it necessary for the effective functioning of the committee.

§ 7.4 Membership

In the case of advisory boards other than the General Advisory Committee, the Advisory Committee on Reactor Safeguards, and the Patent Compensation Board, the General Manager or the Director of Regulation, as the case may be, will select the members: Provided, however, That the Manager of a field office will select members of the Personnel Security Board established for his office.

§ 7.5 Meetings

(a) All meetings of an advisory board shall be under the chairmanship, or conducted in the presence of, a Government official appointed by the agency establishing the board who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.

(b) Interagency or advisory boards shall have dual or rotating chairmanships only when the head of the department or agency establishing the board determines that such an arrangement is required.

(c) No meeting of an advisory board shall be held except at the call of, or with the advance approval of, a Government official and with an agenda formulated or approved by such official, unless the head of the agency determines it is in the public interest to permit such meetings.

(d) Except as provided by _____:

(1) Every meeting of an advisory board, including an industry advisory

board, shall be open to public observation;

(2) Notice of the time, place and agendas of open meetings of advisory and industry advisory boards shall be published in the Federal Register or as appropriate by publication in local media at least 7 days prior to the date of such open meetings;

(3) Open meetings of advisory and industry advisory boards may be attended by any interested person.

(4) The number of interested persons which will be allowed to attend an open meeting of an advisory or industrial advisory board shall be left to the discretion of the chairman of such board, provided that: the total number of persons admitted will not exceed a number consistent with the conduct of an orderly meeting, considering, size of the meeting place, meeting agenda, representation of opinion, and the urgency of the board's business.

(5) Interested persons attending meetings of advisory and industry advisory boards may submit written statements to the board concerning the business before the board, and at the discretion of the Chairman of the board may make oral statements during the meeting, in such number as will be consistent with an orderly proceeding.

(6) Advice or recommendations of the board shall be given only with respect to matters covered in the record of the board's open proceedings.

§ 7.6 Records

Records of each meeting of advisory boards and industry advisory boards shall be kept which shall, as a minimum, contain: the identification of board members present and members of the public who participate at meetings and the interests or affiliations they represent, a description of matters

Part 7

Advisory Boards

§ 7.1 Purpose

(a) The regulations in this part shall govern the establishment and operation of advisory boards created pursuant to sections 161a., 26, 29, and 157a. of the Atomic Energy Act of 1954, as amended (68 Stat. 919) to the extent not inconsistent with specific law.

(b) The regulations shall not apply:

(1) To any advisory board composed wholly of representatives of state or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organization

(2) To interagency and advisory boards, including industrial advisory boards whose existence is to be twelve months or less;

(3) To intra-agency advisory boards.

§ 7.2 Definitions.

As used in this part:

(a) The term "Government Official" means any full-time salaried officer or employee of the Federal Government.

(b) The term "Board" means any committee, board, commission, council, conference, panel, task force, or other similar group or body established to meet on a recurring basis to provide advice or recommendations to AEC or for the purpose of coordinating the activities of departments or agencies, including Presidential, interagency, advisory, or industrial advisory committees but excluding intra-agency committees.

(c) The term "Advisory board" means any board that is established by AEC under the authority of the Atomic Energy Act of 1954, as amended and

that is not composed wholly of Government officials and (A) is established in the interest of obtaining advice or recommendations, and which has been or will be in existence more than twelve months, or (B) is not established by AEC, but only for such period when it is being utilized by AEC in the same manner as an AEC-established advisory committee.

(d) The term "industrial advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic service or product basis; and

(e) The term "interagency board" means any board formally established by a department or agency whose membership consists exclusively of Government officials, as defined herein, representing more than one department or agency, and which has been or will be in existence more than twelve months.

(f) The term "Commission" means the Atomic Energy Commission.

§ 7.3 Functions and limitations

(a) No interagency or advisory board including any industrial advisory board shall be established by the Commission or utilized unless:

(1) Specifically authorized by statute or presidential directive, or

(2) Specifically determined as a matter of formal record by the Commission to be in the public interest in connection with the performance of duties imposed by law.

(b) Unless otherwise specifically authorized by statute or presidential directive, no advisory board shall be utilized for functions not solely advisory, and determinations of actions to be taken and policy to be expressed with respect to matters upon which an advisory board advises or recommends shall be made solely by Government officials.

committee may also be composed of members or representatives of labor or agriculture, as well as industry, or a combination thereof.]

Sec. 1(2) (a) The term "Government Official" means any full-time salaried officer or employee of the Federal Government.

Sec. 1(4) (b) The term "Board" means any committee, board, commission, council, conference, panel, task force, or other similar group or body established to meet on a recurring basis to provide advice or recommendations to AEC or for the purpose of coordinating the activities of departments or agencies, including Presidential, interagency, advisory, or industrial advisory committees but excluding intra-agency committees.

Sec. 1(6) (c) The term "Advisory board" means any board that is established by AEC under the authority of the Atomic Energy Act of 1954, as amended and that is not composed wholly of Government officials and (A) is established in the interest of obtaining advice or recommendations, and which has been or will be in existence more than twelve months, or (B) is not established by AEC, but only for such period when it is being utilized by AEC in the same manner as an AEC-established advisory committee.

Sec. 1(7) (d) The term "Industrial advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic service or product basis; and

(e) The term "Interagency board" means any board formally established by a department or agency whose membership consists exclusively of Government officials, as defined herein, representing more than one department or agency, and which has been or will be in existence more than twelve months.

(f) The term "Commission" means the Atomic Energy Commission.

§ 7.3 Functions and limitations

Sec. 2 (a) No interagency or advisory board including any industrial advisory board shall be established by the Commission or utilized unless:

Sec. 2(1) (1) Specifically authorized by [law] statute or presidential directive,

or

(2) Specifically determined as a matter of formal record by the Commission to be in the public interest in connection with the performance of duties imposed by law.

Sec. 4 (b) Unless otherwise specifically authorized by [law to the contrary] statute or presidential directive, no advisory board shall be utilized for functions not solely advisory, and determinations of actions to be taken and policy to be expressed with respect to matters upon which an advisory board advises or recommends shall be made solely by [full-time salaried officers or employees] Government officials.

Sec. 12(1) (c) Advisory boards shall not receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises, unless the department or agency head determines it necessary for the effective functioning of the committee.

§ 7.4 [Chairman]

[All meetings of an advisory board shall be under the chairmanship, or conducted in the presence of, a full-time salaried officer or employee of the Government who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.]

Membership

In the case of advisory boards other than the General Advisory Committee, the Advisory Committee on Reactor Safeguards and the Patent Compensation Board, the General Manager or the Director of Regulation, as the case may be, will select the members: Provided, however, That the Manager of a field office will select members of the Personnel Security Board established for his office.

§ 7.5 [Membership]

Meetings

(a) All meetings of an advisory board shall be under the chairmanship, or conducted in the presence of, a [full-time salaried officer or employee of the Government] Government official appointed by the agency establishing the board who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.

Sec. 7 (b) Interagency or advisory boards shall have dual or rotating chairmanships only when the head of the department or agency establishing the board determines that such an arrangement is required.

Sec. 12(2) (c) No meeting of an advisory board shall be held except at the call of, or with the advance approval of, a [full-time salaried officer or employee of the Commission] Government official and with an agenda formulated or approved by such [officer or employee] official, unless the head of the agency determines it is in the public interest to permit such meetings.

(d) Except as provided by _____:

Sec. 13(1) (1) Every meeting of an advisory board, including an industry advisory board, shall be open to public observation;

Sec. 13(2) (2) Notice of the time, place and agendas of open meetings of advisory

and industry advisory boards shall be published in the Federal Register or as appropriate by publication in local media at least 7 days prior to the date of such open meetings;

Sec. 13(b) (3) Open meetings of advisory and industry advisory boards may be attended by any interested person.

Sec. 13(b) (4) The number of interested persons which will be allowed to attend an open meeting of an advisory or industrial advisory board shall be left to the discretion of the chairman of such board, provided that: the total number of persons admitted will not exceed a number consistent with the conduct of an orderly meeting, considering, size of the meeting place, meeting agenda, representation of opinion, and the urgency of the board's business.

(5) Interested persons attending meetings of advisory and industry advisory boards may submit written statements to the board concerning the business before the board, and at the discretion of the Chairman of the board may make oral statements during the meeting, in such number as will be consistent with an orderly proceeding.

Sec. 13(c) (6) Advice or recommendations of the board shall be given only with respect to matters covered in the record of the board's open proceedings.

[Meetings and Agenda]

§ 7.6 Records

Sec. 13(c) [For advisory boards other than industry advisory committees, minutes of each meeting] Records of each meeting of advisory boards and industry advisory boards shall be kept which shall, as a minimum, contain: [a record of persons present,] the identification of board members present and

members of the public who participate at meetings and the interests or affiliations they represent, a description of matters discussed, and [conclusions reached] recommendations made and reasons therefor, and [copies of all reports, received, issued, or approved by the advisory board.] The written information made available for consideration by the board.

[Minutes]

§ 7.7 Exceptions

The provisions of the preceding section shall apply to all advisory and industry advisory boards except to the extent that a determination is made in writing by the General Manager or the Director of Regulation, as the case may be, that a board's activities are matters which fall within policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure.

§ 7.8 [Waivers of compliance.]

In the case of advisory boards other than industry advisory committees, the Commission, the General Manager or Director of Regulation, as the case may be, may waive compliance with any requirement contained in §§ 7.4, 7.6, and 7.7 when the Commission, the General Manager or the Director of Regulation, as the case may be, formally determines that compliance therewith would interfere with the proper functioning of such advisory board or would be impracticable, that adequate provisions are otherwise made to insure that the advisory board operation is subject to Government control and purpose, and that waiver of the requirement

is in the public interest.]

Sec. 13(e) Availability of Records

The availability to the public of records of such boards shall be determined pursuant to Section 552 of Title 5 of the United States Code and other applicable law.

§ 7.9 Duration

[An advisory board whose duration is not otherwise fixed by law] Unless its duration is otherwise fixed by statute or Presidential directive, a board shall terminate not later than two years from the date of its formation unless the Commission determines in writing not more than 60 days prior to the expiration of such two-year period that its continued existence is in the public interest. A like determination by the Commission shall be required not more than sixty days prior to the end of each subsequent two-year period to continue the existence of such advisory board thereafter. For the purpose of these regulations, the date of formation of an advisory board in existency on [February 28, 1962,] June 7, 1972, shall be deemed to be [July 1, 1960,] January 1, 1972, or the actual date of its formation whichever is later.

§ 7.10 Industry advisory [committees] boards.

(a) Each industry advisory [committee] board shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members

shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the Commission, the General Manager or Director of Regulation, as the case may be, [deems] makes a written determination that such limitations would interfere with effective committee operation, detailing the reasons therefor.

[(b) A verbatim transcript shall be kept of all proceedings at each meeting of an industry advisory committee, including the names of all persons present, their affiliation, and the capacity in which they attend: Provided, That where the Commission, the General Manager or the Director of Regulation, as the case may be, formally determines that a verbatim transcript would interfere with the proper functioning of such a committee or would be impracticable, and that waiver of the requirement of a verbatim transcript is in the public interest, the Commission, the General Manager or the Director of Regulation, as the case may be, may authorize in lieu thereof the keeping of minutes which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received; issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.]

[(c) Industry advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.]

[§ 7.11 Annual publication of list of advisory boards; availability of

Advisory board records and files to the Attorney General.

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(a) The Commission shall publish in its annual report, or otherwise publish annually, a list of such advisory boards, including the names and affiliations of their members, a description of the function of each advisory board and a statement of the dates of its meetings: Provided, That the Commission may waive this requirement where the Commission determines that such annual publication would be unduly costly or impracticable, but shall make such information available, upon request, to the Congress, the President, or the Attorney General.

(b) A copy of each such report shall be furnished to the Attorney General, and all records and files of advisory boards, including agenda, transcripts or notes of meetings, studies, analyses, reports or other data compilations or working papers, made available to or prepared by or for any such advisory board, shall be made available, upon request by the Attorney General, to his duly authorized representatives, subject to such security restrictions as may be properly imposed on the materials involved.]

Draft
6/13/72

OMB Circular

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Subject: Management of interagency committees, advisory committees and industry advisory committees

1. Purpose. This Circular establishes policy and standards for the management of interagency committees, advisory committees and industry advisory committees. It combines management and reporting requirements for interagency committees (previously found in OMB Circular A-63) and for advisory and industry advisory committees (previously found in Executive Order 11007).
2. Rescission. This Circular rescinds and supersedes Circular No. A-63, "Management of Interagency Committees," dated March 2, 1964.
3. Background. This Circular implements Executive Order 11671, "Committee Management," dated June 5, 1972, attached. The terminology used in this Circular conforms to the definitions in the Executive Order.
4. Coverage. Unless otherwise specified by statute or Presidential directive, the provisions of this Circular:

a. Apply to:

- (1) interagency committees
- (2) advisory committees
- (3) industry advisory committees.

b. Do not apply to:

(1) Presidential committees (the Director will provide administrative instructions for OMB management of these committees).

(2) intra-agency committees

(3) any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar non-profit organizations. (This provision (Section 14 of the Executive Order) is intended as an express exclusion of non-federally created advisory committees that might otherwise be deemed subject to the Order because they are financed in whole or in part by Federal grants or other Federal assistance. It does not exclude any committee otherwise covered under the definition set forth in section 1(6) of the Executive Order.)

5. Objectives. The objective of this Circular is to implement Executive Order 11671 by:

- a. establishing an improved system for managing committees in the executive branch of the Federal Government;
- b. providing standards for operation of the system;
- c. providing for an annual report to the Congress listing Presidential advisory committees, agency advisory committees

and industry advisory committees, and interagency committees established or used by the executive branch during the preceding fiscal year.

6. Policy. While committees may be useful for providing advice, and for coordination, new committees should be established only when they are determined to be essential. The number of committees should be kept to the minimum necessary. Committees should be terminated when they are no longer active or carrying out the purpose for which they were established.

7. Responsibilities.

a. (1) The Director, OMB, is responsible for the administrative oversight of Presidential Advisory Committees, unless otherwise specified by the establishing authority. He will establish management and reporting requirements for Presidential committees by separate instruction.

(2) Federal Regional Councils and Federal Executive Boards operate under the direction of the Director of the Office of Management and Budget. He is responsible to assure that proper standards are maintained for their formation, utilization, conduct, management, reporting, and accessibility to the public.

b. Department and agency heads are responsible for the management and reporting to OMB of agency advisory committees, industry advisory committees and interagency committees.

8. Announcement of Meetings. Public announcement will be made in advance of all advisory and industry advisory committee meetings, whether such meetings are open to the public, or whether they are closed.

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9. Reporting requirement.

a. Any department, independent agency or establishment of the executive branch of the government establishing, using or terminating an advisory committee, industry advisory committee or interagency committee shall provide an annual report to the Director, OMB. The reporting period is the fiscal year.

b. The report shall include the data as shown in Attachment B.

c. The report should be made up of two lists: one list of advisory committees (which should include industry advisory committees), and one list of interagency committees. Each list should be alphabetical.

d. The report is due in OMB no later than September 1, annually, in four copies.

10. Required agency records. Agencies are required to maintain the following committee records:

- a. Copies of committee charters
- b. A list of each committee's membership
- c. Lists of subcommittees, and subcommittee membership
- d. Minutes of committee proceedings
- e. Copies of committee reports
- f. Copies of subcommittee reports
- g. Working papers properly a part of committee or subcommittee records.

h. Copies of agency determinations (under Section 552(b), Title 5, U.S. Code), that committee activities will be closed to the public.

11. Attachments. Attachment A is Executive Order 11671, "Committee Management"; Attachment B is reporting format, Annual Report of Committees.

12. Inquiries. For any information needed concerning this Circular, please call the Organization and Management Systems Division, Office of Management and Budget, extension 395-6911 (IDS Code 103).

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DOE ARCHIVES

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11671

Committee Management

To assure that the many committees appointed to advise or assist the Federal Government can work effectively, it is necessary to set forth general standards for their formation, use, conduct, management, and accessibility to the public.

NOW, THEREFORE, by virtue of the authority vested in me as President by the Constitution and laws of the United States, it is hereby ordered as follows:

SECTION 1. As used in this order, the term—

(1) "department or agency" means any department, independent agency, or establishment of the executive branch of the Government;

(2) "Government Official" means any full-time salaried officer or employee of the Federal Government;

(3) "Director" means the Director of the Office of Management and Budget;

(4) "Committee" means any committee, board, commission, council, conference, panel, task force, or other similar group or body established to meet on a recurring basis to provide advice or recommendations to the Government, or for the purpose of coordinating the activities of departments or agencies, including Presidential, interagency, advisory, or industrial advisory committees but excluding intra-agency committees;

(5) "Presidential committee" means any advisory committee having members appointed by the President and which is used as a source of direct advice and counsel to the President or the Vice President;

(6) "Advisory committee" means any committee that is not composed wholly of Government officials and (A) is established by a department or agency of the Government in the interest of obtaining advice or recommendations, and which has been or will be in existence more than twelve months, or (B) is not established by a department or agency, but only for such period when it is being utilized by a department or agency in the same manner as a Government-established advisory committee.

(7) "Industrial advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic service or product basis; and

(8) "interagency committee" means any committee formally established by a department or agency whose membership consists exclusively of Government officials, as defined herein, representing more than one department or agency, and which has been or will be in existence more than twelve months.

SEC. 2. No interagency or advisory committee including any industrial advisory committee shall be established by any department or agency unless such establishment is:

(1) specifically authorized by statute or Presidential directive, or

(2) specifically determined as a matter of formal record by the head of the department or agency to be in the public interest in connection with the performance of duties imposed on that department or agency by law.

SEC. 3. The heads of departments or agencies shall establish standards for the chartering of committees. No committee shall meet until after a committee charter has been approved by the head of the department or agency establishing the committee except where such committee has been established by statute.

SEC. 4. Unless otherwise specifically authorized by statute or Presidential directive, no advisory committee shall be utilized for functions not solely advisory. Determinations of action to be taken and policy to be expressed with respect to matters upon which a committee advises or makes recommendations shall be made solely by the President or an official of a department or agency of the Government.

SEC. 5. Unless its duration is otherwise fixed by statute or Presidential directive, a committee shall terminate not later than two years from the date of its formation unless the establishing authority makes a formal determination not more than 60 days prior to the date of scheduled termination that its continued existence is in the public interest. A like determination by the establishing authority shall be necessary not more than 60 days before the end of each subsequent two-year period to continue the existence of such committee thereafter. For the purpose of this section, the date of formation of a committee in existence on the date of publication of this order, and not now having a termination date, shall be deemed to be January 1, 1972, or the actual date of its formation, whichever is later.

SEC. 6. Unless specified to the contrary by Presidential directive, statute, or committee charter, the department or agency establishing a committee shall be responsible for providing support services for the committee's activities. Where more than one department or agency establishes a committee, only one of those departments or agencies shall be responsible for support services at any one time.

SEC. 7. In order to strengthen interagency or advisory committee responsibility, a committee shall have dual or rotating chairmanships only when the head of the department or agency establishing the committee determines that such an arrangement is required.

SEC. 8. The Director shall:

(1) establish and maintain oversight of the administrative activities of Presidential advisory committees unless provided to the contrary by the establishing authority;

(2) provide guidance to departments and agencies concerning the management of interagency and advisory committees consistent with the purposes and provisions of this order;

(3) from time to time request such information as he deems necessary to assure proper utilization of committees; and

(4) on or before January 1 of each year, provide to the Congress and thereafter publish in the FEDERAL REGISTER, a list of Presidential advisory, interagency advisory, and industry advisory committees established or used by the executive branch during the preceding fiscal year. Such a list shall contain (A) the name of each committee and the agency to which it reports, (B) the name and business address of the Chairman and the agency or organization he represents, (C) an indication that the committee was established, continued or terminated during the reporting year, and (D) the name, business address and telephone number of a person whose duty it is to make appropriate response to requests for additional information about the committee.

SEC. 9. The head of every department or agency establishing a committee shall:

(1) designate a Committee Management Officer to exercise effective control over the establishment and use of interagency, advisory, and industry advisory committees;

(2) issue directives and provide guidance for the management of the department or agency, interagency advisory, and industry advisory committees consistent with the provisions and purposes of this order and the instructions of the Director;

(3) designate a Government official who shall be responsible for assembling committee records and, under established agency procedures, responding to requests for public information; and

(4) establish a committee management system, under the supervision of the Committee Management Officer, which will provide systematic and effective review and evaluation of the activities and accomplishments of interagency, advisory, and industry advisory committees.

SEC. 10. Advisory committees shall meet under the chairmanship of, or in the presence of, a Government official appointed by the agency establishing the committee who shall have the authority and be required to adjourn any meetings whenever he considers adjournment to be in the public interest.

SEC. 11. Each industrial advisory committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among

other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the department or agency head makes a written determination that such limitations would interfere with effective committee operation, detailing his reasons therefor.

SEC. 12. Advisory committees shall not:

(1) receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises, unless the department or agency head determines it necessary for the effective functioning of the committee, or

(2) hold any meetings except at the call of, or with the advance approval of, a Government official and with an agenda approved by such official, unless the head of the agency determines it is in the public interest to permit such meetings.

SEC. 13. (a) In order to provide for public knowledge of and accessibility to advisory and industry advisory committees, department and agency heads shall make adequate provision for participation by the public in the activities of such committees. In carrying out this obligation, and except as provided in subsection (d) of this section, departments and agencies shall:

(1) require that all meetings of such committees be open to public observation, and

(2) apprise, by publication in the FEDERAL REGISTER or as appropriate by publication in local media, any interested individual or group of the purposes, membership and activities of advisory and industrial advisory committees, including dates, places, and agendas of open meetings.

(b) Any interested person may attend open meetings of advisory and industrial advisory committees. However, the department or agency head may establish reasonable limitations as to numbers of persons who may attend and the nature and extent of their participation, if any, in such meetings.

(c) Advice or recommendations of the committee shall be given only with respect to matters covered in the record of the committee's proceedings. Records shall be kept of all committee proceedings, including:

(1) the identification of committee members present and members of the public who participate at meetings and the interests or affiliations they represent;

(2) the written information made available for consideration by the committee;

(3) a description of matters discussed; and

(4) recommendations made and reasons therefor.

(d) The preceding provisions of this section shall apply to all advisory and industry advisory committees except to the extent that a determination is made in writing by the department or agency head that

committee activities are matters which fall within policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. When such a determination is made, the department or agency head shall detail his reasons therefor. In the event a department or agency head makes such a determination, provision shall be made for the committee to issue a report, at least annually, setting forth a summary of its activities and such other matters as would be informative to the public and would be consistent with policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code.

(e) The availability to the public of records of such committees shall be determined pursuant to section 552 of Title 5 of the United States Code and other applicable law.

SEC. 14. The requirements of this order shall not apply to any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations.

SEC. 15. To the extent this order is inconsistent with or in conflict with any statutory provision, the provisions of the order shall not apply.

SEC. 16. This order supersedes Executive Order No. 11007, as well as all provisions of prior Executive orders to the extent that they are in conflict with the provisions of this order.



THE WHITE HOUSE,

June 5, 1972.

[FR Doc.72-8652 Filed 6-5-72;2:37 pm]

Reporting period - FY 1972

ANNUAL REPORT OF COMMITTEES 1/

Name of Committee	Reporting period status	Established	Date if Confined	Date if Terminated	Establishing Authority 2/	Times met during year	Date of last committee report	Annual cost to of staff operate support 3/ 4/	Chairmen & business address	Name, add. & tel. NO. of person to provide additional information

1/ Provide one alphabetical list for advisory committees and one alphabetical list for interagency committees

3/ Includes such items as committee staff salaries, consultant salaries, report costs, travel costs, other operating expenses directly involved with that committee's activities. Does not include salaries of Federal employees (primarily for interagency committees) whose pay would continue if the committee is terminated.

4/ Includes only Federal employees who are assigned full time, or for most of their time, in support of the committee's activities.

2/ Indicate by number only:

- 1 - directed by statute
- 2 - directed by Executive Order
- 3 - directed by other Presidential authority
- 4 - based on agency statutory authority
- 5 - other

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