ORDER

1110.30C

COMMITTEE MANAGEMENT

October 20, 1997

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

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FOREWORD

This order prescribes policy and procedures, delegates authority, and assigns responsibilities for ensuring effective use of agency committees. This order provides guidance to determine the need for a committee. A committee must be formally established by the approving authority who states the committee is necessary. Should a committee be needed, this order provides guidance when establishing and documenting a committee, and the order contains procedures for maintaining records of the committee. This revision incorporates committee management policies and procedures of the Department of Transportation (DOT).

This order provides instructions for complying with Public Law 92-463, Federal Advisory Committee Act (FACA), as amended, concerning advisory committees. Congress did not intend for FACA to apply to every formal and informal consultation between an agency (employees of the agency) and a group outside the Federal Government when that group provides advice to the agency. For FACA to apply, an agency must call into existence an advisory group that has, in large measure, an organized or formal structure, a fixed membership (comprised of at least one member who is not a full-time Federal employee), and a specific purpose (such as providing advice or recommendations to an agency official on an identified government policy). FACA applies when the agency "utilizes" existing groups, such as industry groups and associations or subgroups, in a manner that denotes management or control of the advisory group by agency officials. Regularly scheduled or recurrent meetings with such a group which provides a consensus view of the group would create a preferred source of advice and thus FACA would apply.

FACA does not apply to a meeting or series of meetings which are open to the public and for which the public has received advance notice and in which FAA is not seeking advice and recommendations. An agency may hold a one-time meeting with an advisory group for the purpose of obtaining the views of individual attendees, rather than the consensus view of the group.

If problems arise which may not be sufficiently described in this order, consult your Committee Management Officer or the Office of Business Information and Consultation for assistance.

Jane F. Garvey
Administrator

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CHAPTER 1. GENERAL

1. **PURPOSE.** This order prescribes policy and procedures, delegates authority, and assigns responsibilities for effective management and use of agency committees. This order implements Order DOT 1120.3B, Committee Management Policy and Procedures.

2. **DISTRIBUTION.** This order is distributed to division level in Washington, regions, and centers.

3. **CANCELLATIONS.** This revision cancels:

   a. Order 1110.30B, Committee Management, dated August 30, 1982.

   b. Annual Committee Report (RIS: MS 1110-1).

4. **EXPLANATION OF CHANGES.** This revision:

   a. Deletes the requirement for each office and service to submit an Annual Committee Report to Washington headquarters. Each office, service, region, and center shall continue to complete an annual review of committee activities as described in paragraph 90.

   b. Updates and clarifies procedures, documentation, and reporting requirements for each committee.

   c. Emphasizes that committees must be documented through the FAA directives system.

   d. Contains new procedures for chartering advisory committees and overseeing activities of advisory committees.

   e. Includes guidelines and instructions on consulting with State, local, and tribal governments.

   f. Covers the exemption from the Federal Advisory Committee Act for certain rulemaking committees and the requirements of the Lobbying Disclosure Act which may apply to members of rulemaking committees.

   g. Provides information on labor-management partnerships should FAA's labor-management committee include non-Federal members.

   h. Modifies the understanding that an advisory committee member is no longer assumed to be a representative of a particular interest or party. If the member does not represent a particular interest or party, the member must be appointed as a special government employee, and financial disclosure forms are required.

   i. Contains procedures for complying with Executive Order 12838, Termination and Limitation of Federal Advisory Committees, which calls for a stringent General Services Administration and Office of Management and Budget (OMB) review of all proposed advisory committees. Each office planning to sponsor an advisory committee must show a "compelling need" to establish a new committee.

   j. Includes information pertaining to OMB Circular No. A-135, Management of Federal Advisory Committees. This circular requires each Federal agency to submit an annual report on current and proposed Federal advisory committees.

k. Expands and clarifies the definition of a subcommittee.

l. States that planned use of contractual support for an advisory committee must be indicated in the committee charter.

m. States the advisory committees meetings will be held in Washington, D.C., and in a Federal building. A regional or center advisory committee would hold meetings in a Federal building at the region or center.

n. Includes information when an FAA employee serves on the board of a nonprofit organization as part of the employee's official duty.

5. REPORT ON FEDERAL ADVISORY COMMITTEES. An Annual Report on Federal Advisory Committees is due each year. Each office responsible for an advisory committee prepares the report for the committee which the office sponsors. The Office of Business Information and Consultation prepares a consolidated report for FAA.

6. EXCLUSIONS. This order does not apply to:

a. Any FAA internal or interagency ad hoc committee which is intended to have a life of less than 6 months and whose formal establishment is not otherwise deemed necessary.

b. Any board, council, or panel which is part of the formal line or staff structure of the Department as published in appropriate organization manuals and/or is staffed entirely within a single DOT administration or bureau for the routine conduct of day-to-day business; e.g., Contract Appeals Board and Sole Source Advisory Board, or is established in accordance with regulations of another Government agency; e.g., Federal Executive Boards and Regional Councils.

c. Any local, regional, or national committee or organization established to disseminate information or to render a public service other than giving advice or making recommendations to a Federal agency or official and for which the Federal Government provides no continuing funding or other support or control; e.g., Combined Federal Campaign.

d. Any committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations.

e. Any committee, council, board, or commission which is established to render advice to State or local officials or agencies.

f. Any committee which is deemed necessary for FAA operations and is established as a result of regulations promulgated by other Federal agencies shall meet the requirements of those regulations; e.g., OSHA regulations for certified Occupational Safety and Health Committees.

7. PROPER USE OF COMMITTEES. A committee is a formally constituted group of individuals or representatives of organizations with collective responsibility who are appointed to consider, investigate, study, advise, or make recommendations through their chairperson to a designated Federal official. The proper use of committees can provide benefits that are clearly best attained through group deliberations and from a variety of opinions. Improper use of a committee can waste resources, delay action, result in undesirable compromise, and operate to the detriment of management's decisionmaking process.

8. OBJECTIVES. The objectives of committee management are to:

a. Monitor the establishment of, participation in, and use of committees.

b. Prevent committees from serving as substitutes for effective and decisive management or staff actions.

c. Eliminate duplication, overlap, or fragmentation of a committee's purpose and effort by systematic management reviews.

d. Provide current, responsive, and timely information on committees and their activities.

e. Ensure that membership and participation conform to existing policies, regulations, orders, and laws.

f. Terminate promptly any committee whose purpose has been fulfilled.

9. POLICY.

a. Committees shall be established only when they afford the most expeditious, economical, and appropriate means for accomplishing the intended purpose. The committee effort must be capable of providing added strength, objectivity, and confidence to management's decisionmaking process.

b. Committees shall be used only in an advisory capacity to management and for investigating, reporting, recommending, or providing a forum or mechanism for coordination or the exchange of information.

c. In lieu of establishing formal committees, the use of normal organizational channels and authority, staff actions, liaison, or informal meetings is encouraged.

d. All committee activities and the activities of individual committee members shall be conducted affirmatively to ensure equality of opportunity for all persons and avoid even the appearance of discrimination because of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, or political affiliation.

e. Committees shall not be assigned responsibility for operational functions or executive management authority.

f. A committee or subcommittee shall not be considered formally established in FAA until it has been determined in writing by the approving authority that such a committee is necessary and in the public interest.

g. An advisory or international committee shall not be formed or utilized by FAA unless authorized by statute, Executive order, or Presidential direction or approved by the Secretary of Transportation.

h. Official participation of any FAA employee in any non-DOT committee shall be justified, the extent of his/her authority to represent or commit the Department or FAA clearly defined, and his/her authority and responsibilities approved in writing by an approving official.

10. CATEGORIES OF COMMITTEES.

a. **An advisory committee** is any committee, panel, task force, or similar group or any subcommittee or other subgroup thereof, which is established by statute, established or utilized by the President; or established or utilized by one or more agencies in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; and is not composed wholly of full-time officers or employees of the Federal Government. Appendix 1, Federal Advisory Committee Act, governs the creation and operation of Federal advisory committees.

b. **A departmental committee** is a formally established committee composed solely of FAA or DOT employees. Members may come from the Office of the Secretary of Transportation, an operating administration or bureau, or any combination of these organizations.

c. **An internal committee** is composed solely of FAA employees.

d. **An interagency committee** formed by an agency of the Government is composed wholly of employees of more than one department or agency.

e. **An international committee** is composed of representatives of foreign governments, industries, or organizations, usually established as a result of a treaty or agreement between the United States and a foreign government or by legislation. Participation, sponsorship, and establishment are dictated by treaty, agreement, or legislation.

f. **A non-Government committee** is sponsored by any organization not a part of the Federal Government.

11. CATEGORIES OF INDIVIDUALS.

a. **The approving official** is the OST or FAA official having authority to approve committee actions, e.g., establish, modify, extend, or terminate committees and to appoint members. The Administrator submits a recommendation to the Secretary concerning an FAA advisory committee member.

b. **An alternate member (or alternate)** is an individual officially appointed and authorized to act for a member in that member's absence.

c. **The chairperson** is the presiding officer of the committee appointed to direct its efforts to the effective completion of its assigned tasks.

d. **The committee mangement officer** is the official designated with the responsibility for committee management within his/her organization. The Director of Business Information and Consultation serves as the FAA Committee Management Officer.

e. **The committee secretary** is the individual designated to assist the chairperson in discharging his/her responsibility for preparing and distributing agenda, minutes, reports, and correspondence and for maintaining records.

f. **The committee sponsor** is the individual designated by the approving official to be responsible for the committee.

g. A consultant serves as an advisor, giving views or opinions on specific problems or programs, but neither performs nor supervises agency operating functions and is not a Federal employee.

h. An ex officio member is an individual whose membership is designated by position or title rather than by name. This individual serves as a member only while an incumbent of such a position.

i. The designated Federal official or the executive director of the committee is the FAA official providing staff support to an advisory committee. This official must call and attend meetings, approve agenda, adjourn meetings when it is in the public interest, serve as chairperson when directed by the committee sponsor, and monitor the committee's meetings and progress.

j. A liaison officer (office) is the individual or organizational element designated to act as the coordinator or contact for non-DOT committees, organizations, or groups that wish to exchange information or coordinate staff actions.

k. A member is an individual (or representative of a member organization) duly appointed to attend and participate in committee meetings and may, within prescribed limits, represent his/her organization. Membership need not include voting privileges.

l. An observer is an individual, other than a member or alternate (member), designated or invited by the chairperson to attend committee meetings when matters of special interest are to be considered.

m. A facilitator is an individual from within or outside the Federal Government who serves as an impartial mediator to assist in reconciling opposing interests and viewpoints among committee members.

12. AUTHORITIES AND RESPONSIBILITIES.

a. The Secretary or the Deputy Secretary will:

(1) Approve proposals for the establishment, modification, extension, or termination of:

(a) Departmental committees concerned with policy matters.

(b) Advisory and interagency committees sponsored by DOT.

(2) Approve the designation of:

(a) Membership for FAA advisory committees. Paragraph 38 contains procedures for approval of advisory committee members.

(b) Departmental representatives on advisory committees sponsored by other agencies.

(c) Membership for Departmental committees concerned with policy matters. The proposed membership list should accompany the establishing document.

(d) Departmental representatives to interagency committees sponsored by other agencies established at the Secretarial level or sub-Cabinet level when these representatives act on behalf of the Secretary.

(e) Departmental representatives on international committees.

(3) Execute all interagency agreements for establishment of interagency committees on a Secretarial level.

b. **The Assistant Secretary for Aviation and International Policy Affairs** or his/her designee coordinates with the Department of State the designation of DOT representatives to international committees and makes recommendations for approval by the Secretary.

c. **Secretarial Officers** may, within their functional areas of responsibility, request membership from other DOT elements on a Departmental committee.

d. **The DOT General Counsel** or his/her designee (includes the FAA Chief Counsel):

(1) Advises on possible conflicts of interest.

(2) Reviews statements of employment and financial interests submitted by advisory committee members and candidates for membership.

(3) Provides liaison between DOT and the Department of Justice on the application of statutes and executive orders affecting committees and their members.

(4) Provides guidance to committee management officials on compliance with the requirements of the Federal Advisory Committee Act and its implementing regulations, the Privacy Act, the Freedom of Information Act, and the Ethics Reform Act as the laws which pertain to advisory committees.

e. **The Director, DOT Executive Secretariat**, as the Department Committee Management Officer (DOT CMO):

(1) Develops and administers the committee management requirements for the Department and issues implementing procedures, standards, and guidelines for effective committee management.

(2) Conducts management reviews of Departmental committee activity to ensure compliance with Department committee requirements and conducts annual reviews of Departmental advisory committees.

(3) Prepares an annual report and comprehensive review of all DOT advisory committees for submission to the General Services Administration.

(4) Reviews committee action documents which require Secretarial approval.

(5) Files committee charters and renewal documents with the appropriate oversight agencies and the Congress.

(6) Maintains the central DOT committee management files.

(7) Provides guidance to committee management officials on compliance with the requirements of the laws which pertain to advisory committees.

(8) Advises FAA on the methods and procedures required for the establishment of committees and the maintenance of documentation, as required by law.

(9) Coordinates Departmental responses to requests from Members of Congress, Government agencies, and the general public for information on committees.

f. The Administrator:

(1) Recommends for Secretarial approval the establishment, modification, extension, or termination of:

(a) Departmental committees concerned with policy matters.

(b) Advisory committees.

(c) Interagency committees sponsored by DOT.

(2) Designates for Secretarial approval:

(a) Membership for advisory committees sponsored by FAA, except where the statute or committee charter specifies otherwise.

(b) Departmental representatives on advisory committees sponsored by other agencies.

(c) Membership for Departmentwide committees concerned with policy matters.

(d) Departmental representatives to interagency committees sponsored by other agencies established at the Secretarial level when these representatives act on behalf of the Secretary or represent the Department.

(e) Departmental representatives on international committees.

(3) Establishes, modifies, extends, or terminates Departmentwide committees not involving DOT policy matters and requests membership from other DOT elements in the Department.

(4) Appoints representatives to Departmentwide committees sponsored by other DOT elements, to interagency committees sponsored by the heads of other agencies immediately below the Secretarial level, and to non-Government committees.

(5) Approves the establishment, modification, extension, or termination of intra-FAA (internal) committees.

(6) Establishes, modifies, extends, or terminates interagency committees; executes written interagency committee agreements with the head of an agency immediately below the Secretary or Cabinet level (for example, Department of the Air Force, Office of Personnel Management, General Services Administration); and approves FAA representatives on such committees.

g. Associate Administrators, Assistant Administrators, and Office and Service Directors:

(1) Recommend to the Administrator the appointment of their personnel as FAA representatives on Departmentwide, international, and advisory committees.

(2) Approve the establishment, modification, termination, and membership of intra-FAA committees concerned with matters over which they as directors have jurisdiction. (Must receive concurrences when membership extends across other office and service or regional and center lines.)

(3) Execute any written interagency committee agreement with another Federal agency where the signer for the other agency occupies a parallel-level position and approve their representatives on such committees.

(4) Approve participation by their employees on non-DOT-sponsored committees.

(5) Designate a committee management officer.

(6) Conduct a review of committee activities of their employees.

h. Heads of Regions and Centers:

(1) Approve the establishment, extension, termination, and membership of intra-FAA (internal) committees sponsored by their organizations but may delegate authority to establish committees sponsored by, and composed solely of committee members of, a single division, field office, or field facility.

(2) Execute any written interagency agreement with the regional director of another Government agency relating to the establishment of a committee and spelling out its charter.

(3) Approve, or authorize division managers or their designees to approve, participation by their employees in non-DOT committees.

(4) Designate a committee management officer.

(5) Establish procedures and standards to govern committee activities within their areas of jurisdiction.

(6) Review and evaluate the activities and continuing need for each committee which employees of their organizations chair or co-chair and those non-DOT committees in which their employees participate.

(7) Cooperate with the regional administrators of the other operating administrations in the coordination and solution of matters of mutual interest. This may be accomplished by liaison activity or through committee activity.

i. **FAA Committee Management Officer.** The Director of Business Information and Consultation serves as the FAA Committee Management Officer and in this capacity:

(1) Reviews committee charters and activities to ensure compliance with the requirements of this order and those prescribed by the DOT Committee Management Officer.

(2) Develops any supplementary procedures which may be necessary to establish and operate an effective committee management program within FAA.

(3) Advises Washington headquarters elements on committee matters and reviews committee action documents before transmittal to approving authorities.

(4) Provides guidance on Federal advisory committee requirements.

(5) Maintains a record of FAA's advisory committees.

(6) Coordinates activities with the DOT Committee Management Officer.

(7) Develops reports required by the DOT Committee Management Officer.

j. **Committee Sponsor:**

(1) Initiates committee action documents including required reports.

(2) Provides staff, secretarial, and other support services.

(3) Serves as the principal responsible official for the committee.

(4) Complies with the requirements of this order and those prescribed by the FAA Committee Management Officer.

13. AUTHORITY TO ISSUE CHANGES TO THIS ORDER. The Director of Business Information and Consultation may issue changes to this order necessary to implement and manage the committee management system. The Administrator reserves the authority to approve changes which establish policy, delegate authority, or assign responsibility.

14.-19. RESERVED.

CHAPTER 2. MANAGEMENT CONSIDERATIONS AND OPERATING GUIDELINES

20. MANAGEMENT CONSIDERATIONS. Prior to initiating formal action to establish a committee, the official proposing such action should first consult with the office, service, center, or regional committee management officer (then with the staff of the FAA Committee Management Officer and legal counsel in the case of advisory committees) for assistance in developing the plans for establishing and justifying the proposed committee.

21. OPERATING GUIDELINES. A committee shall be established only when it is essential to the conduct of agency business. Proposed committees shall be evaluated to ensure that the committee will not:

a. Make operational, administrative, or management decisions.

b. Perform functions, duties, or responsibilities which can best be achieved by existing or proposed organizational structures or relationships.

c. Shift responsibility for action, non-action, or delay.

d. Consider matters outside their area of competence or responsibility.

e. Perform functions that are the responsibility of, or can be assigned to, an organizational unit or an existing committee.

22. FUNDING. The sponsoring organization shall ensure that funds are available to cover the costs of each committee prior to establishment and throughout its duration. The sponsoring organization shall ensure that the committee does not exceed established budget limitations or spending ceilings.

23. SECURITY. In the event the activities of a committee involve access to or the development of classified data, the approving official shall contact the Office of Civil Aviation Security Policy and Planning in advance for appropriate advice and assistance. Order 1600.2D, Safeguarding Controls and Procedures for Classified National Security Information and Sensitive Unclassified Information, contains procedures to ensure compliance with security measures.

24. DOCUMENTATION. A committee is not formally established until it has been documented in the FAA directives system. The format for orders used to establish Departmental, intra-FAA, interagency, and international committees should follow that used for advisory committee charters insofar as appropriate. The format for advisory committee charters is discussed in paragraph 41.

25. NAMING THE COMMITTEE.

a. Except as provided by paragraphs 25b and 25c, committees shall be designated as "committees" and their subordinate units shall be designated as "subcommittees."

b. The temporary status of ad hoc committees should be indicated in their titles by the use of such terms as conference, task force, team, party, group, or panel. Ad hoc committees and subcommittees having membership composed not wholly of Government members shall be considered advisory committees and shall use the term "advisory" in their titles.

c. The terms "commission," "council," and "board" shall be reserved for committees established by legislation or Executive order or for formally established elements of the Department; e.g., Contract Appeals Board.

d. The term "advisory" in titles shall be restricted to use for committees which have been chartered under the Federal Advisory Committee Act and whose membership includes one or more non-Government members.

e. The key word should be the first word in the name of a committee for convenience in recordkeeping, reporting, and identification; e.g., Aviation Safety Advisory Committee, instead of Advisory Committee on Aviation Safety; and Aviation Technology Interagency Committee, rather than Interagency Committee on Aviation Technology.

26. COMMITTEE OFFICERS. Each committee shall have a chairperson. Other officers also may be required, depending upon the size and type of the committee, the frequency of its meetings, and the nature of its assignments. Dual or rotating assignments of chairpersons may have the effect of dividing responsibility for a committee's work and should be avoided.

27. MEMBERSHIP.

a. Composition. A committee should be large enough to promote deliberations, but shall include only the number of members necessary to ensure the breadth and balance of expertise required to accomplish the mission of the committee.

(1) Membership should be limited to those organizations or individuals having a substantial interest in or substantially affected by the major mission of the committee.

(2) Representatives of elements having a limited interest in a committee's work should be invited to participate as observers when matters concerning their areas of interest are to be considered. Informal reports may be made to other interested nonparticipating elements, departments, or agencies.

(3) Consideration should be given to designating members by organization or organizational title (ex officio) rather than by individual name. This permits continuing organizational membership despite personnel changes.

(4) Membership on committees shall be open to all persons otherwise qualified without regard to race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, or political affiliation.

(5) Members of advisory committees shall serve until replacements have been appointed, except where statute specifies otherwise.

b. Appointment of Members.

(1) The Secretary has reserved the authority to approve the designation of proposed members for certain categories of committees (see paragraphs 12a and 37).

(2) The Administrator will sign all requests and recommendations which must be sent to the Secretary concerning the appointment of committee members. Concurrence must be obtained from the Secretary before a formal invitation is extended to any individual who is proposed for membership on a committee requiring Secretarial approval.

(3) Approving officials for committees not requiring Secretarial approval of membership should be consulted before a formal invitation is extended to any individual who is being proposed for membership on a committee which does not require Secretarial approval.

(4) Appointments shall be made by the organizational element or by the sponsor recommending the proposed member(s).

c. Responsibilities of Membership.

(1) The member shall assess the work of the committee to ensure that it is directed toward and serving a valid and useful purpose and shall recommend to the establishing authority, when appropriate, changes in purpose or scope, withdrawal of membership, or termination of the committee.

(2) When a member presumes to speak for or represent FAA or the Department, or when designated to do so, he/she shall obtain FAA or DOT coordination, review, and approval from the appropriate officials to ensure that such representation accurately reflects the official FAA or DOT position.

(3) The member, when unable to be present, shall ensure attendance of an alternate at committee meetings.

28.-29. RESERVED.

CHAPTER 3. ADVISORY COMMITTEES

30. PROPER USE. Under appropriate circumstances the use of advisory committees by Federal agencies to provide information, advice, and recommendations is considered beneficial to the operation of the Government. The Federal Advisory Committee Act, P.L. 92-463, as amended; 5 U.S.C. App. 2; and Title 41 of the Code of Federal Regulations (CFR) Part 101-6, Federal Advisory Committee Management, prescribe standards for departments and agencies to follow in establishing and using advisory committees. Title 49 of the CFR, Part 95, implements the Act and the GSA Regulation within DOT. Appendix 1 of this order contains a copy of the Act.

31. STATUTORY DEFINITION. The Federal Advisory Committee Act defines an advisory committee as "any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is established by statute or reorganization plan; or established or utilized by the President; or established or utilized by one or more agencies in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government and not composed wholly of full-time officers or employees of the Federal Government."

a. Any independent group (task force, study group, panel, or similar group) which issues reports in its own name, has members not common to an existing committee, and has non-Federal members is an advisory committee.

b. Any group existing outside the Federal Government and not established by a Federal Goverment entity but which is used by Federal entity as a preferred source of advice and which is closely tied to the Federal entity through such management controls as funding, setting agendas, or selection of members is an advisory committee.

32. STATUTORY EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT.

a. Section 204(b) of the Unfunded Mandates Reform Act of 1995 (P.L. 104-4) provides that the Federal Advisory Committee shall not apply to certain meetings between State, local, tribal, and Federal Officers. The Act provides that FACA "shall not apply to actions in support of intergovernmental communications where:

(1) Meetings are held exclusively between Federal officials and elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and

(2) Such meetings are solely for the purpose of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration."

b. Office of Management and Budget Memorandum 95-20, Guidelines and Instructions for Implementing Section 204, contains procedures on consulting with State, local, and tribal governments.

33. FEDERAL ADVISORY COMMITTEE ACT EXEMPTION AND THE LOBBYING DISCLOSURE ACT. Under section 230 of the Federal Aviation Reauthorization Act of 1996, P.L. 104-264, codified at 49 U.S.C. Section 106(p)(5), the Administrator may designate certain rulemaking committees as exempt from FACA. The Lobbying Disclosure Act of 1996 (LDA), P.L. 104-65, may apply to members of rulemaking committees that are exempt from FACA. The sponsor of the committee or the designated Federal official should notify prospective members of a FACA-exempt committee that the LDA may apply to them.

34. LABOR-MANAGEMENT PARTNERSHIPS. Executive Order 12871, Labor-Management Partnerships, directed that a National Partnership Council be established. The Executive order requires each agency to create a labor-management partnership by forming a labor-management committee. The FAA committee serves as a forum for union and management issues and the membership includes union members. If any one of the union representatives is not a Federal employee, the FAA committee must be chartered as an Federal advisory committee as prescribed in this chapter.

35. DEPARTMENTAL POLICY.

a. An advisory committee shall not be established or utilized by FAA unless authorized by statute, Executive order, Presidential direction, or Secretarial action.

b. An advisory committee shall not be considered formally established until all of the following have been completed:

(1) A draft charter has been submitted to the Secretary for approval. The charter will be prepared as an FAA order.

(2) It has been determined in writing by the Secretary that such a committee is necessary and in the public interest, except in the cases where a committee is directed by statute or established by Executive order.

(3) The General Services Administration and the Office of Management and Budget have been consulted, except in cases where a committee is directed by statute or established by Executive order.

(4) The notice of establishment has been published in the Federal Register, except where a committee is directed by statute or established by Executive order.

(5) The DOT Committee Management Officer has filed the charter with appropriate Congressional Committees and the Library of Congress.

c. If it is desirable to establish an advisory committee by legislation, Executive order, or Presidential direction, it must be done by the establishing authority on recommendation of the Secretary who will transmit a recommendation to the appropriate officials. Any modification to the committee will follow the same procedure.

36. ESTABLISHING PROCEDURES. Office of Management and Budget Circular No. A-135, Management of Federal Advisory Committees, requires each Federal agency to maintain a planning and review process when proposing a new Federal advisory committee.

a. The sponsoring office shall:

(1) Request establishment of an advisory committee only after determining that:

(a) It is essential to the conduct of agency business and there is a compelling need for the new committee.

(b) It is in the public interest.

(c) It is the most effective, expeditious, and economical means of accomplishing the objective.

(d) The objective could not be accomplished by an existing entity within the Department, or an existing committee, hiring an employee or consultant, or awarding a study contract.

(2) Prepare a proposed FAA order containing the charter of the committee. The office will formally coordinate the proposed order with the Office of Financial Services (ABA), AGC, and ABC, among other offices. The documentation will be forwarded for the signature of the Administrator covering the establishment, modification, or extension of the committee.

(3) Prepare an action memorandum of justification for the signature of the Administrator addressed to the Secretary, which transmits the charter (FAA order) and contains:

(a) A statement that there is a compelling need for the committee and it is in the public interest.

(b) An explanation as to why the functions cannot be performed by FAA, by another element of DOT, or by an existing committee.

(c) The plan to attain balanced membership.

NOTE: The Act requires the membership of an advisory committeeto be "fairly balanced in terms of points of view represented and the functions to be performed." 41 CFR Part 101-6 recommends that agencies consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the committee. Committees requiring technical expertise shall include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.

(d) Other information which the sponsor and the Administrator wish to convey to the Secretary concerning the committee.

(e) Request for approval.

(f) Action line. See Appendix 2, Sample Memorandum of Justification, which contains a sample memorandum for chartering a committee.

(4) Prepare a memorandum for the signature of the Administrator addressed to the Secretary requesting membership approval for making the appointments, including a list of proposed members and a brief biographical resume for each proposed non-Government member, as outlined in paragraph 37. This information should be forwarded along with the proposed charter, if available at that time. Replacements for non-Government committee members must also be approved by the Secretary.

(5) Coordinate the proposed order and supporting papers with other interested offices and services (always include AGC, ABA, and ABC).

(6) Send the coordinated order and supporting papers to ABC-100 for committee management clearance, coordination with the associate administrators, and submission to the Secretary for approval through the Administrator.

(7) Receive Secretarial approval of the committee and members of the committee.

(8) Forward the order to the Administrator for signature.

(9) Extend invitations to prospective members.

b. The Administrator will sign an action memorandum of justification and an action memorandum requesting membership approval addressed to the Secretary, including biographical resumes for each proposed individual non-Government member. The documentation will include the proposed committee charter and a completed GSA Form T-823-H, Consultation on Federal Advisory Committees. Appendix 3, Sample Consultation Form, contains an example of the completed form.

c. The DOT Committee Management Officer will:

(1) Coordinate the draft charter, membership list, and justification memorandum. The Office of the General Counsel reviews the applicability of ethics statutes or regulations.

(2) Forward to the Secretary:

(a) The draft charter, membership list and FAA justification memorandum with the record of coordination, and the DOT Committee Management Officer's evaluation and recommendations.

(b) The FAA justification memorandum.

(c) A consultation letter to OMB, if required, for the Secretary's signature.

(3) Forward the draft charter, and if required, the signed consultation letter and GSA form T-823-H to GSA and OMB. In the event the Secretary does not approve the draft charter, or if corrections need to be made as a result of coordination, the DOT Committee Management Officer shall return the draft to FAA for revision and resubmission.

(4) Notify the Administrator and sponsor, through the FAA Committee Management Officer, that notice of establishment may be published in the Federal Register after receiving notification from GSA when consultation has been completed. A notice in the Federal Register is required when an advisory committee is established, utilized, reestablished, or renewed except a committee directed by statute or established by Executive order. Appendix 4, Sample Notice of Establishment of an Advisory Committee for Publication in the Federal Register, contains a sample notice.

(5) File the charter with the appropriate Congressional committees and the Library of Congress 15 days following publication of notice of establishment. The DOT Committee Management Officer will furnish to GSA and to FAA a copy of the letter which files the charter, as well as a copy of the charter with the filing date (effective date) entered.

d. The effective date of the charter shall be the date the charter is filed with the appropriate Congressional committees and the Library of Congress.

37. CATEGORIES OF MEMBERSHIP. Each appointed member shall be designated as a representative of a particular interest or party, a Special Government Employee (SGE), or a Federal Government employee.

a. Representative. A candidate must represent a particular interest or party other than the U.S. Government and must be qualified to represent that interest by virtue of his or her employment, education, experience, or affiliation with a specific group, industry, or organization. Committee members who are appointed to represent the public will be appointed as SGE's. If a committee charter specifies that member organizations shall name their own representatives, those persons shall be considered in the representative category.

b. Special Government Employee. A candidate appointed for his individual views or advice must be appointed as an SGE. The committee sponsor shall ensure that each candidate shall be advised of his or her status as an SGE and that he or she is subject to the Federal conflict of interest laws, agency standard of conduct regulations, and financial disclosure requirements applicable to executive branch officials.

(1) The sponsoring office shall comply with all Federal requirements for appointing SGE's. All such nominations shall be reviewed by the Designated Agency Ethics Official (DAEO) or the Office of the Chief Counsel (AGC).

(2) After reviewing the required SGE financial disclosure report and consulting with the DAEO or AGC, the employing official may waive the the restrictions of Section 20, Title 18, U.S.C. by certifying in writing that the need for the individual's services outweighs the potential for conflict of interest. See the Ethics Reform Act of 1989, 19 U.S.C. 208, for additional guidance.

38. APPROVAL OF ADVISORY COMMITTEE MEMBERS. The Secretary appoints all advisory committee members unless otherwise specified in the committee charter. Nominations of advisory committee members should be forwarded to the DOT Committee Management Officer 3 months prior to the desired appointment date. The list of proposed members shall be accompanied by:

a. A memorandum requesting the Secretary's approval and describing the procedures used to select the nominees. One copy of Form DOT F 1120.1, Advisory Committee Candidate Biographical Information Request, shall be submitted for each nominee describing his/her qualifications. This form is available upon request from ABC-100.

b. An appointment letter for each committee member. The letter will be signed by the Secretary. Each letter will state:

(1) The particular interest or party the individual represents and the individual's qualifications to be a member.

(2) That the individual is being appointed as a Special Government Employee and is subject to Federal conflict of interest laws, FAA standard of conduct regulations, and financial disclosure requirements.

c. An accompanying memorandum which identifies each person's expertise and whether that person is a reappointment or a new appointment and the name of the member being replaced.

d. A notation in the memorandum that all financial disclosure forms for SGE's have been received and reviewed by the DAEO and AGC (see paragraph 37). This requirement applies to each reappointment.

e. Any waiver issued by the employee official for an SGE.

f. Any letter of recommendation from a Member of Congress, a copy of any interim response to such a letter, and a final response to be signed by the Secretary notifying the Member of the candidate's appointment.

39. CHARTER RENEWAL. A charter to renew an advisory committee shall be processed in the same manner as a charter for establishment except that the renewal process draft charter for renewal shall be forwarded to the DOT Committee Management Officer 60 days prior to the expiration date. There need not be a 15-day waiting period following publication of the notice of renewal in the Federal Register, if there is no lapse between charters. The notice may be published concurrently with the filing of the charter. To assure meeting the requirement that the renewal be forwarded 60 days prior to expiration, the FAA renewal process shall begin no later than 6 months prior to expiration.

40. REESTABLISHMENT. If a charter expires before a new charter is filed, the committee must be re-established. The same procedure is followed as for establishment, including the 15-day waiting period following the publication of Notice of Reestablishment in the Federal Register.

41. TERMINATION AND DURATION. Executive Order 12838, Termination and Limitation of Federal Advisory Committees, requires each Federal agency to terminate Federal advisory committees which are no longer needed.

a. An advisory committee shall be terminated as soon as it has completed its assigned task. When the sponsor and the Administrator have determined that an advisory committee is no longer serving the purpose for which it was established, a recommendation for termination shall be made to the Secretary for approval. If approved, notice of termination shall be made to the members and others having an interest in the committee and the DOT Committee Management Officer shall notify GSA. A notice of termination can be published in the Federal Register. The directive that established the committee shall be canceled. The responsibility for initiating these actions rests with the sponsoring element. These procedures shall be followed for committees being terminated prior to the expiration of their charters, as well as for those which will not be renewed at expiration time.

b. An advisory committee whose duration has not been fixed by law or other predetermination shall terminate 2 years from the date of filing unless the Secretary determines in writing prior to the end of the 2-year period that renewal is in the public interest. As long as the committee fulfills a compelling need and its charter is renewed at the end of each 2-year period, it may be referred to as a "continuing" committee.

c. Even though an advisory committee has a predetermined termination date, the charter must be renewed at the end of each 2-year period if the predetermined duration extends beyond a 2-year period.

42. DOCUMENTATION. The establishing document (charter) for an advisory committee shall be issued as an order. In addition to the standard paragraphs, the charter shall contain the following:

a. Official Designation. Paragraph 25 contains the requirements when naming a committee.

b. Objectives.

c. Scope of Activities.

d. Duties, Organization, and Administration.

d. Official to Whom the Committee Reports.

f. Sponsor and Office Providing Support Services. The estimated cost of the committee must include any planned contractual support.

g. Estimated Number and Frequency of Meetings.

h. Composition of Committee. Include the number of members, the length of terms, and the plan to achieve balance; i.e., groups to be represented, geographical, or other balance factors.

i. Officers. Indicate the method of choosing the chairperson, officers, and length of terms.

j. Estimated Annual Cost to the Government to Fund, Support, and Maintain the Committee in Dollars and Staff-years. Dollar costs include compensation, travel, and per diem for non-Federal members, staff salaries, consultant fees, contractual support, printing, supplies, and cost of commercially rented space. Staff-years include the time spent by staff members on committee work.

k. Subcommittees. The chairperson may establish subcommittees with the approval of the sponsor. It is recommended that all subcommittee members be members of the parent committee. If that is not feasible, at least some members, including the chairperson, must be members of the parent committee. Subcommittees of a continuing nature must be listed in the charter and updated at renewal time. Subcommittee reports shall be submitted to the full committee for review and approval. If a subcommittee reports directly to a Federal official or otherwise acts independently of the parent committee, it must be separately chartered. Subcommittee meetings shall comply with the provisions of paragraph 45.

l. Public Participation. Include the extent to which each committee meeting is to be open to the public.

m. Availability of Records. Specify location, availability, and fee charges for documents and reports to be made available to the public.

n. Public Interest. The following statement is required: "The continued use and existence of the advisory committee is determined to be in the public interest in connection with the performance of duties imposed on FAA by law."

o. Effective Date and Duration. If there is a predetermined termination date or period of time for the life of the committee, it should be stated. If not, it may be described as a "continuing" committee. For a statutory committee, such description shall include a citation to the establishing law. The effective date of the establishment of the committee charter is also the filing date of the charter. The Act also requires that each advisory committee be terminated unless its charter is renewed within a 2-year period following the effective date.

43. MODIFICATION OF CHARTER.

a. When it is necessary to modify an existing charter, the procedure shall follow the one used to establish a charter. Slight modifications may be made by amendment to the existing charter in consultation with ABC. Extensive or substantive changes require a new charter.

b. Charters for committees established by legislation, Executive order, or Presidential direction may be modified by the procedures outlined in paragraph 41a except for those items specified in the legislation, Executive order, or Presidential direction. If it is desirable to modify or replace such items, it must be done by the establishing authority on recommendation of the Secretary.

44. COMPENSATION. Membership on FAA- or DOT- sponsored advisory committees is considered a public service. Public policy and technological matters which are the typical concerns of FAA committees usually require members whose personal accomplishments place them in a position to donate their time and service. If it is felt necessary to provide payment, it will be considered an honorarium. Any compensation, travel, or per diem allowances should be included in the committee charter.

45. MEETINGS.

a. Calling of Meetings. Advisory committee or subcommittee meetings may be held only with the approval of the committee sponsor and at the call of the DFO who has formulated or approved the agenda.

(1) In addition to a list of items to be considered at the meeting, the agenda shall indicate if any part of the meeting will be closed in accordance with subsection (c) of 522b of Title 5, United States Code. Except as directed by the Secretary, the committee sponsor shall approve the holding of open meetings. Appendix 5, Sample Notice of Proposed Meeting of an Advisory Committee for Publication in the Federal Register, contains a sample notice.

(2) To limit costs, advisory committee meetings shall be held in a Federal building in Washington, D.C. When it is more cost effective or convenient to hold a meeting elsewhere, or if a site visit is planned, a written request must be submitted to the DOT Committee Management Officer. A regional or center advisory committee would hold meetings in the regional headquarters or in a building at the center.

(3) To curtail costs, a videoconference or teleconference should be considered.

b. Approval Required to Hold Closed or Partially Closed Meetings. The request for approval to hold a closed meeting or a partially closed meeting shall be made in writing to the Secretary at least 30 days prior to the meeting date and shall include reasons for requesting a partially or completely closed meeting. The determination by the Secretary shall be in writing and shall be made available to the public on request.

c. Reporting of Closed or Partially Closed Meetings. An advisory committee which has held closed or partially closed meetings shall issue a report annually summarizing its activities which are informative to the public consistent with the policies of 552b of Title 5 U.S.C. Notice of availability of this report shall be published in the Federal Register not later than 60 days after its completion. The notice shall contain information as to its availability to the public.

d. Designated Federal Official. Each meeting shall be chaired by, or conducted in the presence of, a full-time salaried officer or employee of the Department who shall have authority to adjourn a meeting. This official shall be required to do so whenever he/she considers it to be in the public interest, and shall be delegated such responsibilities in writing. If the chairperson is a Government employee, he/she will function as the designated Federal official. If the chairperson is not a Government employee, the executive director of the committee will function as the designated Federal official. If for some reason the executive director of the committee is not available, the sponsor may delegate that responsibility to another Federal employee.

e. Publication of Notice of Meetings in the Federal Register. Timely notice of each advisory committee meeting, whether open or closed to the public, shall be published in the Federal Register.

(1) The notice shall contain the name of the committee; the time, place, and purpose of the meeting; a summary agenda, if appropriate; and a statement as to whether the meeting is to be open, closed, or partially closed.

(2) The notice shall be published by the sponsor at least 15 days prior to the meeting date. Violation could result in cancellation of the meeting by order of the DOT Committee Management Officer. Shorter notice may be given in exceptional circumstances, which must be explained in the notice.

f. Arrangements for Meetings. The sponsor shall ensure that meetings are held at a reasonable time and place, that the size of the meeting room and the resources and facilities are sufficient to accommodate those who could reasonably be expected to attend, that any member of the public shall be permitted to file a written statement, and that interested persons may be permitted to speak at the meeting in accordance with procedures established by the committee. In some cases, it may be desirable to hire an interpreter for the hearing impaired.

g. Minutes. The DFO shall ensure that detailed minutes are kept for each advisory committee meeting. The minutes shall include: time and place of the meeting; a list of all attendees, including members, staff, and public observers; a summary of matters discussed and conclusions reached; copies of reports received, issued, or approved by the committee; and a description of public participation, including oral or written statements. The chairperson of the advisory committee shall certify the accuracy of the minutes.

46. PROHIBITED DATA. Unless prior concurrence is given by the DOT General Counsel, advisory committees shall not receive, compile, or discuss data or reports concerning matters which would be covered by exemptions four or six of the Freedom of Information Act, 5 U.S.C. 552(b)(4) or (6), which deal with matters that are trade secrets and commercial or financial information or records, the release of which would constitute an unwarranted invasion of personal privacy. Further, no personal information shall be received, compiled, or discussed unless done so in compliance with the Privacy Act, 49 U.S.C. 552(a), and the Department's regulations found in 49 C.F.R., Part 10.

47. ANTITRUST LAWS. The activities of advisory committees are subject to the antitrust laws, and committee members are subject to those laws. Industry representatives and Government personnel officially connected with advisory committees should be made aware of the application of the antitrust laws by the sponsor. Should any specific question arise concerning any particular plan or course of action, the question should be referred to the Office of the Chief Counsel.

48. ADVISORY COMMITTEE REPORT.

a. Annual Report on Federal Advisory Committees. FAA must submit this report on the meetings, activities, and membership of each advisory committee to the DOT Committee Management Officer, S-10, each year. Sponsoring offices and services shall submit their annual reports to the FAA Committee Management Officer, ABC-1. Reporting forms and instructions will be distributed by ABC-100 approximately 1 month prior to the due date.

b. Report on Closed Meetings. Paragraph 41c discusses the annual reporting of any closed or partially closed meetings as required by the Act and consistent with the policies of 5 U.S.C. 552(b).

c. Filing of Committee Reports with the Library of Congress. Section 13 of the Act requires that each advisory committee shall file with the Library of Congress at least eight copies of each report and, where appropriate, background papers prepared by consultants. A copy of each report shall be sent to the FAA Committee Management Officer, ABC-1, and the DOT Committee Management Officer, S-10.

49. RESERVED.

CHAPTER 4. DEPARTMENTAL COMMITTEES

50. USE. Departmental committees are used for matters almost exclusively within the responsibility of DOT and are composed solely of DOT employees. Information contained in chapters 1 and 2 applies generally to Departmental committees. Particular attention should be given to paragraphs 9c, 10b, 11, 21, 24, 91, and 92.

51. ESTABLISHMENT. The establishment of departmental (Departmentwide and intra-FAA) committees shall be documented by the sponsoring element. Documentation requirements are discussed in paragraphs 24 and 42. An FAA order documents establishing an intra-FAA committee. Generally, a Departmentwide committee originates from an element of OST. If it is necessary to have a Departmentwide committee at the Washington level with representatives from FAA and one or more of the other operating administrations and OST, a DOT order should be developed and coordinated with the other operating administration(s). Use Form DOT F 1321.1, DOT Record of Coordination and Approval, to begin the documentation process. The order should be sent to the FAA Committee Management Officer, ABC-1, for transmittal to OST for further processing. Regional offices use the FAA directives system to document all types of committees including Departmentwide.

52. APPROVAL AUTHORITIES.

a. Intra-FAA (Internal) Committees..

(1) The Administrator approves the establishment of internal committees when office and service membership extends across other office, service, regional, or center lines and concurrences are not received.

(2) Office and service directors approve the establishment of committees concerned with matters over which they have jurisdiction (see paragraph 12g(2)).

(3) Heads of regions and centers approve the establishment of committees sponsored by their organizations (see paragraph 12h). This authority may be delegated.

b. Departmentwide Committees.

(1) The Secretary approves the establishment of all Departmentwide committees that are responsible for recommending departmental policy decisions. Establishing documents requiring Secretarial action shall be transmitted by memorandum from the Administrator to the Secretary through the DOT Committee Management Officer. The memorandum shall include a short background, a statement as to the desirability or necessity for the proposed committee, and action lines. Appendix 2 is an example of a transmittal memorandum.

(2) Secretarial officers may approve the establishment of all other types of Departmentwide committees.

53. LIAISON OFFICERS. Use liaison officers or normal staff channels for coordinating internally or for relationships with other operating administrations, wherever possible, instead of departmental committees.

54.-59. RESERVED.

CHAPTER 5. DOT-SPONSORED INTERAGENCY COMMITTEES

60. USE. Interagency committees dealing with matters involving more than one Government agency may be beneficial in exchanging viewpoints and coordinating interagency actions and should be used where appropriate. Information contained in chapters 1 and 2 applies generally to interagency committees.

61. ESTABLISHMENT. The establishment of interagency committees shall be initiated by the sponsoring element. Documentation requirements are discussed in paragraphs 24 and 42. Interagency committees may be established by an interagency agreement or an exchange of letters. This documentation should be incorporated into the FAA directives system. For officials authorized to sign interagency agreements, see paragraph 12. In addition to the establishing document, the memorandum to the Secretary shall also transmit a copy of the interagency agreement which preceded establishment of the committee and a proposed membership list if the interagency committee is established at the Secretarial level or sub-Cabinet level when these representatives act on behalf of the Secretary or represent the Department on policy matters.

62. MEETINGS. An agenda shall be formulated or approved by the committee chairperson prior to each meeting, and minutes shall be kept and certified as to accuracy by the chairperson or senior departmental member present. The approving official may waive all or part of these requirements when it has been determined that compliance would interfere with the proper functioning of the committee or would be impracticable and that adequate provisions are otherwise made to ensure that the operation of the committee is consistent with its purpose. Authority for such waiver shall be included in the establishing document.

63. FINANCING.

a. The agency which chairs an interagency committee is usually responsible for full support of the committee's activities; e.g., staff, money, and space. If this is not feasible, funds to support the committee should be requested in the next budget submission.

b. If the need is compelling and urgent and if the requirements of paragraph 63a are not feasible, the sponsor may request reimbursement or transfer of funds from the participating agencies after receiving prior approval from OMB. This emergency method of financing will be discontinued as soon as OMB has acted upon a request to finance the committee through the chairing agency in connection with its next budget submission by that agency. All FAA requests for funds to support the committee shall sent to the Office of Financial Services for submission to OMB.

64.-69. RESERVED.

CHAPTER 6. INTERNATIONAL COMMITTEES

70. USE. International committees to deal with matters involving foreign governments or industry can be beneficial in exploring problem areas, facilitating the exchange of opinions and technical information, and developing recommendations to appropriate officials. Approved committees should be used for these purposes.

71. ESTABLISHMENT.

a. International committees are normally established and sponsored by the Department of State with DOT and other agencies participating as official members representing their respective organizations.

b. International committees may be established by DOT. The Assistant Secretary for Aviation and International Affairs obtains the concurrence of the Department of State for all proposed relationships with foreign governments, institutions, or organizations and informs the Department of State of pertinent matters resulting from these activities.

72. - 79. RESERVED.

CHAPTER 7. PARTICIPATION IN NON-DOT-SPONSORED COMMITTEES

80. GENERAL. FAA employees may participate in advisory, interagency, or international committees which are not sponsored by the Department and in committees which are not sponsored by agencies of the Federal Government. There must be a determination that such participation is justified, is in the public interest, and does not constitute a conflict of interest for the Department or for the employee. The extent of the authority to represent or commit FAA or DOT, as well as the responsibilities involved in doing so, must be clearly defined in writing by the approving official.

81. APPROVAL AUTHORITY. Heads of offices, services, regions, and centers are responsible for ensuring that appropriate controls are maintained over such participation. FAA participation in such committees may be approved by a division manager, district office manager, or sector manager, if authorized, in Washington headquarters, regional headquarters, or a center. A field facility manager, if delegated the authority, may approve participation of field employees in such a committee.

82. APPROVAL GUIDELINES. In lieu of official participation as a member, consideration should be given to approving participation in an observer or liaison capacity, particularly in the case of non-Government committees.

a. Non-DOT Committees.

(1) Before approving employee participation in a committee, the approving official should consider and base that determination on those guidelines which are applicable to the establishment of an FAA or DOT committee.

(2) Approval shall not be given for official participation when it would not be in the best interests of FAA or DOT.

(3) DOT representation on non-DOT committees normally will be limited to one member and one alternate. In the event more than one DOT organizational element is participating in non-DOT committee activities at the Washington level, the DOT Committee Management Officer will designate the lead organization which will coordinate with the various participants to ensure a single DOT position and avoid unnecessary duplication. In the case of joint participation at the regional level, the FAA regional administrator will contact other DOT organizations and reach agreement as to which will be the lead organization.

b. Non-Government Committees.

(1) Approving officials shall ensure that FAA participation in committees not sponsored or controlled by another Government agency is in the best interests of the Government, that potential embarrassment is not likely to result from such representation, and that the participant is not involved in formulating recommendations or standards which would later have an effect on the regulatory authority or responsibilities of the Government.

(2) FAA employees shall not assume positions of leadership in non-Government committees unless it is clearly evident to the approving official that such would be in the best interest of the Government.

(3) While participation in non-Government committees may be necessary, FAA employees must avoid any real or apparent conflict of interest in connection with such participation. The employees must neither directly nor indirectly:

(a) Commit the Government to a course of action which is not in the public interest.

(b) Espouse any cause which might be detrimental or embarrassing to the Government.

(c) Permit their names to be associated with documents or reports, the distribution of which could be potentially embarrassing.

(d) Receive pay from a non-Government committee for work performed or contributions made to it in connection with its activities under any circumstances.

83. PARTICIPATION GUIDELINES. Approving officials shall ensure that their participants comply with the following guidelines:

a. Approval of participation does not automatically entail approval of travel to attend meetings. Attendance, per diem, and travel costs must be justified and the availability of funds must be verified.

b. Dissemination or release of DOT or FAA information or reports must follow DOT and FAA policy and procedures.

c. Reports of significant committee events shall be made to the approving official for review and dissemination. Such events include notification of appointments, pre-meeting and post-meeting reports, and other matters which may be of interest to DOT or FAA management.

84. SERVING ON THE BOARD OF A NONPROFIT ORGANIZATION. The Department of Justice has ruled that under 18 USC 208, Federal Government employees serving on the boards of nonprofit organizations as part of their official duties have conflicts of interest that must be resolved in one of three ways. Service on such boards is considered consistent with the statute only when:

a. It is pursuant to specific statutory authority.

b. The organization specifically states that the employee has no fiduciary duty to the organization.

c. The agency obtains a waiver under the statute.

85.-89. RESERVED.

CHAPTER 8. REVIEWS, REPORTS, AND RECORDS

90. ANNUAL REVIEW. Heads of offices, services, regions, and centers shall review each year the previous calendar year's activities of each committee which employees of their organizations chair or co-chair and those non-DOT committees in which their employees participate. The following questions should be considered in determining whether the activities of each committee should continue:

a. Is the committee functioning usefully and effectively?

b. Is the committee still the most effective means for accomplishing the objectives?

c. Are the benefits or accomplishments identified and commensurate with the costs involved?

d. Is the continuing participation in DOT or non-DOT committees of sufficient benefit to be considered in the public interest?

91. ADVISORY COMMITTEE REPORT. The annual advisory committee report is discussed in paragraph 48.

92. COMMITTEE RECORDS.

a. Committee sponsors are responsible for the maintenance of committee records. Such records should include establishing documents, official correspondence, membership information, agendas, minutes of meetings, invitations, studies, analyses, reports, compilations of data or working papers, and a record of time served by special employees (experts, consultants, and non-Federal staff). Committee sponsors also are responsible for approving and maintaining current records on each employee participating in a non-DOT sponsored committee. These records shall be available for on-site inspection by the FAA Committee Management Officer and the DOT Committee Management Officer.

b. The DOT Committee Management Officer maintains copies of establishing and renewal documents for all DOT advisory committees as well as membership lists, advisory committee reports, data used by the DOT Committee Management Officer to prepare reports, and copies of all advisory committee documents requiring the Secretary's approval.

c. The FAA Committee Management Officer maintains copies of all establishing and renewal documents, promulgating directives, reports, and membership data for committees sponsored by FAA organizational elements. This documentation includes a record of participation of FAA employees in non-DOT sponsored committees, copies of all data received for DOT's annual or special committee reports, and copies of the annual advisory committee report and review and special committee reports required by and submitted to the DOT Committee Management Officer.

Public Law 92-463
92nd Congress, H. R. 4383
October 6, 1972

An Act

86 STAT. 770

To authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Advisory Committee Act".

Federal Advisory Committee Act.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that—

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

APPLICABILITY

SEC. 4. (a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

Restrictions.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by—

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

Review.

SEC. 5. (a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

Guidelines.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

(1) contain a clearly defined purpose for the advisory committee:

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

RESPONSIBILITIES OF THE PRESIDENT

SEC. 6. (a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report. Report to Congress.

(c) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded. Annual report to Congress. Exclusion.

RESPONSIBILITIES OF THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SEC. 7. (a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees. Committee Management Secretariat. Establishment.

(b) The Director shall, immediately after the enactment of this Act, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine— Review.

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether is should be abolished.

The Director may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Director's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Director shall carry out a similar review annually. Agency heads shall cooperate with the Director in making the reviews required by this subsection. Recommendations to President and Congress. Agency cooperation.

Performance guidelines.

(c) The Director shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

Uniform pay guidelines.

(d)(1) The Director, after study and consultation with the Civil Service Commission, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code; and

Travel expenses.

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

80 Stat. 499; 83 Stat. 190.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee,

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

Expense recommendations.

(e) The Director shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

RESPONSIBILITIES OF AGENCY HEADS

SEC. 8. (a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Director under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

Advisory Committee Management Control Officer, designation.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall—

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

81 Stat. 54.

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

ESTABLISHMENT AND PURPOSE OF ADVISORY COMMITTEES

SEC. 9. (a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Director, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law. Publication in Federal Register.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Director, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information: Charter, filing. Contents.

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress. Copy.

ADVISORY COMMITTEE PROCEDURES

SEC. 10. (a)(1) Each advisory committee meeting shall be open to the public. Meetings.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Director shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto. Notice. Publication in Federal Register. Regulations.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist. 81 Stat. 54.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Minutes.

Certification.

advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines is concerned with matters listed in section 552(b) of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

81 Stat. 54.

Annual report.

Federal officer or employee, attendance.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

AVAILABILITY OF TRANSCRIPTS

SEC. 11. (a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

"Agency proceeding."

80 Stat. 382.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

FISCAL AND ADMINISTRATIVE PROVISIONS

Recordkeeping.

SEC. 12. (a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

Audit.

Agency support services.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

RESPONSIBILITIES OF LIBRARY OF CONGRESS

Reports and background papers.

SEC. 13. Subject to section 552 of title 5, United States Code, the Director shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

Depository.

TERMINATION OF ADVISORY COMMITTEES

SEC. 14. (a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c). Renewal.

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate. Continuation.

EFFECTIVE DATE

SEC. 15. Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following the date of enactment.

Approved October 6, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1017 (Comm. on Government Operations) and
No. 92-1403 (Comm. of Conference).
SENATE REPORT No. 92-1098 accompanying S. 3529 (Comm. on
Government Operations).
CONGRESSIONAL RECORD, Vol. 118 (1972):
May 9, considered and passed House.
Sept. 12, considered and passed Senate, amended,
in lieu of S. 3529.
Sept. 19, Senate agreed to conference report.
Sept. 20, House agreed to conference report.

GPO 83-139

APPENDIX 2. SAMPLE MEMORANDUM OF JUSTIFICATION

Paragraph 36 contains guidance and the procedures for establishing or renewing an advisory committee.

U.S. Department
of Transportation
**Federal Aviation
Administration**

MEMORANDUM

Subject: **ACTION:** Aviation Security Advisory Committee

Date:

From: Administrator

Reply to
Attn. of: Last name:extension

To: The Secretary
THRU: The Deputy Secretary

Attached for your review and consultation with the General Services Administration is a copy of the propsed charter to renew the Aviation Security Advisory Committee for 2 years.

The committee is a joint Government-aviation industry initiative to improve the efficiency and effectiveness of the aviation security system. The committee provides independent expert advice on the nature and the direction in which FAA may wish to proceed to solve these complex and dynamic problems.

FAA has no other advisory committee with the objectives and scope of this committee. Therefore, the existence and use of this committee are in the public interest in connection with the performance of duties imposed on FAA by law. Committee membership includes Federal agencies, as well as industry, management, and labor organizations. The membership is intended to be fairly balanced in terms of points of view represented and functions to be performed.

Without the use of this committee, neither FAA nor DOT can obtain the necessary input, acceptance, and understanding within and outside the Government to ensure that the objective of improved aviation security is met.

Attachment

APPROVED:_____

DISAPPROVED:_____

DATE:_____

APPENDIX 3. SAMPLE CONSULTATION ON FEDERAL ADVISORY COMMITTEE

Paragraph 36 prescribes the use the of this form.

CONSULTATION ON FEDERAL ADVISORY COMMITTEE

INTERAGENCY REPORTS CONTROL NO.
0304-GSA-XX

INSTRUCTIONS: COMPLETE A SEPARATE FORM FOR EACH COMMITTEE

1. DATE OF CONSULTATION

2. EXACT NAME OF COMMITTEE
Aviation Security Advisory Committee

3. COMMITTEE STATUS
☐ A. ESTABLISHMENT ☐ B. REESTABLISHMENT ☒ C. RENEWAL ☐ D. AMENDMENT TO CHARTER

4. NAME OF AGENCY OR OFFICIAL TO WHOM COMMITTEE REPORTS
Associate Administrator for Civil Aviation Security

5. NAME OF AGENCY PROVIDING COMMITTEE SUPPORT
Federal Aviation Administration

6. ESTIMATED DURATION OF COMMITTEE (IN YEARS)	7. CURRENT OR PROPOSED TERMINATION DATE	8. ESTIMATED NUMBER OF TOTAL MEETINGS	9. FREQUENCY OF MEETINGS (PER YEAR)
ongoing	ongoing	3-4 per year	quarterly

10. TYPE OF COMMITTEE
☐ A. AD HOC ☒ B. CONTINUING

11. PROVIDE A BRIEF STATEMENT COVERING THE COMMITTEE'S SCOPE AND OBJECTIVES OF ITS ACTIVITY.

The committee serves as an advisory body and develops recommendations on methods, equipment, and procedures to improve civil aviation security. The committee is a FAA-Government-aviation community venture dedicated to improving the efficiency and effectiveness of the present aviation security system.

12. DESCRIBE THE DUTIES AND RESPONSIBILITIES OF THE COMMITTEE AND INDICATE IF THE GROUP PERFORMS OTHER THAN ADVISORY FUNCTIONS.

The committee provides recommendations to the Administrator on important security issues. The committee serves as a valuable and efficient forum for detailed discussion and the productive exchange of views among members. The committee, composed of approximately 24 members, provides a balanced view representative of the broad range of aviation interests.

13. WHY IS THE COMMITTEE ESSENTIAL FOR THE CONDUCT OF AGENCY BUSINESS AND IN THE PUBLIC INTEREST?

The committee provides FAA with a unique opportunity to obtain outside-FAA concerns, interests, and opinions regarding to the future direction of the aviation security industry. The meetings are also useful for keeping the public informed on security issues that affect them.

14. EXPLAIN WHY THE ADVICE OR INFORMATION CANNOT BE OBTAINED FROM OTHER SOURCES.

Without this committee, neither FAA nor the Department of Transportation could efficiently obtain views and recommendations or information from outside sources for use in its endeavors to ensure the security of the civil aviation transportation system.

15. DESCRIBE THE AGENCY'S PLAN TO ATTAIN BALANCED MEMBERSHIP.

The committee, with approximately 27 members, is representative of the aviation community, industry, consumers, associations, and various Government agencies.

16. HAVE THE COMMITTEE AND SUBCOMMITTEE MEMBERS BEEN BRIEFED ON CURRENT ETHICS LAWS AND REGULATIONS?
☒ YES ☐ NO - EXPLAIN

Government and committee members have been briefed on current ethics law and regulations.

GENERAL SERVICES ADMINISTRATION GSA Form T-823-H (7-89)

APPENDIX 3. SAMPLE CONSULTATION ON FEDERAL ADVISORY COMMITTEE (Continued)

SECTION B - COMMITTEE COST

NOTE: Express costs in whole dollars, DO NOT use decimals, K, M, N/A, or leave blank. Indicate "0", if applicable.

DESCRIPTION		CURRENT FISCAL YEAR (Actual)	NEXT FISCAL YEAR (Estimate)
17. A. PERSONNEL PAYMENTS	(1) NON-FEDERAL MEMBERS	$ 0	$ 0
	(2) FEDERAL MEMBERS (Prorated salary)	25,000	24,000
	(3) FEDERAL STAFF (Prorated salary)	9,000	9,000
	(4) NON-MEMBER CONSULTANTS	0	
B. TRAVEL AND PER DIEM	(1) NON-FEDERAL MEMBERS	0	0
	(2) FEDERAL MEMBERS	0	
	(3) FEDERAL STAFF	0	0
	(4) NON-MEMBER CONSULTANTS	0	
C. OTHER	(rents, user charges, graphics, printing, mailing, etc.)	6,000	7,000
D. TOTALS		$40,000	$40,000

SECTION C - REMARKS/NARRATIVE RESPONSES

REMARKS - FOR ITEMS 11-16 (Please indicate item number)

SECTION D - CERTIFICATION

SPONSORING OFFICIAL OR DESIGNATED FEDERAL OFFICER TITLE: NAME:	SIGNATURE	DATE
COMMITTEE MANAGEMENT OFFICER TITLE: NAME:	SIGNATURE	DATE
OTHER CONCURRING AGENCY OFFICIAL TITLE: NAME:	SIGNATURE	DATE

GSA Form T-823-H BACK (7-89)

APPENDIX 4. SAMPLE NOTICE OF ESTABLISHMENT OF AN ADVISORY COMMITTEE FOR PUBLICATION IN THE FEDERAL REGISTER

Paragraph 36 contains guidance and the procedures for chartering an advisory committee and publishing a notice of establishment in the Federal Register.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Establishment

Notice is hereby given of the establishment of the Air Traffic Procedures Advisory Committee. The Administrator, Federal Aviation Administration, is the sponsor of of the Committee, which consists of 16 member organizations selected by FAA as most representative of the overall viewpoint of all aviation and airspace users. The Committee reviews present air traffic control procedures and practices and makes recommendations to the Administrator for the standardization, clarification, and upgrading of terminology and procedures. The functions of the Committee are solely advisory.

The Secretary of Transportation has determined that the information and use of the Air Traffic Procedures Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on FAA by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on August 16, 19--.

Executive Director
Air Traffic Procedures
Advisory Committee

APPENDIX 5. SAMPLE NOTICE OF PROPOSED MEETING OF AN ADVISORY COMMITTEE FOR PUBLICATION IN THE FEDERAL REGISTER

Paragraph 45 contains guidance and the procedures for announcing an advisory committee meeting.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Meeting

Pursuant to section l0(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee
to be held January14, l998, in Conference Rooms 7A-B, FOB-10A, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. The meetings starts at 9 a.m.

The agenda for this meeting is a continuation of the committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to space available. With the approval of the person, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact -------- --------, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-267-____.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on December 21, l9--.

Executive Director,
Air Traffic Procedures
Advisory Committee