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AUTHORITY: Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App.).

SOURCE: 39 FR 9433, Mar. 11, 1974, unless otherwise noted.

§ 1430.1 Scope and purpose.

(a) This part contains the Federal Mediation and Conciliation Service's regulations implementing section 8(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, (5 U.S.C. App.)), which requires each agency head to establish uniform guidelines and management controls for the advisory committees. These regulations supplement the Government-wide guidelines issued jointly by the Office of Management and Budget and the Department of Justice, and should be read in conjunction with them.

(b) The regulations provided under this part do not apply to statutorily created or established advisory committees of the Service, to the extent that such statutes have specific provisions different from those promulgated herein.

§ 1430.2 Definitions.

For the purposes of this part:

- (a) The term *Act* means the Federal Advisory Committee Act;
- (b) The term *advisory committee* means any committee, board, commission, counsel, conference, panel, task force, or other similar group, or any subgroup or subcommittee thereof which is:
 - (1) Established by statute or reorganization, plan, or
 - (2) Established or utilized by the President, or
 - (3) Established or utilized by one or more agencies or officers of the Federal Government in the interest of obtaining advice or recommendations for the President or one or more agencies of

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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.
- (c) The term *agency* has the same meaning as in 5 U.S.C. 552(1);
- (d) The term *committee management officer* means the Federal Mediation and Conciliation Service employee or his delegee, officially designated to perform the advisory committee management functions delineated in this part;
- (e) The term *Service* means the Federal Mediation and Conciliation Service;
- (f) The term *OMB* means the Office of Management and Budget;
- (g) The term *Director* means the Director of the Federal Mediation and Conciliation Service;
- (h) The term *secretariat* means the OMB Committee Management Secretariat.

§ 1430.3 Establishment of advisory committees.

(a) *Guidelines for establishing advisory committees.* The guidelines in establishing advisory committees are as follows:

- (1) No advisory committee shall be established if its functions are being or could be performed by an agency or an existing committee;
- (2) The purpose of the advisory committee shall be clearly defined;
- (3) The membership of the advisory committee shall be fairly balanced in terms of the points of view represented and the committee's functions;
- (4) There shall be appropriate safeguards to assure that an advisory committee's advice and recommendations will not be inappropriately influenced by any special interests; and
- (5) At least once a year, a report shall be prepared for each advisory committee, describing the committee's membership, functions, and actions.

(b) *Advisory committees established by the Service not pursuant to specific statutory authority.* (1) Advisory committees