

## Federal Mediation and Conciliation Service

## § 1430.3

- 1430.2 Definitions.
- 1430.3 Establishment of advisory committees.
- 1430.4 Filing of advisory committee charter.
- 1430.5 Termination of advisory committees.
- 1430.6 Renewal of advisory committees.
- 1430.7 Application of the Freedom of Information Act to advisory committee functions.
- 1430.8 Advisory committee meetings.
- 1430.9 Agency management of advisory committees.

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

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

## § 1430.4

established by the Service not pursuant to specific statutory authority may be created by the Director after consultation with the secretariat.

(2) When the Director determines that such an advisory committee needs to be established, he shall notify the secretariat of his determination and shall inform the secretariat of the nature and purpose of the committee, the reasons why the committee is needed, and the inability of any existing agency or committee to perform the committee's functions.

(3) After the secretariat has determined that establishment of such a committee is in conformance with the Act and has so informed the Director, the Director shall prepare a certification of the committee, stating the committee's nature and purpose, and that it is established in the public interest. That certification shall be published in the FEDERAL REGISTER.

(c) *Advisory committees created pursuant to Presidential directive.* Advisory committees established by Presidential directive are those created pursuant to Executive Order, executive memorandum, or reorganization plan. The Director shall create such committees in accordance with the provisions of the Presidential directive and shall follow the provisions of this part, to the extent they are not inconsistent with the directive.

(d) *Advisory committees created pursuant to specific statutory authority.* The Director shall create advisory committees established pursuant to specific statutory authority in accordance with the provisions of the statute and shall follow the provisions of this part, to the extent they are not inconsistent with the statute: *Provided, however,* That the Director need not utilize the procedures described in paragraph (b) of this section.

(e) *Advisory committees established by persons outside the Federal Government, but utilized by the Service to obtain advice or opinion.* In utilizing such committees, the Director shall follow the provisions of this part and the requirements of the Act. Such committees, to the extent they are utilized by the Service, shall be considered, for the purposes of this part, to be advisory committees established by the Service.

## 29 CFR Ch. XII (7-1-06 Edition)

### § 1430.4 Filing of advisory committee charter.

(a) *Filing charter with Director.* Before an advisory committee takes any action or conducts any business, a charter shall be filed with the Director, the standing committees of Congress with legislative jurisdiction over the Service, and the Library of Congress. Except for a committee in existence on the effective date of the Act, or when authorized by statute, Presidential directive, or by the secretariat, such charter shall be filed no earlier than 30 days after publication of the committee's certification in the FEDERAL REGISTER.

(b) *Charter information.* A charter shall contain the following information:

- (1) The committee's official designation;
- (2) The committee's objectives and scope of activity;
- (3) The period of time necessary for the committee to carry out its purposes;
- (4) The agency or official to whom the advisory committee reports;
- (5) The agency responsible for providing necessary support;
- (6) A description of the committee's duties;
- (7) The estimated number and frequency of committee meetings;
- (8) The estimated annual operating costs in dollars and man-years;
- (9) The committee's termination date, if less than two years; and
- (10) The date the charter is filed.

(c) *Preparation and filing of initial charter.* Responsibility for preparation of the initial committee charter shall be with the head of the appropriate program within the Service, in cooperation with the committee management officer. The Director of Administration shall have responsibility for assuring the appropriate filings of such charters.

### § 1430.5 Termination of advisory committees.

(a) All nonstatutory advisory committees including those authorized, but not specifically created by statute, shall terminate no later than 2 years after their charters have been filed, unless renewed as provided in § 1430.6.