

U.S. Department  
of Transportation

United States  
Coast Guard



Commandant  
United States Coast Guard

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COMDTINST 5420.37  
20 MAY 1994

COMMANDANT INSTRUCTION 5420.37

Subj: COMMITTEE MANAGEMENT POLICY AND PROCEDURES

Ref: (a) Advisory Committees; requirements for, COMDTINST  
5420.18 (series)

1. PURPOSE. This Instruction implements DOT Order 1120.3B (enclosure 1) and establishes policy, prescribes procedures, and assigns responsibility for the management of Coast Guard sponsored committees and Coast Guard participation in committees of other organizations.
2. ACTION. District commanders and chiefs of offices and special staff divisions at Headquarters shall ensure compliance with the provisions of this instruction.
3. DIRECTIVES AFFECTED. Headquarters Instruction 5420.1E is cancelled.
4. PROCEDURE.
  - a. The Chief, Office of Navigation Safety and Waterway Services shall:
    - (1) Serve as the Coast Guard Committee Management Officer and in that capacity develop and administer an effective committee management system and issue implementing directives to provide a systematic and effective review and evaluation of the activities and accomplishments of committees.

4. a. (2) Review for appropriateness of procedures, coordinate and serve as the Coast Guard contact point for all committee transactions which require Secretarial or Commandant approval, or which involve committees which must be reported to the Department and/or General Services Administration (GSA), Office of Management and Budget (OMB), and Department of Commerce (DOC).
  - (3) Maintain a committee record file to include such items as purpose, chairmanship, membership and sponsorship for those committees either sponsored by the Coast Guard or on which a Coast Guard member or employee participates.
  - (4) Promulgate, each October, a Headquarters Notice (5420 Series) providing an updated listing of committees on which Coast Guard Headquarters personnel serve in an official capacity.
  - b. District commanders, chiefs of offices and special staff divisions shall:
    - (1) Bring this Instruction to the attention of all personnel involved with committees.
    - (2) Approve all memberships and representation of Coast Guard members and employees on non-Coast Guard sponsored committees.
    - (3) Ensure that the Committee Management Officer is kept fully informed of all pertinent committee matters through clearance or copies of correspondence, including all changes of membership. It is essential that all committee transactions which require approval of the Department be handled through the Coast Guard Committee Management Officer for continuity and correctness of current procedures.
5. DISCUSSION.
- a. Enclosure (1) establishes policy and procedures for the sound management of committees throughout the Department of Transportation (DOT). Enclosure (1) addresses both "advisory" committees under the Federal Advisory Committee Act (FACA), 5 U.S.C. App., and committees that do not fall within the provisions of FACA. Specific Coast Guard policy for the management of advisory committees under FACA is contained in reference (a). Specific Coast Guard policy for the management of committees that do not fall within the provisions of FACA are contained in this instruction. This instruction does not apply to membership by Coast Guard employees in private associations or committees that have official relationship or nexus to the Coast Guard.

5. b. It is generally contrary to current policy for Coast Guard personnel to participate in the management or control of private associations or non-government committees or groups, in which the membership of other individuals is for the purpose of representing entities which may incidentally have, or are seeking to obtain, contractual or other business or financial relationships with the Department or which conduct activities which are regulated by the Department. Coast Guard members shall not assume positions of leadership in non-Government committees or associations unless prior authorization is obtained from the Committee Management Officer after consultation with the Chief Counsel.
- c. While effective participation in non-Government committees may be necessary at times, Coast Guard members must avoid any real or apparent conflict of interest in connection with such participation. For example, they must not directly or indirectly commit the Government to a course of action not approved or not in the public interest; espouse any cause which might prove detrimental or embarrassing to the Government; permit their names to be associated with documents or reports, the distribution of which could be discrediting to the Government or Coast Guard; or, under any circumstance, receive compensation from a non-Government committee for work performed.
- d. Representation on non-Government committees will normally be limited to one member or representative and one alternate. However, all staff elements with a major interest should be represented. When more than one Coast Guard representative participates on a committee, they shall develop a single coordinated position for presentation to the committee. Members are responsible for keeping all other Coast Guard and DOT elements having an interest in the committee's work fully advised of its activities and for ensuring that appropriate and adequate coordination takes place in the development of any position or comments presented to the committee.
- e. Official participation of any Coast Guard member or employee on any non-Coast Guard sponsored committee shall be justified in a memo submitted via the chain of command to the approving official. The justification shall include a statement explaining why participation is in the interests of the Government and explaining the nature of the participation. Participation shall be approved by the appropriate district commander, or office or special staff division chief. In approving a request, the extent of the representative's authority to represent the Coast Guard shall be clearly defined. In

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5. e. participation in an observer or in a liaison capacity,  
particularly for non-Government committees.
6. FORMS AVAILABILITY. All forms referenced in this Instruction  
and Enclosure (1) may be obtained from the Coast Guard  
Committee Management Office.

/s/ KENT H. WILLIAMS  
Chief of Staff

Encl: (1) DOT ORDER 1120.3B dated 23 September 1993

**ORDER**

DOT 1120.3B  
9-23-93

Subject: COMMITTEE MANAGEMENT POLICY AND PROCEDURES

1. PURPOSE. This Order establishes policy, prescribes procedures and assigns responsibility for the sound management of:
  - a. Department of Transportation (DOT) sponsored committees.
  - b. Participation of DOT employees in committees of other organizations.
2. CANCELLATION. DOT 1120.3A, Committee Management Policy and Procedures, dated 3-1-76.
3. REFERENCES.
  - a. P.L. 92-463 (5 U.S.C. App.), Federal Advisory Committee Act (FACA) (the Act) of 10-6-72, authorizes the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government.
  - b. Executive Order 12024, 12-1-77, transfers advisory committee functions from the Office of Management and Budget (OMB) to the General Services Administration (GSA) and directs executive agencies to take appropriate action to assure their ability to comply with the provisions of the Act.
  - c. DOT 1500.6A, DOT Travel Manual, 1-2-85, establishes regulations covering civilian employee travel.
  - d. OMB Circular A-120, Guidelines for the Use of Advisory and Assistance Services, 1-4-88, mandates controls for the management and reporting of advisory and assistance services obtained from individuals and organizations.
  - e. 41 CFR Part 101-6.10, Federal Advisory Committee Management, provides management controls and administrative guidelines to executive agencies in implementing FACA.
  - f. P.L. 101-194 (18 U.S.C. 208), Ethics Reform Act, 11-30-89.
  - g. DOT 1100.60A, DOT Organization Manual, 11-14-88, provides the basic organization structure, concepts, missions, assignments of responsibility, and delegations of authority within the Department.

DISTRIBUTION: All Secretarial Offices  
All Operating Administrations  
Bureau of Transportation Statistics

OPI: Executive  
Secretariat

DOT 1120.3B  
9-23-93

- h. P.L. 89-554 (5 U.S.C. 552) Freedom of Information Act, 9-6-66, as amended.
- i. 49 CFR Part 95, Advisory Committees, governs the formation and use of advisory committees by the Department.
- j. Executive Order 12838, 2-10-93, directs agencies to review advisory committees and reduce nonstatutory committees by one third.

FOR THE SECRETARY OF TRANSPORTATION:

/s/ Jon H. Seymour  
Assistant Secretary  
for Administration

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CHAPTER I

GENERAL

1. BACKGROUND. A committee is a formally constituted group of individuals with collective responsibility to consider, investigate, study, advise, or make recommendations through their chairperson to a designated Federal official. The proper use of committees can provide benefits obtainable only through group deliberations and from a variety of opinions. Improper use can waste resources, delay action, result in undesirable compromise, and operate to the detriment of management's decision-making process.
2. 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 a substitute for effective and decisive management or staff actions;
  - c. eliminate duplication, overlap, or fragmentation of committee purposes and efforts 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; and
  - f. terminate promptly any committee whose purpose has been fulfilled.
3. 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 decision-making process.
  - b. Committees shall be used only in an advisory capacity to management, or 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, liaisons, 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 people and avoid the appearance of discrimination because of race, religion, sex, national origin, disability, or age.
4. EXCLUSIONS. This order is not applicable to the following:

- a. any committee, council, board, or commission which is established to render advice to state or local officials or agencies;

NOTE: Paragraph 3 of Chapter III, Non-DOT Sponsored Committees, is applicable to DOT employees who participate officially in a group as outlined in preceding paragraph 4a.

- b. any charitable, religious, educational, civic, social welfare, or similar nonprofit organization; or
- 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;

NOTE: Paragraph 8h of this chapter, Responsibilities of Membership, is applicable to DOT employees who participate in a group as outlined in preceding paragraph 4c.

- d. any board, council, or panel which is part of the formal line or staff structure of the Department as published in the DOT Organization Manual and/or which is staffed entirely within a single DOT administration or bureau for the routine conduct of day-to-day business (e.g., Contract Appeals Board); or is established in accordance with regulations of other Government agencies (e.g., Federal Executive Boards, Regional Councils); and
- e. any DOT 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.

NOTE: See 41 CFR Part 101-6, GSA Final Rule on Federal Advisory Committee Management, Paragraph 1004, for further discussion of meetings or groups not covered by the Federal Advisory Committee Act.

5. CATEGORIES OF COMMITTEES.

- a. Advisory Committee. Any committee, board, commission, council, conference, panel, task force, or similar group, or any subcommittee or other subgroup thereof, which is established by statute or established or utilized by the President or any agency official for the purpose of obtaining advice or recommendations on issues or policies which are within the scope of his or her responsibilities, and has at least one member who is not a full-time officer or employee of the Federal Government.
- b. Departmental Committee. A formally established committee that is composed solely of DOT employees. Members may come from one secretarial office, operating administration (OA), or the Bureau of Transportation Statistics (BTS), or from any combination of these organizations.
- c. Interagency Committee. One formed by an agency of the Government and composed wholly of employees from more than one agency.
- d. International Committee. One having 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.
- e. Non-Government Committee. One sponsored by any organization not part of the Federal Government.

6. CATEGORIES OF INDIVIDUALS.

- a. Approving Official. The DOT official having authority to approve committee actions and make recommendations to the Secretary concerning establishment, modification, renewal, or termination and appointment of members.
- b. Alternate. An individual who is officially authorized to act for a committee member in his or her absence.
- c. Chairperson. The presiding officer of the committee who guides all efforts in completing assigned tasks.
- d. Committee Management Officer (CMO). The designated official who is responsible for committee management within the organization. The CMO who is responsible for committee management for the Department will be referred

to in this Order as the DOT CMO. Committee management officers for secretarial offices, OAs, and BTS will be referred to as S-50 CMO, FHWA CMO, BTS CMO etc.

- e. Sponsor. The individual designated by the approving official to be responsible for the committee and the maintenance of committee records.
  - f. Consultant. An individual who serves as an advisor, giving views or opinions on specific problems or programs, but who neither performs nor supervises agency operating functions and is not a Federal employee.
  - g. Designated Federal Official (DFO) or Executive Director. The DOT official providing staff support to an advisory committee. The DFO must call and attend meetings, approve agendas, adjourn meetings when it is the public interest, serve as chairperson when directed by the committee sponsor, and otherwise monitor the committee's meetings and progress.
  - h. Ex Officio Member. An individual whose membership is designated by position or title rather than by name and who serves only while an incumbent of such a position.
  - i. Facilitator. An individual from within or outside the Federal Government who acts as chairperson and impartial mediator to assist in reconciling opposing interests and viewpoints among committee members.
  - j. Liaison Officer or Office. The individual or DOT organization designated to act as the departmental coordinator or contact for non-DOT committees, organizations, or groups that wish to exchange information or coordinate staff actions.
  - k. Member. The duly appointed individual or representative of an organization who attends and participates in committee meetings and may, within prescribed limits, represent an organization. Membership may or may not include voting privileges.
7. RESPONSIBILITIES AND AUTHORITIES.
- 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; and
  - (b) advisory and interagency committees sponsored by DOT.
- (2) approve the designation of:
- (a) membership for agency established advisory committees (procedures are outlined in Chapter II, paragraph 10);
  - (b) DOT representatives on advisory committees sponsored by other agencies;
  - (c) membership for departmental committees concerned with policy matters;
  - (d) DOT representatives to interagency committees sponsored by other agencies established at the secretarial level when these representatives act on behalf of the Secretary; and
  - (e) departmental representatives on international committees.
- (3) execute all interagency agreements for establishment of interagency committees on a secretarial level.
- b. Secretarial Officers, Heads of OAs, and the Director, BTS within their functional areas of responsibility shall:
- (1) recommend for Secretary's consideration the establishment, modification, extension, or termination of:
    - (a) departmental committees concerned with policy matters; and
    - (b) advisory and interagency committees sponsored by DOT.
  - (2) designate for Secretary's consideration:
    - (a) membership for advisory committees sponsored by DOT, except where statute or charter specifies otherwise;
    - (b) DOT representatives on advisory committees sponsored by other agencies;

- (c) membership for departmental committees concerned with policy matters;
  - (d) DOT representatives to interagency committees sponsored by other agencies established at the secretarial level when these representatives act on behalf of the Secretary; and
  - (e) DOT representatives to international committees.
- (3) designate CMOs for their office, administration, or bureau; and
- (4) conduct management reviews of committee activity within their office, administration, or bureau.
- c. Secretarial Officers, Heads of OAs, and the Director, BTS, within their functional areas of responsibility may:
- (1) establish, modify, extend, or terminate departmental committees involving non-policy matters and request membership from other secretarial offices, OAs, or BTS;
  - (2) establish, modify, extend, or terminate committees sponsored by their headquarters and field organizations; and
  - (3) appoint their representatives to committees sponsored by other DOT offices, OAs, or BTS, to interagency committees sponsored by other agencies which are established below the secretarial level, and to non-Government committees.
- d. The Assistant Secretary for Aviation and International Policy or his or her designee shall coordinate with the Department of State the designation of DOT representatives to international committees and make a recommendation to the Secretary for approval.
- e. The General Counsel or his or her designee shall:
- (1) advise on possible conflicts of interest;
  - (2) review statements of employment and financial interests submitted by advisory committee members and candidates; and
  - (3) provide liaison with the Department of Justice on the application of statutes, regulations, and executive orders affecting committees and their members.

f. The DOT CMO shall:

- (1) administer the provisions of this Order and when required, amend the implementing procedures, standards, and guidelines for effective committee management by revision;
- (2) conduct management reviews of all DOT committee activity to ensure compliance with this Order and conduct annual reviews of departmental advisory committees;
- (3) prepare for GSA an annual report and annual comprehensive review of all DOT advisory committees;
- (4) review committee action documents which require secretarial approval;
- (5) file committee charters and renewal documents with appropriate oversight agencies and the Congress;
- (6) maintain the central DOT committee management files;
- (7) advise on the methods and procedures required for the establishment of advisory committees and the maintenance of documentation, as required by law;
- (8) give guidance to agency CMOs on compliance with the requirements of FACA and its implementing regulations and on the Privacy Act, the Freedom of Information Act (FOIA), and Ethics Reform Act as they pertain to advisory committees;
- (9) coordinate departmental responses to requests from Members of Congress, Government agencies, and the general public for information on DOT committees; and
- (10) maintain liaison with oversight agencies.

g. Secretarial Office, OA, and BTS CMOs shall:

- (1) ensure compliance with the requirements of this Order and those prescribed by the DOT CMO;
- (2) develop any supplementary procedures which may be necessary for effective committee management within their office, administration, or bureau;
- (3) advise committee sponsors and review committee action documents before transmittal to approving authorities;

- (4) coordinate activities closely with the DOT CMO; and
- (5) maintain basic committee record files as required by law and develop reports as required by the DOT CMO.

8. ESTABLISHING AND OPERATING GUIDELINES.

- a. A committee shall be established only when it is essential to the conduct of agency business. Proposed committees shall be carefully evaluated to ensure that they will not:
  - (1) make operational, administrative, or management decisions;
  - (2) perform functions, duties, or responsibilities which can best be achieved by existing or proposed organizational structures or relationships;
  - (3) shift responsibility for action, nonaction, or delay;
  - (4) consider matters outside their area of competence or responsibility; or
  - (5) perform functions that are the responsibility of, or can be assigned to, an organizational unit or existing committee.
- b. Budget. The sponsoring organization shall, prior to establishment and throughout their duration, ensure that funds are available to cover the costs of committees and that they do not exceed established budget limitations.
- c. Security. In the event the activities of a committee involve access to or the development of classified data, the approving official shall ensure compliance with security measures prescribed by DOT 1640.4C, Classification, Declassification, and Control of National Security Information of 11-22-83, or any successor directive and that all members are cleared at the appropriate level.
- d. Documentation. A committee is not formally established until it has been documented. Documentation of advisory committees is discussed on Page II-5, paragraph 8. Documentation for departmental and interagency committees is discussed in Chapter III.

e. Committee Titles.

- (1) Except as provided by paragraphs (2) and (4) below, committees shall be designated as "committees" and their subordinate units shall be designated as "subcommittees."
- (2) The temporary status of ad hoc committees should be indicated in their titles by the use of such terms as "conference," "task force," "team," "group," or "panel." Ad hoc committees having membership not wholly composed of Federal Government members shall be considered advisory committees and shall use the term "advisory" in their titles.
- (3) The term "advisory" in titles shall be restricted to use for committees whose membership includes one or more members who are not full-time officers or employees of the Federal Government.
- (4) The terms "commission," "council," and "board" shall be reserved for committees established by legislation or executive order or for formally established organizations within the Department.
- (5) For convenience in record-keeping, reporting, and identification, it is desirable that the key word be the first word in the name (e.g., Towing Safety Advisory Committee, not National Advisory Committee on Towing Safety, and Commercial Space Transportation Committee, not DOT Committee on Commercial Space Transportation). The name of a departmental committee may include the identification of its sponsoring organization (e.g., FRA Safety Committee).

f. Committee Officers. Each committee shall have a chairperson. Other officers may be required, depending on the size and type of committee, the frequency of its meetings, and the nature of its assignments. Dual, joint, or rotating chairs should be avoided.

g. Membership.

- (1) A committee shall be large enough to promote deliberations, but shall include only the number necessary to ensure the breadth and balance of expertise required to accomplish its mission.

- (2) Membership shall include and be limited to those secretarial offices, OAs, or bureaus within DOT and other departments, agencies, and individuals having a substantial interest in or substantially affected by the major mission of the committee.
- (3) Representatives of offices within DOT or other departments or agencies 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 offices, departments, or agencies.
- (4) In some cases, it may be preferable to designate members by organizational title (ex officio) or by affiliation rather than by name which permits continuing organizational membership despite personnel changes.
- (5) Membership on committees shall be open to all people otherwise qualified regardless of race, religion, sex, national origin, age, or disability.
- (6) Members of advisory committees shall serve until replacements have been appointed, except where statute specifies otherwise.

h. Member Responsibilities.

- (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, when appropriate, recommend to the establishing authority changes in purpose or scope, withdrawal of membership, or termination of the committee.
- (2) When a member is presumed to speak or represent the Department, or when designated to do so, he or she shall obtain DOT coordination, review, and approval from the appropriate officials to ensure that such representation accurately reflects the official position of the Department.
- (3) If the committee charter provides for alternates, the member shall ensure attendance of his or her alternate at committee meetings when the member cannot be present.

9. RECORDS.

- a. The committee sponsor is responsible for the maintenance of committee records. Such records shall include establishing documents, official correspondence, membership information, agendas, minutes of meetings, invitations, studies, analyses, compilations of data or working papers, and a record of time served by special employees (experts, consultants, and non-Federal staff). These records shall be available in a single location for on-site review by the DOT CMO.
- b. The DOT CMO shall maintain copies of establishing and renewal documents for all DOT advisory committees as well as membership lists, advisory committee reports, data used by the DOT CMO to prepare reports to oversight agencies, and copies of all advisory committee documents requiring the Secretary's approval.
- c. Other CMOs shall maintain copies of all establishing and renewal documents, reports, and membership data for committees sponsored by their organization, copies of all information submitted for DOT's annual report and review, and a record of employees who participate in non-DOT sponsored committees.

CHAPTER II

ADVISORY COMMITTEES

1. BACKGROUND. 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. FACA and 41 CFR Part 101-6, Federal Advisory Committee Management, prescribe standards for departments and agencies to follow in establishing and using advisory committees. 49 CFR, Part 95, implements the Act and the Regulation within DOT.
2. DEFINITIONS. FACA 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) established by statute, executive order, or agency head which may issue reports or recommendations in its own name, has members not common to an existing committee, reports to a Federal official, and has non-Federal members is an advisory committee.
  - b. Any group existing outside the Federal Government and not established by a Federal Government entity but which is used by a Federal entity as a preferred source of advice and which is closely tied to the Federal entity through such managerial controls as funding, setting agendas, or selection of members is an advisory committee.
3. POLICY.
  - a. DOT shall not establish or utilize an advisory committee unless directed or authorized by statute, executive order, Presidential direction, or secretarial action.
  - b. An advisory committee shall not be considered formally established until:
    - (1) a draft charter has been submitted to the Secretary for approval;

- (2) it has been determined in writing by the Secretary that there is a compelling need for the committee, and it is in the public interest, except in cases where a committee is directed by statute or established by executive order;
  - (3) GSA and OMB 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; and
  - (5) the charter has been filed with the appropriate congressional committees and the Library of Congress.
- c. If it is desirable to establish a committee by legislation, executive order, or Presidential direction, the Secretary must transmit a recommendation to the appropriate officials. Modification to such a committee will follow the same procedure.
4. ESTABLISHING PROCEDURES.
- a. The Sponsor shall:
- (1) request establishment of a committee only after determining it is justified by considering whether:
    - (a) it is essential to the conduct of agency business;
    - (b) it is in the public interest;
    - (c) it is the most effective, expeditious, and economical means of accomplishing the objective; and
    - (d) the objective could be accomplished by an existing entity within the Department, an existing committee, hiring an employee or consultant, or awarding a study contract;
  - (2) draft the charter with advice of the CMO and Chief Counsel; and
  - (3) forward the draft charter, a proposed membership list, and if GSA/OMB consultation is required, a completed GSA Form T-823-H, "Consultation on Federal Advisory Committees," to the approving official. See Attachment 1 for sample form.

b. The approving official shall forward through the CMO to the DOT CMO the draft charter, membership list, and a justification memorandum to the Secretary. If a GSA/OMB consultation is required, the official shall also forward GSA Form T-823-H and a letter of justification from the Secretary to the Director of OMB. The justifications shall contain:

- (1) a statement that there is a compelling need for the committee, and it is in the public interest;
- (2) an explanation as to why the functions cannot be performed within the Department or by an existing committee;
- (3) the plan to attain balanced membership;

NOTE: FACA requires the membership of an advisory committee to be "fairly balanced in terms of points of view represented and 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.

- (4) other information which the sponsor and approving official wish to convey to the Secretary or the Director of OMB concerning the committee; and
- (5) request for approval.

c. The DOT CMO shall:

- (1) coordinate the draft charter, membership list, and justification memorandum among appropriate officials for concurrence or comments. The General Counsel shall review the applicability of ethics statutes and regulations;
- (2) forward to the Secretary:
  - (a) the draft charter, membership list, and justification memorandum with concurrences, nonconcurrences, and the CMO's evaluation and recommendations;
  - (b) consultation letter to OMB if required; and

- (3) forward to GSA and OMB the draft charter and if required, the signed consultation letter and GSA Form T-823-H.

NOTE: In the event the Secretary does not approve the draft, or if adjustments have to be made as a result of the coordination, the DOT CMO shall return it to the requesting official through the CMO for revision and resubmission.

- d. Publication of Notice of Establishment. GSA shall notify the DOT CMO verbally and in writing when consultation has been completed. The DOT CMO will notify the approving official and sponsor through the appropriate CMO that notice of establishment may be published in the Federal Register.

A notice in the Federal Register is required when an advisory committee is established, used, re-established, or renewed, except a committee specifically directed by law or established by the President by executive order.

- e. Filing of Charter.

- (1) Fifteen days following publication of the notice of establishment, the DOT CMO shall forward the charter to the appropriate congressional committees and the Library of Congress.
- (2) In the case of committees directed by statute or established by executive order, the filing letters may be sent as soon as the Secretary approves the charter. No GSA/OMB consultation or Federal Register notice is required.
- (3) The DOT CMO shall furnish to GSA and to the originating sponsor a copy of the charter with the filing date entered. The DOT CMO shall also furnish the sponsor a copy of the signed secretarial approval memorandum and letter to OMB.

- f. Effective Date of the Charter. The date the charter is filed with the appropriate congressional committees and the Library of Congress shall be the effective date of the charter.

5. RENEWAL. A charter to renew an advisory committee shall be processed in the same manner as a charter for establishment, except that the draft charter for renewal shall be received in the office of the DOT CMO at least 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. It may be published concurrently with the filing of the charter.

6. RE-ESTABLISHMENT. 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 Re-establishment in the Federal Register.
7. TERMINATION AND DURATION.
  - a. An advisory committee shall be terminated as soon as it has completed its assigned task. When the sponsor determines that a committee is no longer serving the purpose for which it was established, recommendation for termination shall be made to the Secretary. If the Secretary approves such action, notice of termination shall be made to the members and others having an interest in the committee, and the DOT CMO shall notify GSA in writing. The sponsor or approving official is responsible for initiating the above actions. 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 two years from the date of filing unless the Secretary determines in writing prior to the end of the two-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 two-year period, it may be referred to as a "continuing" committee.
  - c. Even though an advisory committee has a predetermined termination date, it must renew its charter at the end of each two-year period if the duration extends beyond a two-year period.
8. DOCUMENTATION. The establishing charter for an advisory committee shall contain the following:
  - a. Official Designation. See page I-9, paragraph 8e.
  - b. Objectives and Scope of Activities. Describe expected goals and parameters of the committee's mission.
  - c. Duration. If there is a predetermined termination date or period of time for the life of the committee, the date should be stated. If not, the duration may be described as "continuing." For a statutory committee, such description shall cite the establishing law.
  - d. Official to Whom the Committee Reports. Can be a sponsoring official, head of an OA, or the Secretary.

- e. Sponsor and Office Providing Support Services. Must include any planned contractual support.
- f. Duties. Describe particular functions the committee is expected to perform.
- g. Estimated Number and Frequency of Meetings. Fiscal year estimate for a continuing committee or total number of estimated meetings for an ad hoc committee.
- 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. 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 will 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. Subcommittees shall comply with page II-10, paragraph 14.
- k. 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, printing, supplies, and cost of commercially rented space. Staff-years define the time spent by staff members on committee work.
- l. Compensation for Members. Include any compensation, travel, or per diem allowances.
- m. Date Charter is Filed. DOT CMO will insert date.

NOTE: The charter may also include items required by the sponsoring OA or approving official. See Attachment 2 for sample charter.

9. MODIFICATION OF CHARTERS.

- a. When it is necessary to modify an existing charter, the procedure shall follow that for establishing documents. Slight modifications may be made by amendment to the existing charter; but extensive, substantive changes require a new charter.
- b. Charters for committees established by legislation, executive order, or Presidential direction may be modified by the above procedure, except for those items specified in legislation, executive order, or direction. If it is desirable to modify or replace such items, it must be done by the establishing authority on recommendation of the Secretary.

10. 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 SGEs. 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 or her 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. The sponsoring office shall comply with all Federal requirements for appointing SGEs. All such nominations shall be reviewed by the Designated Agency Ethics Official (DAEO) or Office of Chief Counsel in the sponsoring OA. Sponsors should contact their DAEO or Office of Chief Counsel for additional guidance. After reviewing the required SGE financial disclosure report and consulting with the DAEO or appropriate chief counsel, the employing official may waive the

restrictions of Section 208, 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 Ethics Reform Act of 1989, 18 U.S.C. 208.

11. APPOINTMENT OF MEMBERS.

- a. The Secretary shall appoint all advisory committee members unless otherwise specified in the committee charter.
- b. To obtain the Secretary's approval of candidates, the administrator, director, or secretarial officer shall forward a memorandum to the Secretary of least three months prior to the desired appointment date which will include for each individual:
  - (1) An Advisory Committee Candidate Biographical Information Request Form, DOT F 1120.1 (Attachment 3).
  - (2) An appointment letter to be signed by the Secretary which states:
    - (a) the particular interest or party the individual is representing and the individual's qualifications to represent that interest; or
    - (b) that the individual is being appointed as a SGE and is subject to Federal conflict of interest laws, agency standard of conduct regulations, and financial disclosure requirements.
  - (3) An accompanying memorandum which briefly identifies each person's expertise and explains whether that person is a reappointment or a new appointment and the name of the member being replaced.
  - (4) A notation in the memorandum that all financial disclosure forms for SGEs have been received and reviewed by the appropriate DAEO or chief counsel. The form must be refiled when a candidate is reappointed.
  - (5) Any waiver issued by the employing official for an SGE.
  - (6) 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.

- c. The Secretary shall review the recommended appointments and approve or disapprove the recommendations. The DOT CMO shall notify the administrator, director, or secretarial officer accordingly.
12. CONTRACT/CONSULTANT FEES.  
Engaging a contractor to provide administrative support for an advisory committee is discouraged because of the cost and potential for conflict of interest. If a sponsor plans to use contract support, the proposed contract must be indicated in the committee charter under "Support Services," and a cost estimate must be included in the "Cost" section. This provision shall not preclude the use of a facilitator.
13. ADMINISTRATIVE SUPPORT FOR PRESIDENTIAL BOARDS/COMMISSIONS.  
When a public law or an executive order specifies that the Department shall provide administrative support services for a Presidential board or commission, the office designated to provide such support shall ensure that appropriate Departmental personnel and payroll policies and procedures are followed.
14. 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.  
To limit costs, meetings shall be held in Washington, D.C. If it is more cost effective or convenient to hold a meeting elsewhere, or if a site visit is planned, the sponsor must submit a written request to the DOT CMO and receive authorization before proceeding to plan such a meeting.
  - b. Closed Meetings. To close a meeting or portion of a meeting to the public, a request must 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 request must be consistent with the provisions of FOIA.  
The determination by the Secretary shall be in writing and shall be made available to the public on request. The 30-day prior notice requirement for the request to the Secretary may be waived in matters of national security, safety, or counterterrorism. The agenda approved by the DFO shall indicate if any part of the meeting will be closed to the public within the exemptions of FOIA.

- c. Reporting of Closed Meetings. An advisory committee which has held closed or partially closed meetings shall issue a report annually summarizing its activities consistent with the policies of FOIA. Notice of availability of this report shall be published in the Federal Register not later than 60 days after its completion.
- d. Designated Federal Official. Each meeting shall be chaired by, or conducted in the presence of, the DFO a DOT official who sets the agenda, has the authority to adjourn a meeting, and shall be required to do so whenever he or she considers it to be in the public interest. The executive director or sponsor may function as the DFO.
- 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. 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.
- (1) 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 CMO. Shorter notice may be given in exceptional circumstances which must be explained in the notice.
  - (2) The Administrator of GSA may determine that a meeting notice should not be published for reasons of national security. Any advisory committee which seeks such a determination shall do so by submitting a statement of reasons for the request to the Administrator through the DOT CMO at least 45 days prior to the scheduled meeting date unless national safety or security matters require shorter notice.
- f. Arrangements for Meetings. The sponsor shall ensure that:
- (1) meetings are held at a reasonable time and place;
  - (2) the meeting room, the resources, and facilities are sufficient to accommodate those who could reasonably be expected to attend;
  - (3) members of the public are allowed to file written statements; and
  - (4) 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. Minutes shall include: (1) the time, date, and place of the meeting; (2) a list of all attendees including members, staff, and public observers; (3) a summary of matters discussed and conclusions reached; (4) copies of reports received, issued, or approved by the committee; and (5) a description of public participation, including oral or written statements. The chairperson shall certify as to the accuracy of the minutes. In some cases it may be desirable to hire a court reporter to ensure a verbatim record of the proceedings.

15. REPORTS.

- a. The Annual Report of the President on Federal Advisory Committees is due at GSA at the end of each fiscal year. Individual reports from sponsors are due in the office of the DOT CMO two weeks prior to the GSA due date. Current reporting forms and instructions will be distributed by the DOT CMO approximately two months prior to GSA's due date or as soon as they are received from GSA.
- b. The Annual Report on Closed Meetings is discussed in paragraph 14(c) of this chapter.
- 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 when appropriate, background papers prepared by consultants. Copies of each report shall be sent to the DOT CMO who shall submit the required reports to the Library of Congress.
- d. Follow-up Reports for Presidential Advisory Committees. Within one year after a Presidential advisory committee sponsored by DOT has submitted a public report to the President, the sponsoring office must prepare a follow-up report to Congress detailing the disposition of the committee's recommendations. The report must be transmitted by letter signed by the Secretary addressed to the President of the Senate and the Speaker of the House. The report will be printed in the Congressional Record. A copy of the report and transmittal letters shall be furnished to the DOT CMO.

16. PROHIBITED DATA. Unless prior concurrence is given by the General Counsel, advisory committees shall not receive, compile, or discuss data or reports concerning matters which would be covered by exemption four or six of FOIA which deal, respectively, with records that are trade secrets and commercial or financial information and records, the release of which would constitute a clearly unwarranted invasion of personal privacy. Further, no personal information shall be received, compiled, or discussed unless done so in compliance with the Privacy Act and the Department's regulations found in 49 CFR Part 10.
17. 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 General Counsel.
18. FORMS AVAILABILITY. All forms referenced in this Order may be obtained from the DOT CMO.
19. IMPLEMENTATION. Where appropriate, secretarial offices, operating administrations, and BTS shall develop supplemental guidance required to implement this Order and provide a copy of that guidance to the DOT CMO within six months of the date of this Order.

CHAPTER III

DEPARTMENTAL, INTERAGENCY,  
AND NON-DOT SPONSORED COMMITTEES

1. DEPARTMENTAL COMMITTEES. Departmental committees are used for matters almost exclusively within the responsibility of DOT and are composed solely of DOT employees. Information contained in Chapter I applies generally to departmental committees. Particular attention should be given to paragraphs 3c, 5b, 7, 8a, and 9.
  - a. Documentation. The establishment of departmental shall be documented by the sponsoring office, bureau, or administration. The format for the document may follow that for advisory committee charters insofar as appropriate. The format for advisory committee charters is discussed on page II-5.
    - (1) Establishing documents which require secretarial action (Page I-4, paragraph 7a) shall be transmitted by an action memorandum from the approving official to the Secretary through the DOT CMO. The memorandum shall include a short background, a statement as to the desirability or necessity for the proposed committee, and approval lines. After approval or disapproval, the document will be returned to the sponsor.
    - (2) The date of the approved documentation shall be considered as the committee's effective date unless it is otherwise specified in the document.
    - (3) Documents which do not require secretarial action may be printed and distributed without going through the DOT CMO.
  - b. Duration. As long as the establishing document is appropriate and the committee continues to serve the purpose for which it was established, renewal at regular intervals is not necessary.
  - c. Termination. A committee is to be terminated when it no longer serves a useful purpose. When secretarial approval is required to terminate a committee, it shall be requested by memorandum and follow the establishment procedure outlined above. When secretarial approval is not required, the committee shall be terminated by the approving authority. If the committee was established by a DOT directive, a DOT Notice of Cancellation should be issued.

2. DOT SPONSORED INTERAGENCY COMMITTEES. Information contained in Chapter I applies generally to DOT sponsored interagency committees. The following is also pertinent:
  - a. Documentation. Procedures for documenting, processing, and terminating DOT sponsored interagency committees shall follow those outlined in paragraph 1a (1) of this chapter. In addition to the establishing document, the memorandum to the Secretary shall also transmit a copy of the inter-agency agreement which preceded establishment of the committee and a proposed membership list.
  - b. Meetings. An agenda shall be formulated or approved by the committee chairperson prior to each meeting, and minutes shall be kept and their accuracy certified by the chairperson or senior departmental member present. The approving official may waive all or part of these requirements when he or she determines 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.
  - c. Financing.
    - (1) The agency which chairs an interagency committee is usually responsible for full support of the committee's activities; e.g., staff, funds, and space. If this is not feasible, funds to support the committee should be requested from OMB in the next budget.
    - (2) If the need is compelling and urgent and neither of the above alternatives is 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.
3. NON-DOT SPONSORED COMMITTEES.
  - a. General. DOT 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 only after a determination has been made 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 DOT, as well as the responsibilities involved in doing so, must be clearly defined in writing by the approving official.

- b. Representation Limitations. DOT representation on non-DOT committees normally will be limited to one member and one alternate. In the event more than one DOT administration participates in a non-DOT activity, the DOT CMO will designate the lead organization which will coordinate with the various participants to ensure a single DOT position and avoid unnecessary duplication.
- c. Attendance, per diem, and travel costs must be justified fully and separately, and the availability of funds verified.
- d. Dissemination or release of DOT information or reports must follow DOT policy and procedures.
- e. 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 management.
- f. Participation in Non-Government Committees.
  - (1) Approving officials shall ensure that DOT 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) DOT 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 interests of the Government.
  - (3) While participation in non-Government committees may be necessary, DOT employees must avoid any real or apparent conflict of interest in connection with such participation. They must not directly or indirectly commit the Government to a course of action which is not in the public interest; espouse

any cause which might be detrimental or embarrassing to the Government; permit their names to be associated with documents or reports, the distribution of which would be potentially embarrassing; nor, under any circumstances receive pay from a non-Government committee for work performed or contributions made to it in connection with its activities.

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				
3. COMMITTEE STATUS				
<input type="checkbox"/> A. ESTABLISHMENT	<input type="checkbox"/> B. REESTABLISHMENT	<input type="checkbox"/> C. RENEWAL	<input type="checkbox"/> D. AMENDMENT TO CHARTER	
4. NAME OF AGENCY OR OFFICIAL TO WHOM COMMITTEE REPORTS		5. NAME OF AGENCY PROVIDING COMMITTEE SUPPORT		
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)	
10. TYPE OF COMMITTEE:				
<input type="checkbox"/> A. AD HOC		<input type="checkbox"/> B. CONTINUING		
11. PROVIDE A BRIEF STATEMENT COVERING THE COMMITTEE'S SCOPE AND OBJECTIVES OF ITS ACTIVITY.				
12. DESCRIBE THE DUTIES AND RESPONSIBILITIES OF THE COMMITTEE AND INDICATE IF THE GROUP PERFORMS OTHER THAN ADVISORY FUNCTIONS.				
13. WHY IS THE COMMITTEE ESSENTIAL FOR THE CONDUCT OF AGENCY BUSINESS AND IN THE PUBLIC INTEREST?				
14. EXPLAIN WHY THE ADVICE OR INFORMATION CANNOT BE OBTAINED FROM OTHER SOURCES.				
15. DESCRIBE THE AGENCY'S PLAN TO ATTAIN BALANCED MEMBERSHIP.				
16. HAVE THE COMMITTEE AND SUBCOMMITTEE MEMBERS BEEN BRIEFED ON CURRENT ETHICS LAWS AND REGULATIONS?				
<input type="checkbox"/> YES	<input type="checkbox"/> NO - EXPLAIN			
GENERAL SERVICES ADMINISTRATION			GSA FORM T-823-H (7-89)	

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	\$	\$
	(2) FEDERAL MEMBERS (Prorated salary)		
	(3) FEDERAL STAFF (Prorated salary)		
	(4) NON-MEMBER CONSULTANTS		
B. TRAVEL AND PER DIEM	(1) NON-FEDERAL MEMBERS		
	(2) FEDERAL MEMBERS		
	(3) FEDERAL STAFF		
	(4) NON-MEMBER CONSULTANTS		
C. OTHER	(rents, user charges, graphics, printing, mailing, etc.)		
D. TOTALS		\$	\$
SECTION C - REMARKS/NARRATIVE RESPONSES			
REMARKS - FOR ITEMS 11-18 (Please indicate item number)			

SECTION D - CERTIFICATION		
19. SPONSORING OFFICIAL OR DESIGNATED FEDERAL OFFICER	SIGNATURE	DATE
TITLE:		
NAME:		
20. COMMITTEE MANAGEMENT OFFICER	SIGNATURE	DATE
TITLE:		
NAME:		
21. OTHER CONCURRING AGENCY OFFICIAL	SIGNATURE	DATE
TITLE:		
NAME:		

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

Consultation on Federal Advisory Committee

SAMPLE CHARTER  
COMMERCIAL SPACE ADVISORY COMMITTEE

- I. PURPOSE: This charter establishes the Commercial Space Advisory Committee (COMSAC) and provides for its operation in accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), DOT Order 1120.3B, and the requirements prescribed in Title 49, Code of Federal Regulations, Part 95.
- II. SCOPE: COMSAC, acting as an advisory committee, provides information, advice, and recommendations to the Secretary of Transportation on matters relating to all aspects of the commercialization of expendable launch vehicles. COMSAC does not exercise program management or regulatory development responsibilities, and makes no decisions directly affecting the programs on which it provides advice. COMSAC provides a forum for the development, consideration, and communication of information from a knowledgeable, independent perspective.
- III. OBJECTIVES AND DUTIES: Consistent with the scope of its activities described in Paragraph II, COMSAC is authorized to:
  - A. Undertake such information gathering activities as necessary to define issues for consideration by the Committee, develop positions on those issues, and communicate the Committee's position thereon to the Secretary of Transportation.
  - B. Evaluate economic, technological, and institutional developments relating to commercial space transportation and communicate to the Secretary recommendations on promising new ideas and approaches for Federal policies and programs.
  - C. Serve as a forum for the discussion of problems involving the relationship between industry activities and government requirements. Seek, where possible, to resolve such problems without resort to formal Departmental intervention.
- IV. SPONSOR: The Office of Commercial Space Transportation shall be the COMSTAC sponsor and shall furnish support services for the operation of the Committee. The Director shall designate a staff member to be the executive director of COMSAC.

- V. MEMBERSHIP: COMSAC shall be composed of up to 25 members, each of whom shall be appointed by the Secretary, after departmental consultations with appropriate government agencies, industry and business organizations, the scientific community, and public interest groups.
- VI. APPOINTMENTS: Each member shall be appointed by the Secretary for a two-year term, with each member eligible to be reappointed. Terms shall be staggered with approximately one-half expiring each year. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Members shall continue to serve until their replacements have been appointed. The Director of the Office of Commercial Space Transportation shall appoint a chairperson and vice-chairperson from among the membership.

Members may be represented at Committee meetings and activities by alternates representing the same interest as the member. Alternates shall have full rights and duties of membership. Appointment of an alternate shall be made by the member in writing, with the approval of the Committee sponsor, at any time prior to the meeting or activity for which the appointment is made. Unless otherwise specified by the member, the appointment is valid for only one meeting or activity including any continuation of that meeting or activity.

- VII. MEETINGS: The executive director shall call COMSAC meetings at least twice each calendar year. He or she shall consult with the chairperson in setting meeting dates. No meeting shall be held in the absence of the executive director or a Department employee alternate designated by the executive director. An agenda for each meeting must be approved in advance by the executive director, or designated alternate, who may cancel or adjourn any meeting when he or she determines that to do so is in the public interest. The following procedures shall govern the conduct of all COMSTAC meetings:
- A. All meetings shall be open to the general public, except as provided under FACA.
  - B. Notice of each meeting shall be published in the Federal Register at least 15 days prior to the date of the meeting. Notice shall include the agenda.
  - C. The chairperson or, in the absence of the chairperson, the vice-chairperson shall preside at each meeting.

- D. Detailed minutes of each meeting shall be kept and certified by the executive director. The minutes shall contain:
1. the time, date, and place of the meeting;
  2. a record of all attendees at the meeting;
  3. a complete and accurate description of all matters discussed and conclusions reached;
  4. copies of all reports received, issued, or approved by the Committee; and
  5. a description of public participation, including oral or written statements.
- E. The minutes, as certified by the chairperson, shall be available for public inspection and copying in the office of the sponsor. Public availability of minutes or other documents received or generated by the Committee are subject to applicable limitations and exceptions prescribed in the Freedom of Information Act (5 U.S.C. 552(b)).

- VIII. SUBCOMMITTEES: The chairperson may establish continuing subcommittees, and short-term subcommittees or task forces as deemed necessary. Subcommittee members must be members of the full Committee. Subcommittees shall adhere to the meeting requirements cited in Section VII. Subcommittee recommendations must be reviewed by the full Committee before they are presented to the sponsor.
- IX. TRAVEL AND EXPENSES: Committee members who are not officers or employees of the Federal Government are, while attending meetings or otherwise engaged in the business of the Committee, authorized travel and subsistence or per diem allowances (as appropriate) in accordance with Government regulations. All travel by individual members when engaged in official Committee business shall be approved in advance by the chairperson and the executive director.
- X. ESTIMATED COST AND SUPPORT: The estimated annual direct operating cost of COMSAC is \$24,000, which includes travel and subsistence costs of members, printing and miscellaneous costs, and 0.5 staff years.
- XI. PUBLIC INTEREST: As a component of the President's National Space Policy which encourages U.S. private investment and involvement in civil space activities, the formation and operation of COMSAC is determined to be in the public interest.

- XII. REPORT TO THE SECRETARY: Within 90 days following the last meeting of each calendar year, the executive director shall submit to the Secretary an annual report describing the Committee's membership, activities, and accomplishments for the past calendar year. In addition, the executive director shall provide the Secretary with any interim reports upon request during the calendar year.
- XIII. EFFECTIVE DATE: This charter is effective May 1, 1992, and will terminate two years after this date unless prior to that time the charter is extended in accordance with FACA and other applicable requirements.

(NOTE: This is not an actual committee charter. It has been modified to make it a representative sample.)

Form Approved: OMB No. 04-R5722

ADVISORY COMMITTEE CANDIDATE BIOGRAPHICAL  
INFORMATION REQUEST  
PART I

Read the following carefully before completing Part II of this form.

To All Prospective Members of Advisory Committees:

The establishment and operation of all advisory committees in the Executive Branch is governed by the Federal Advisory Committee Act, Public Law 92-463. Among its many requirements, the statute requires that the membership of an advisory committee be balanced-that is, that it fairly and equitably represent, to the extent feasible, all the various interests that may be affected by the committee's work and that undue weight not be afforded the views of any one interest. Depending upon the specific area of a committee's concern, balance may mean adequate representation of consumers and industry, west coast and east coast shippers, labor and management, etc. The Office of Management and Budget, which was given the responsibility for overall administration and guidance of advisory committees, in its letter of January 28, 1975 to Heads of Executive Departments and Agencies urged promotion of other aspects of balance such as sex and race.

Another consideration which persists through all committees is political affiliation. Advisory committees would lose their integrity and effectiveness if they were permitted to become vehicles for the propagation of partisan political views. Moreover, our integrity as an agency of the Government would be impaired if the public believed that we stock our advisory committees with members of the President's political party who simply rubber-stamp all actions. As a consequence, one item of information which we seek on the biographical form is your political affiliation. Because of the Privacy Act of 1974, however, we need your permission to keep this item of information. The Privacy Act prohibits an agency of the Government from keeping information on how a person exercises the rights guaranteed by the First Amendment to the Constitution unless, as in this instance, that person expressly authorizes the agency to do so. It is generally considered that the right to join and support a political party derives from the First Amendment rights of Free Speech and Assembly. Hence, the biographical form also contains a statement which we ask that you sign authorizing the Department of Transportation to maintain information about your political affiliation.

We have requested your social security number, date and place of birth for identification purposes. It is not mandatory that you furnish your social security number, although we would appreciate having it. However, we do need to have your date and place of birth.

Sincerely,  
Committee Management Officer

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)
A PERSONNEL PAYMENTS	(1) NON-FEDERAL MEMBERS	\$
	(2) FEDERAL MEMBERS (Prorated salary)	
	(3) FEDERAL STAFF (Prorated salary)	
	(4) NON-MEMBER CONSULTANTS	
B TRAVEL AND PER DIEM	(1) NON-FEDERAL MEMBERS	
	(2) FEDERAL MEMBERS	
	(3) FEDERAL STAFF	
	(4) NON-MEMBER CONSULTANTS	
C OTHER (rents, user charges, graphics, printing, mailing, etc.)		
D TOTALS	\$	\$

SECTION C - REMARKS/NARRATIVE RESPONSES

REMARKS FOR ITEMS 11-18 (Please do not leave blank)

SECTION D - CERTIFICATION		
18. SPONSORING OFFICIAL OR DESIGNATED FEDERAL OFFICER	SIGNATURE	DATE
TITLE		
NAME		
19. COMMITTEE MANAGEMENT OFFICER	SIGNATURE	DATE
TITLE		
NAME		
21. OTHER CONCERNING AGENCY OFFICIAL	SIGNATURE	DATE
TITLE		
NAME		

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ADVISORY COMMITTEE CANDIDATE BIOGRAPHICAL INFORMATION REQUEST

PRIVACY ACT STATEMENT

Information requested on this form is made under provisions of P.L. 93-579 of the Privacy Act of 1974. It is to be used as background information for prospective members of advisory committees. At your request, this Department will disclose to you the identity of any person or organization to whom we release such information. Information concerning sex, race, and political affiliation is requested for the purpose of obtaining balance in those areas on advisory committees. Failure to provide such information may delay consideration of your appointment.

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AUTHORIZATION TO MAINTAIN POLITICAL AFFILIATION INFORMATION

Pursuant to the Privacy Act's provision on the maintenance by Government agencies of information describing how an individual exercises rights guaranteed by the First Amendment, I authorize the Department of Transportation to maintain information on my political affiliation. The above statement to be signed by candidate, after reading Part I of this form.

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Signature

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EXPLANATION OF RACE/ETHNIC BACKGROUND ABBREVIATIONS

- A = *American Indian or Alaskan Native*. A person having origins in any of the original peoples of North America, and who maintains cultural identification through community recognition or tribal affiliation.
- B = *Asian or Pacific Islander*. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
- C = *Black, not of Hispanic origin*. A person having origins in any of the black racial groups of Africa. Does not include persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish cultures or origins (see Hispanic).
- D = *Hispanic*. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origins. Does not include persons of Portuguese culture or origin.
- E = *White, not of Hispanic origin*. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East. Does not include persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origins (see Hispanic). Also includes persons not included in other categories.