§ 8.7 Security.

(a) All officers and members of a committee must have a security clearance for the subject matter level of security at which the committee functions.

(b) The responsible committee office will provide the Advisory Committee Management Officer with each member’s security clearance level and date of issue.

(c) The substantive office sponsoring an advisory committee is responsible for access to and removal from official premises of classified material in accordance with the Department’s security regulations (5 FAM 940 and 973). Any questions arising involving security procedures are to be presented to the Office of Security for guidance and resolution.

§ 8.8 Chartering of committees.

(a) Requirements. (1) Each advisory committee, whether established or utilized, must have a charter approved by the Deputy Under Secretary of State for Management and filed with the Advisory Committee Management Officer, the Senate Foreign Relations Committee and the House Committee on International Relations, and in the case of a Presidential advisory committee only with the Committee Management Secretariat of OMB before it can hold a meeting.

(2) Formal subgroups may be chartered separately or the requisite information set forth in the charter of the parent committee.

(3) Informal subgroups may not require a charter; however, the charter of the parent committee must cover this aspect of its organization.

(4) The Advisory Committee Management Officer will, at the time a charter is filed, furnish a copy of the filed charter to the Library of Congress.

(b) Contents. Each committee charter shall contain: The official name and acronym, if any; the objectives, scope of activity, and full description of duties; the authority for such functions; the Department official (by title) to whom the committee reports; the relationship to or with other committees; the committee organization, composition of membership and officers’ responsibilities; a description of the type of minutes, with their certification of accuracy, and records to be maintained; the estimated annual operating costs in dollars and man-years, and the source and authority for these resources; the period of time that will be required by the committee to accomplish its stated purpose; the estimated number and frequency of meetings; the termination date; and the filing date of the charter.

(c) Termination and Renewal. (1) An existing advisory committee will be automatically terminated at the end of a 2-year period (i.e., date specified in charter) unless its charter is renewed, except for a statutory committee which has provisions providing to the contrary.

(2) The Deputy Under Secretary for Management will make a determination, based on a comprehensive review, whether or not a committee will be continued.

(3) The OMB Secretariat will be advised of the determination and reasons therefore 60 days prior to the charter expiration date of the committee. If the Secretariat concurs, the Advisory Committee Management Officer will publish in the FEDERAL REGISTER the Department’s intent to continue those advisory committees so designated by the Deputy Under Secretary for Management.

(4) Each office responsible for an advisory committee it wishes to continue will prepare a new charter and submit it to the Advisory Committee Management Officer before October 1 biennially.

(5) No advisory committee shall meet, advise or make recommendations between the expiration date of its charter and the date its new charter is filed.

(d) Amendments. (1) The charter of a committee may be amended, as necessary, to reflect current information on organization, composition, activities, etcetera.

(2) A proposed amendment must be approved prior to any committee activity to which the proposed amendment relates.

§ 8.9 Meetings of advisory committees.

(a) Applicability. The term “meeting” covers any situation in which all or
some of the members of an advisory committee convene with a representa-
tive of the Department to transact
committee business or to discuss mat-
ters related to the committee. This is
applicable to an advisory committee
and to its subordinate components.

(b) Designated Department official.
(1) No advisory committee may hold a
meeting in the absence of the des-
ignated full-time Department or other
U.S. Government officer.

(2) The designated Department or
other U.S. Government officer has the
following responsibilities:

(i) Prepares or approves the agenda
for all meetings;

(ii) Calls or approves in advance the
calling of the meetings;

(iii) Adjourns any meeting whenever
he or she determines that adjournment
is in the public interest.

(c) Notice of meetings. (1) All advisory
committee meetings, open or closed,
will be publicly announced except when
the President of the United States de-
termines otherwise for reasons of na-
tional security.

(2) Notice of each such meeting shall
be published in the FEDERAL REGISTER
and in a Department of State Press Re-
lease at least 15 days prior to the meet-
ing date.

(3) The responsible committee office
will prepare the notice and press re-
lease, obtaining clearances as set forth
in paragraphs (c)(3) (i) and (ii) of this
section, and deliver to the Advisory
Committee Management Officer for ac-
ction:

(i) Open meeting—clearance within
initiating office/bureau;

(ii) Closed meeting—clearance within
initiating office/bureau including its
legal adviser, and the Bureau of Public
Affairs at the Bureau level.

(4) The Deputy Under Secretary for
Management will determine if an advi-
sory committee may hold a closed
meeting, after a request for a meeting
not open to the public is cleared by the
Advisory Committee Management Offi-
cer and the Office of the Legal Adviser.

(5) After the clearances set forth in
paragraphs (c) (3) and (i) of this sec-
tion, a notification of meeting may also
be provided by the office/bureau to
any persons or organizations known to
be interested in the activities of the com-
mittee.

(6) The office sponsoring the commit-
tee is responsible for meeting publish-
date requirements. Overall nor-
mal processing time prior to a meeting
date is 25 days for an open meeting and
47 days for a closed meeting.

(d) Contents of notice. (1) The content
of the FEDERAL REGISTER public notice
and the Department of State press re-
lease will be identical.

(2) An open meeting announcement
will state the name of the committee;
the date, time, and place of the meet-
ing; the agenda or summary thereof;
that the meeting will be open to the public;
the extent to which the public may participate in the meeting, either
orally or in writing; seating space
available; and the name and telephone
number of a committee officer to
whom inquiries may be directed, in-
cluding arrangements for those attend-
ing if the meeting is in a secure build-
ing.

(3) A closed meeting announcement
will state the name of the committee,
the date of meeting and the reason or
reasons which justify the closing of the
meeting in the public interest.

(e) Closed meetings. (1) An advisory
committee meeting may be closed in
accordance with the Federal Advisory
Committee Act when the President or
Department determines that the meet-
ing is concerned with matters listed in
section 552(b) of title 5, United States
Code.

(2) Any determination to close all or
a part of a meeting must be based upon
specific reasons. If a meeting is to
cover separable matters, not all of
which are within the exemptions of 5
U.S.C. 552(b), only the portion of the
meeting dealing with exempt matters
may be closed.

(3) When a meeting or portion of a
meeting is to be closed to the public,
the notice should state the reasons for
the closing.

(4) The written request in accordance
with paragraph (c)(4) of this section,
for a determination by the Deputy
Under Secretary for Management that
a committee may hold a closed meet-
ing must be submitted at least 47 days
before the scheduled date of the meet-
ing unless the Deputy Under Secretary
§ 8.10 Reports.

(a) There are two categories of reports on advisory committees. One category is concerned with management and the other with advisory activities.

(b) Management reports include:

(1) Comprehensive Review. An annual review shall be conducted on a calendar year basis to determine the essentiality of the committee. The results of that Review are included in the Annual Report. The due date is October 1.

(2) Annual Report. A calendar year report which covers the status of the committee. It is a component report for the President's annual report to the Congress. The due date is December 31.

(3) Report of Closed Meeting(s). A summary of the activities and related matters discussed by a committee during a closed meeting shall be prepared annually. It is to be as informative as possible for the public consistent with section 552(b) policy of the Freedom of Information Act.

(4) Other reports. Other management reports that may be required, such as requests from the Office of Management and Budget, Congressional Committees, et cetera, will be submitted in accordance with the requested due date.

(c) Advisory activities reports are reports issued by the committee. They are to be submitted, when prepared in final as a committee document or published, on a current basis.

(d) All reports are submitted to the Advisory Committee Management Officer.

(1) The Comprehensive Review is signed by the responsible committee officer and approved by the bureau/office policy making officer. It is submitted in original only.

(2) The Annual Report will be prepared on Standard Forms 248 and 249 in original and one copy. (Instructions for preparation are printed on the back of the forms.)

(3) The Report of Closed Meeting(s) is signed by the committee chairman and submitted in original and 8 copies.

(4) The Advisory activities reports are submitted in 9 copies each, except Presidential advisory committee reports are submitted in 12 copies.