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5. COMMITTEE MANAGEMENT

5.1 General. A. The purpose of this section is to clarify laws, rules, and regulations affecting committee management; outline the role of committees in the Bureau; and specify necessary reporting and record keeping for committees. Control and proper administration of committees are a necessity. However, we do not intend for this section to result in time-consuming procedures or costly reporting requirements. Recordkeeping should be kept to the minimum.

B. Committees provide a useful tool of management when used as an advisory body and when the joint views of group members are desirable. A committee is used improperly when it replaces an official as a decision maker or diffuses his/her responsibility. In using committees, it should be remembered that committees are costly and time-consuming. The advantages from use of a committee must warrant the expenditure of time, money, and personnel.

C. Information on Privacy Act requirements for committee management is published in Federal Register, Vol. 42, No. 69, April 11, 1977 (Systems of Records), and Public Law 93-579 Privacy Act of December 31, 1974, (5 USC 552a, Sec. 3 (R)(3)).

5.2 Advisory Committee Management.

A. Purpose. This section provides guidelines for the implementation of the Federal Advisory Committee Act, Public Law 92-463 and OMB Circular A-63 (Revised), March 27, 1974, entitled Advisory Committee Management.

B. Policy. In the application of this section these principles should be followed.

(1) The task of Advisory Committees shall be solely that of giving advice unless otherwise provided by law.

(2) Advisory Committees shall be limited to those that are essential. Advisory committees which are not fulfilling their purpose should be terminated.

(3) The recommendations of the advisory committees should be considered by those who sought advice while the responsible Federal official retains authority for decisions.

(4) Advisory Committee meetings should be open to the public.

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C. Authority and Responsibility.

(1) The Secretary of the Interior is authorized to establish, appoint members, to use, revise or abolish advisory committees.

(2) The Office of the Assistant Secretary - Policy, Budget, and Administration has the following responsibilities:

(a) The Department Committee Management Officer directs and supervises the Department's committee management effort and is responsible for:

(i) Providing staff leadership and support for the committee management program;

(ii) Reviewing proposed committee management actions that require Secretarial approval;

(iii) Establishing methods and procedures for the maintenance of necessary records;

(iv) Gathering data on and coordinating determinations of continuances of advisory committees and required reports;

(v) Maintaining liaison with the General Services Administration on these determinations and reports; and

(vi) Overseeing the implementation and compliance with the provisions of OMB Circular A-63.

(b) Office of Personnel Management is responsible for prescribing standards and procedures regarding:

(i) Uniform pay guidelines;

(ii) Basic orientation of advisory committee members; and

(iii) Review of statements of employment and financial interests submitted by advisory committee members who are special Government employees.

(c) Office of Audit and Investigation is responsible for conducting audits of advisory committee activities, records, and program management as part of its continuing Departmentwide audit program. It also prescribes criteria for the preparation and review of statements of employment and financial interests required of committee members as provided in 308 DM 8.3.

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(3) The Office of the Solicitor is responsible for providing legal advice on possible conflict of interest; and furnishing liaison with the Department of Justice concerning the application of Public Law 92-463, Federal Advisory Committee Act; Executive Order No. 11769, Advisory Committee Management; Executive Order No. 11222, (Prescribing Standards of Ethical Conduct for Government Officers, and Employees); and Public Law 87-849, (an act to strengthen the criminal law relating to bribery, graft, and conflicts of interest).

(4) The Assistant Secretary - Indian Affairs is responsible for establishing and operating a committee management program and will appoint a Committee Management Officer.

(5) The Division of Management Research and Evaluation will perform the function of the Committee Management Officer. The Division will be responsible for the Bureau's Committee Management Program and for maintaining necessary Central Office records.

(6) Central Office/Area Directors are responsible for coordinating all advisory committee management activity within their jurisdiction. The Central Office/Area Directors will forward information on establishing advisory committees to the Division of Management Research and Evaluation.

D. Types of Advisory Committees.

(1) Presidential Advisory Committee: An advisory committee established or utilized by the President.

(2) Statutory Committee: Established by statute.

(3) Non-statutory Committee: Established by the head of an agency.

E. Proposals to establish advisory committees will include the following items:

(1) A memorandum to the Secretary of the Interior requesting establishment of an advisory committee. The memorandum should include a description of the need and purpose of the committee (see 308 DM 2.6).

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(2) A proposed Federal Register Notice, to be signed by the Secretary, should include a written certification to the effect that creation of the advisory committee is in the public interest and a description of the nature and purpose of the committee. Such notice must be published at least 15 days prior to the filing of the charter. The following format for the certification may be used:

Certification

I hereby certify that the (name of the committee) is in the public interest in connection with the performance of duties imposed on the Department of the Interior by (cite statutory authority).

_____ Date

_____ Secretary of the Interior

(3) Charter. Section 9(c) of Public Law 92-463 provides that no advisory committee shall meet or take any action until a charter has been filed. Advisory committee charters shall contain the following mandatory and optional items of information:

(a) Mandatory Items. The following items of information must be included in all committee charters:

(i) The committee's official title;

(ii) The committee's objectives and the scope of its activity and the period of time necessary for the committee to carry out its purposes;

(iii) The office or official to whom the committee reports;

(iv) The office responsible for providing the necessary support for the committee;

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

(vi) The estimated annual operating costs in dollars and employee-years for the committee;

(vii) Any special funding required;

(viii) Allowance for committee members (compensation, travel, per diem, etc.);

(ix) The estimated number and frequency of committee meetings;

(x) The committee's termination date, if less than two years from the date of the committee's establishment. Otherwise, a statement should be included that the termination date will be two years from the date the charter is filed, unless it is renewed by the Secretary two years before that date;

(xi) A description of the committee's membership (i.e. qualifications for membership, disciplines to be represented, etc.);

(xii) Size of the committee and tenure of members;

(xiii) Criteria for designating the chairman; and

(xiv) A citation of the specific statute imposing those duties must be cited.

(b) Optional Items. The following items of information should be included in advisory committee charters to the extent that they apply:

(i) Justification for dual or rotating chairmanship;

(ii) Any special terms of membership; and

(iii) Specific arrangements for staff support and costs of operating the committee.

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(c) Advisory committee charters should be prepared as separate and distinct formal documents. Approved formal charters become permanent records of the committee, and copies are filed with the Secretary of the Interior; with the standing committees of the Senate and the House of Representatives having legislative jurisdiction over the Bureau of Indian Affairs; and the Library of Congress. The addresses are:

Library of Congress
Exchange and Gift Division
Federal Advisory Committee Desk
Washington, D.C. 20540

Honorable _____
Chairman, Committee on Interior
and Insular Affairs
United States Senate
Washington, D.C. 20510

Honorable _____
Chairman, Committee on Interior
and Insular Affairs
House of Representatives
Washington, D.C. 20515

Honorable _____
Chairman, Subcommittee on
Indian Affairs
United States Senate
Washington, D.C. 20510

(4) Membership of an advisory committee shall be fairly balanced in terms of the points of view represented and functions to be performed by the committee. Special emphasis should be placed on selecting minorities and women. Information and procedures for appointing members to advisory committees are stated in 308 DM 8.1.

(5) Review Process. Proposals are forwarded to the Bureau Committee Management Officer, Division of Management Research and Evaluation, for review and coordination. The Bureau Committee Management Officer will forward proposals to the Department Committee Management Officer through the Assistant Secretary - Indian Affairs and the Solicitor.

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The Department Committee Management Officer is responsible for all management review actions and coordinating necessary for establishing advisory committees, including consultation with the General Services Administration.

F. Meetings.

(1) No advisory committee shall hold any meetings except at the call or with advance approval of a designated Federal employee. (See paragraph 8 of Appendix 1 of 308 DM 2.)

(2) A notice of each advisory committee meeting and the agenda shall be published in the Federal Register. Such notice should be published at least 15 days before the date of the meeting. The notice should include the following information:

- (a) Name of advisory committee;
- (b) Time and place of meeting;
- (c) Purpose of the meeting (where appropriate, a summary of the agenda);
- (d) Name of person to be contacted for information.

(3) Closed or Restricted Meeting. Specific authority regarding closed or restricted meetings is described in paragraph 8 of Appendix 1 of 308 DM 2. However, any proposal to close or restrict any advisory committee meeting must be reviewed and approved by the Office of the Solicitor.

(4) Minutes of Meetings. Detailed minutes shall be kept of each meeting, including, to the extent practicable, meeting of formal and informal subgroups. The chairman of each committee shall designate a member or other person to keep the minutes. (For detailed information see paragraph 8 of appendix 1 of 308 DM 2.)

G. Committee Expenses. There are specific restrictions and guidelines regarding the expenditure of funds for advisory committees (See 308 DM 2.13).

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H. Reviews and Reports.

(1) Annual Comprehensive Review. OMB Circular No. A-63, Appendix 1B of 308 DM requires periodic review of the activities of advisory committees and determination of the necessity for their continuation. Specific requirements for reports, the reviews, and the determinations are not described here as the provisions may change from time to time.

(2) Annual Committee Report. Each advisory committee established or used by the Bureau shall prepare an annual report describing its membership, functions, and actions (see paragraph 9 of Appendix 1 and OMB Circular No. A-63).

(3) Other Reports. Periodically the Bureau of Indian Affairs will request information on each advisory committee for various committee management reports.

(4) Filing of Reports. Eight copies of all reports issued, made, or approved by the advisory committee are required to be filed with the Library of Congress. One copy of the letter transmitting each report will be sent to the Department Committee Management Officer, Office of the Assistant Secretary - Policy, Budget, and Administration.

I. Renewal of Advisory Committees.

(1) Tenure. Public Law 92-463 provides generally that an advisory committee, established by the Department of Interior or by statute, whose duration is not otherwise fixed by law, shall terminate not later than two years from the date of its establishment, unless the Secretary shall determine in writing, prior to the expiration of the two-year term, that the committee's continued existence is in the public interest. The Secretary may renew the committee for additional terms by making a similar determination prior to the end of each subsequent two-year period.

(2) Termination Dates. Termination dates for the Bureau's advisory committees are determined as prescribed in 5 BIAM 2E(3)(a)(x). The termination date for any subcommittee or subgroup of an advisory committee shall be the same as that of the parent committee.

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(3) Renewal Action. Renewal actions for advisory committees are as follows:

(a) The Secretary must determine that renewal is necessary and inform the General Services Administration by letter not more than 60 days nor less than 30 days before the committee expires of the determination and reason for it.

(b) A notice of the renewal shall be published in the Federal Register.

(c) A new charter shall be filed. Procedures are the same as those prescribed in 5 BIA 2E for establishing committees.

(d) Other information on renewal actions is given in paragraph 9 of Appendix 1 of 308 DM and Appendix 1A.

(4) Termination or Abolishment. A committee may terminate on the date specified in its charter, or the Secretary may approve a proposal sent to him/her through the Department Committee Management Officer, Office of the Assistant Secretary - Policy, Budget, and Administration to terminate the committee.

(a) Proposals should include recommendations for the disposition of committee records.

(b) Proposals to terminate committees established by law, Executive Order, or Presidential direction must be referred to the General Services Administration.

(c) When the proposed termination of a committee has been finally determined, letters of appreciation for service rendered (if appropriate) and notification of termination should be sent to all members.

J. Revision to Charters. Authority rests with the Secretary to make revisions regarding advisory committee missions and operations. However, minor or administrative revisions may be made to advisory committee charters without Secretarial approval. Such minor revisions are limited to updating items concerning costs, frequency of meetings, and other administrative aspects. All other proposed revisions must be reviewed and approved by the Secretary. Procedures for requesting revisions are the same as those prescribed for establishing committees (5 BIA 2E).

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5.3 Interagency Committees.

A. Purpose. This section provides guidelines for establishing and/or participating on interagency committees.

B. Policy. In the application of this section these principles should be followed:

(1) Interagency committees will not be used to administer or conduct a function which is the assigned responsibility of an organizational entity of the Bureau.

(2) Before proposing to establish an interagency committee, the proposing official should determine that the functions cannot be performed by existing organizations or individuals within the Federal service or by an interagency committee already in existence or by enlarging the mission of an existing interagency committee.

(3) An interagency committee which is expected to be in existence more than twelve months shall be made up of full time officials or employees of two or more departments or agencies of the Federal Government.

C. Authority and Responsibility.

(1) The Secretary of the Interior establishes, changes or abolishes committees dealing with matters affecting more than one program area and Presidential and Cabinet level committees.

(2) The Assistant Secretary - Policy, Budget, and Administration is authorized to establish, change, or abolish committees dealing with administrative matters.

(3) The Solicitor is authorized to establish, change, or abolish committees dealing with legal matters.

(4) The appropriate Assistant Secretary is authorized to establish, change, or abolish committees dealing with one program area within the jurisdiction of one Assistant Secretary. The Assistant Secretary may authorize heads of bureaus and offices under his/her jurisdiction to conduct committee operations in this category.

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D. Types of Interagency Committees. (For detailed information see 308 DM 3.4).

(1) Standing Committees are committees created to perform a continuing function which might require continuation beyond the initial term.

(2) Ad Hoc Committees are temporary committees established to serve a specific purpose or situation and are not expected to last beyond a year.

(3) Field Coordinating or Liaison Groups are interagency work groups in the field which carry out some coordinating or liaison functions.

E. Establishing Interagency Committees.

(1) A proposal to create an interagency committee may be initiated by any Bureau official. Proposals to establish interagency committees will include the following items:

(a) A memorandum to the authorizing Departmental official (5 BIAM 5.3C) requesting establishment of the committee. The memorandum should include a description of the need and purpose of the committee.

(b) Charters. Interagency committee charters shall contain the same information as required for advisory committee charters (see 5 BIAM 5.2E(3)).

F. Committee Expenses. There are specific restrictions and guidelines regarding the expenditures of funds for interagency committees (see 308 DM 3.7).

G. Records and Reports.

(1) The Bureau official initiating the interagency committee is responsible for maintaining required records such as:

(a) Bureau-created Interagency Committees.

(i) Copy of the committee's charter;

(ii) Current list of all members including titles and organizations;

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(iii) Copies of or references to all published and unpublished work;

(iv) Minutes of all meetings;

(v) Information on subcommittees;

(vi) Data regarding staffing and funding; and

(vii) Cost associated with the committee including total annual employee-hours expended and total dollar cost (including employee-hour costs) and associated papers.

(b) Bureau participation in other Agency Committees.

(i) Name of committee;

(ii) Committee's function;

(iii) Sponsoring agency;

(iv) Name, title and organization of the committee's executive secretary;

(v) Name, title, and organization of Bureau representative;

(vi) Other agencies represented;

(vii) Total annual employee-hours expended and total dollar cost (including member cost to the Bureau for participation in the committee); and

(viii) All associated paper regarding Bureau/ Departmental approval of participation and changes.

(2) The Bureau's Committee Management Officer will require various reports from time to time for periodic review.

H. Participation in Committees of Other Agencies.

(1) A memorandum for Bureau participation in interagency committees established by other Federal agencies will be approved by the authorized official listed in 5 BIAM 5.3C. The memorandum should contain the following items:

(a) Name of committee;

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- (b) The committee's functions;
- (c) The sponsoring agency;
- (d) Name, title and organization of the Bureau's proposed member; and
- (e) Estimated annual dollar cost to the Bureau for participation in the committee.

(2) Bureau representatives on interagency committees shall be regular employees of the Bureau. Service on interagency committees shall be considered as part of an employee's regular duties and no employee will receive an additional compensation for such committee service over and above his/her regular compensation as an employee. Proposals to terminate a Bureau representative on an interagency committee created by another agency should include only enough information to justify the withdrawal, and are addressed to the authorizing official.

I. Selection and Conduct of Bureau Members. Selection of a Bureau employee as a committee member shall be based on the individual's ability to provide information relating to the business of the committee. The employee selected for service on an interagency committee shall present the official view, rather than his/her personal view, on all problems under consideration. He/she shall defend this position in such committee deliberations. However, he/she may make concessions provided they are within the framework of his/her instructions or are subject to further review. He/she shall be responsible for keeping the interested officials of the Bureau informed on actions taken by the committee.

J. Bureau Personnel Providing Assistance to Departmental Representatives.

(1) Certain interagency committees are created to deal with matters affecting various bureaus or offices within the Department. The official authorized to designate the Department representative may choose to supply him or her with persons to act as advisors. Those designated as advisors, acting either individually or as an advisory group, would be responsible for providing technical assistance or policy matter guidance to the representative.

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(2) A Departmental representative may find that the activities of an interagency committee call for skills beyond his/her field of competence. When this situation becomes apparent, appropriate assistance should be requested.

(3) The provision of assistance should be considered and, if appropriate, initiated concurrently with the appointment of a Departmental employee to serve on such a committee. Thereafter, the question of the necessity for assistance to the Departmental representative should be considered at the time of periodic committee review.

(4) Departmental representatives on interagency committees shall keep those persons designated as advisors informed of committee actions, including those relating to the agenda, minutes of meetings, and published reports.

6 p.4 Departmental Committees.

A. Purpose. This section provides guidelines for establishing and/or participating on Departmental Committees.

B. Policy. A Departmental committee is any committee (excluding ad hoc or informal committees) which is composed wholly of employees from two or more bureaus or offices of the Department and may be used by the authorized Secretarial official for the following reasons:

- (1) To coordinate similar, related or overlapping activities;
- (2) To develop project plans and operating procedures;
- (3) To conduct studies or surveys;
- (4) To provide advice and other such cooperative services.

C. Authority. The authority to establish, change or abolish a departmental committee is vested in the Secretarial Officers noted in 5 BIA M 5.3C.

D. Establishing Departmental Committees. The establishment of a departmental committee may be proposed by the authorized Secretarial official or by a bureau or office which has an interest in the creation of such a committee. Proposals for change or abolishment may originate from the same sources.

(1) A proposal to establish, change, or abolish a departmental committee shall be prepared for the approval of the authorizing Secretarial official (5 BIAM 5.3C).

(a) A charter should be prepared containing the information noted in the list of items required for committee charters (5 BIAM 5.2E(3)(a)) and any other information which would be useful for proper consideration.

(b) A proposal to substantially change or to decrease the membership of a committee should include only enough detail to explain the change requested or justify the decrease.

(c) A proposal to abolish a committee should also include recommendations for disposition of the committee's records.

(2) The official exercising authority is responsible for the assignment of purpose, selection of members, schedule of meetings, tenure of members, required reports, recordkeeping, duration of committee, etc.

(3) After approval, the official or organization designated in the committee's charter will carry out all management and administrative actions associated with the operation of the committee.

E. Selection of Members. Selection of a Bureau employee as a member of a Departmental committee may be based on the employee's particular expertise, or on the capability as a representative of his/her bureau or office. The authorizing official, in requesting a bureau or office to select or to make available the services of an employee, should indicate whether he/she is expected to be an expert or a bureau/office representative. If the employee is to represent his/her organization, he/she is expected to express its official position, to make agreements which are subject to further review within his/her organization, and to keep his/her supervising officials fully informed about committee activity.

F. Membership and Expenses. The members of Departmental committees shall be employees of the Department. Service on Departmental committees shall be considered as part of an employee's regular duties, and no employee will receive any additional compensation as an employee. Statements of Employment and Financial Interests (Form DI 212) will be required to be filed with the appropriate Solicitor based on determination made by the authorizing official that the committee is subject to the Conflict of Interest Statutes and Regulations.

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Statements of Employment and Financial Interests (for DI 212) will be required to be filed with the appropriate solicitor based on determination made by the authorizing official that the committee is subject to the Conflict of Interest Statutes and Regulations.

G. Administrative Support. While the responsibility for the management of a Departmental committee rests with the authorized Secretarial official, the administrative support is generally provided by the bureau or office principally concerned with the Committee's activities.

6.5 Intrabureau Committees.

A. Purpose. This section provides guidelines for establishing intrabureau committees.

B. Policy. Intrabureau committees may be used by the Assistant Secretary - Indian Affairs and/or authorized Bureau officials to provide advice, evaluate programs, develop program plans and operating procedures, conduct studies or reviews, coordinate program activities, make determinations or other such consultative services.

C. Authority. The Assistant Secretary - Indian Affairs and/or authorized Bureau officials are authorized (5 BIAM 5.1B) to create, change or abolish intrabureau committees.

D. Establishing intrabureau committees.

(1) The Bureau official establishing an intrabureau committee is responsible for the preparation of standards and procedures for the management of intrabureau committees. Information should include:

- (a) Assignment of purpose;
- (b) Selection of members;
- (c) Schedule of meetings;
- (d) Tenure of members;
- (e) Required reports;
- (f) Record-keeping; and stating duration of committee.

(2) The Bureau official will coordinate the creation, changes and abolishment of intrabureau committees with the Division of Management Research and Evaluation.

E. Selection of Members. Members of intrabureau committees shall be employed by the Bureau of Indian Affairs.

F. Records and Reports. The Bureau official sponsoring the intrabureau committee is responsible for maintaining required records such as:

- (1) Purpose of the committee;
- (2) Current list of all members including titles and organizations;
- (3) Copies of or references to all published and unpublished work of the committee;
- (4) Minutes of all meetings;
- (5) Costs associated with the committee including total annual employee-hours expended and total dollar cost (including employee hour costs); and
- (6) Any associated papers.

The Department Committee Management Officer will require various reports from time to time for periodic reviews and for external reporting requirements. Specific requirements and items to be reported are not described in this section as the provisions may change from time to time.

6/ 5.6 Intergovernmental and Other Committees.

A. Purpose. This section provides guidelines for using intergovernmental and other committees.

B. Policy. There are other types of committees used by the Department which may not consist of Federal employees like intrabureau, departmental, or interagency committees. Such non-federally created committees, though advisory in nature, may not be composed of members representing the general public. These committees may:

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(1) Be composed wholly of representatives of State and local governments (Intergovernmental); or

(2) Be composed wholly of representatives of various nonprofit organizations (Non-profit); or

(3) Be local civil committees whose primary function is to render service with respect to a Federal program (Public Services).

C. Exclusion from Requirements. Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies are exempt from the requirements of the Federal Advisory Committee Act (Public Law 92-463). The Bureau considers tribal committees to be local committees.

D. Subject to Provisions of Public Law 92-463. The use of the types of committees described in B above, which are not exempted by C above, is subject to the same approval authority as prescribed for advisory committees 5 BIAM 5.2. To the extent that the Bureau proposes to use such committees, appropriate approvals as described in 5 BIAM 5.2 must be obtained by the using office.

E. Applicability. The provisions of D above apply only to such committees as are used by the Bureau. The provisions for participation in State, local, and community committees not used by the Bureau are described in 5 BIAM 5.7.

6/5.7 Participation in State, Local (Town, City, County, District), Tribal and Community Committees.

A. Purpose. This section provides guidelines for participating in State, local, and community committees.

B. Policy. When an invitation to participate is extended to the employee as an individual and not in his/her capacity as a Federal official (particularly in such groups as community welfare or local citizen improvement associations), such participation is considered as personal and outside the sphere of his/her Federal employment.

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Any participation in such committee activity during official duty hours is chargeable to annual leave. No supervisory approval is necessary for such personal participation (except for leave purposes).

(1) When the invitation to participation in local, State, Tribal, or community advisory or coordination groups is extended to the employee in his/her official capacity, the employee's acceptance is contingent on the approval of the Bureau.

(2) Participation in local and State government advisory and coordinating groups, when invited, is encouraged as a matter of executive support for intergovernmental affairs. However, there may be occasions when, because of an unusual situation, it may be necessary to decline the invitation to participate. Such occasions should be handled with discretion and with full consent of the official who would have ordinarily approved the participation.

C. Procedures. The Bureau official approving participation will notify the Division of Management Research and Evaluation (Bureau Committee Management Officer) of all approvals and terminations of participation in such committee activities to facilitate any reporting requirements of the Office of the Secretary.