

NARRATIVE ANALYSIS OF ANSWERS TO QUESTIONNAIRE

The answers to the questionnaire were analyzed by Lester S. Mittleman, General Accounting Office attorney, who also prepared tables setting forth operations under 5 U.S.C. 1002. Following is the analysis of the pertinent questions:

QUESTION 1

The applicability of 5 U.S.C. 1002 to the departments and agencies was one of the most important questions. Central to the protection of the rights of citizens is the provision on public information. The Attorney General's manual described it as follows:

"The purpose of section 3 is to assist the public in dealing with administrative agencies by requiring agencies to make their administrative materials available in precise and current form. Section 3 should be construed broadly in the light of this purpose so as to make such material most useful to the public. * * * This section is applicable to all agencies of the United States, excluding Congress, the courts, and the governments of the territories, possessions and the District of Columbia. *Every agency, whether or not it has rulemaking or adjudicating functions must comply with this section*" (p. 17) [emphasis supplied].

Considering the broad emphasis that the Attorney General gives to section 3 and the importance to the public of the applicability of this section, it is to be specifically noted that the following agencies assent that section 3 of 5 U.S.C. 1002 is not applicable to them:

1. Department of Commerce—Bureau of Public Roads.
2. Department of Commerce—Office of General Counsel.
3. Department of the Treasury—U.S. Coast Guard (generally applicable except: war plans branch, divisions of intelligence, operational readiness, etc.)
4. Department of the Interior (applicable except: 30 U.S.C. 483—making of an order of withdrawal pursuant to title II of the Federal Coal Mine Safety Act).
5. Indian Claims Commission.
6. U.S. Civil Service Commission—Applies to two areas only—in the adjudication of cases and rulemaking to carry out the provisions of the Federal Employees Health Benefits Act of 1959.
7. Farm Credit Administration—Extremely limited.

The following are boards, committees, and commissions which state that section 3, 5 U.S.C. 1002, is not applicable to them:

1. Advisory Commission on Intergovernmental Relations.
2. Civil War Centennial Commission.
3. Commission on International Rules and Judicial Procedure.
4. Committee on Purchases of Blind-Made Products.
5. Distinguished Civilian Service Awards Board.
6. District of Columbia Redevelopment Land Agency.
7. Federal Radiation Council—Applicable only to those reports which have been approved by the President.
8. Indian Arts and Craft Board.
9. Interdepartmental Savings Bond Committee.
10. Migratory Bird Conservation Commission—Applicable in one area only; matters of official record.
11. National Agriculture Advisory Commission.
12. National Capital Transportation Agency.
13. National Forest Reservation Commission.
14. National Park Trust Fund Board.
15. President's Commission on the Status of Women.
16. President's Committee on Employment of the Handicapped.
17. President's Committee on Equal Employment Opportunity.
18. President's Committee on Equal Opportunity in Housing.
19. President's Committee on Juvenile Delinquency and Youth Crime.
20. President's Committee for Traffic Safety.
21. President's Council on Aging.
22. President's Council on Physical Fitness.