

11. The Agency has taken as its guide on the meaning of "official record," as used in the Administrative Procedure Act of 1946, the following statement from the Attorney General's Manual on the Administrative Procedure Act (1947):

The term "official record" is difficult of definition. In general, it may be stated that matters of official record will include (a) applications, registrations, petitions, reports and returns filed by members of the public with the agency pursuant to statute or the agency's rules, and (b) all documents embodying agency actions, such as orders, rules and licenses. In formal proceedings, the pleadings, transcripts of testimony, exhibits, and all documents received in evidence or made a part of the record are 'matters of official record.' * * *. The great mass of material relating to the internal operation of an agency is not a matter of official record.

The Agency has no matters of "official record" within the guidelines thus established. It has, therefore, not been necessary to formulate a precise definition.

The fact that the Agency has no matters of official record does not mean that public access to the Agency's files and records has been precluded. Some of the steps taken with respect to making files and records of the Agency available to the public are discussed above in response to questions 6 and 7.

REPLY FROM U.S. INFORMATION AGENCY

UNITED STATES INFORMATION AGENCY.

Washington, D.C., March 15, 1965.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee,
House of Representatives.

DEAR MR. MOSS: I am enclosing the information requested in your letter of February 12, to assist you in evaluating section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002).

While the Agency has not issued any specific regulation, directive, or order to implement 5 U.S.C. 1002, the Office of Administration is responsible, generally, for its implementation.

Miss June Miller, code 182, extension 3120, has been designated liaison officer for any additional information that you may require.

Sincerely yours,

STANLEY PLESENT,

General Counsel and Congressional Liaison.

1. Generally, 5 U.S.C. 1002 applies to the following functions of the U.S. Information Agency:

- (a) Informational Media Guaranty program.
- (b) Contract and Procurement operations.
- (c) Program facilitating the circulation abroad of U.S. visual and auditory materials of an educational, scientific and cultural character.
- (d) Federal Tort Claims procedure.

There are no elements or units of the Agency to which the section does not apply.

2. (a) Section 3(a) (1) of the APA: A description of the Agency's central and field organization is published annually in the U.S. Government Organization Manual.

The Federal Procurement Regulations (FPR), by which the Agency is guided in its contract and procurement operations, are published in the Federal Register. The Agency implementation of the FPR was initiated by publication of 41 CFR 19-1,000 through 19-1.108-2. Delegations of authority for procurement transactions to certain officials of the Agency are also published in the Federal Register.

The place and method whereby the public may secure information or make requests pertaining to the program listed in paragraph 1.c. above were published in the Federal Register on December 24, 1953, 22 CFR 502. For distribution abroad by USIS posts to ministries of education, heads of audiovisual centers, universities, professional organizations, etc., the Agency compiles and publishes a catalog entitled "U.S. Educational, Scientific, and Cultural Motion Pictures