

REPLY FROM NATIONAL AGRICULTURAL ADVISORY COMMISSION

U.S. DEPARTMENT OF AGRICULTURE,
NATIONAL AGRICULTURAL ADVISORY COMMISSION,
Washington, D.C., March 12, 1965.

HON. JOHN E. MOSS,
*Chairman, Foreign Operations and Government Information Subcommittee,
Committee on Government Operations, House of Representatives.*

DEAR MR. MOSS: Reference is made to your letter of February 12, 1965, addressed to the Secretary, National Agricultural Advisory Commission. The letter contains a series of questions relating to the application of section 3 of the Administrative Procedure Act to such Commission.

The National Agricultural Advisory Commission was created by Executive Order 10472, dated July 20, 1953, as amended by Executive Order 10937, dated May 3, 1961. Copies of such executive orders are attached hereto. The sole function of the Commission is to review, at the request of the Secretary of Agriculture, the policies and administration of farm programs within the jurisdiction of the Department of Agriculture and advise the Secretary in regard thereto.

The Commission does not make rules for the guidance of the public; it issues no final opinions or orders in the adjudication of cases or otherwise; it does nothing on which the public must rely. Rather, it acts solely in an advisory capacity to the Secretary of Agriculture, and thus its functions are considered as relating solely to the internal management of the Department of Agriculture. The Commission has, therefore, been viewed as not being subject to section 3 of the Administrative Procedure Act.

The Commission has not attempted to develop a definition of "official records" as used in section 3(c) of the Administrative Procedure Act, since all of its records relate solely to the internal management of the Department of Agriculture. Such records consist of minutes of its meetings, recommendations, internal memoranda and reports, all of which are for use within the Department of Agriculture.

Because of the view that the functions of the Commission are matters relating solely to internal management of the Department of Agriculture, as that term is used in section 3 of the Administrative Procedure Act (5 U.S.C. 102), we have not attempted to answer specifically each question presented by you. However, if I can be of any further assistance in this matter, please call me on code 111, extension 3575.

Sincerely yours,

FRANK LOWENSTEIN,
Executive Secretary, National Agricultural Advisory Commission.

REPLY FROM NATIONAL CAPITAL HOUSING AUTHORITY

NATIONAL CAPITAL HOUSING AUTHORITY,
Washington, D.C., March 4, 1965.

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

DEAR MR. MOSS: This is in response to your letter of February 12, 1965, concerning section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002). Responses are numbered in accordance with specific questions contained in your letter.

1. Generally, to what functions of your agency does 5 U.S.C. 1002 apply? Are there any divisions, bureaus, branches or other constituent units of your agency to which the section does not apply?

This agency, including constituent units, has considered its operations to come within the second exception of 5 U.S.C. 1002 provisions (matters relating to internal management) on the following basis:

(a) Agency operations involve the development and management of public housing in the District of Columbia for low-income families of the District.