

Chairman to do so. By vote of a majority of the members at the meeting, the agenda may be revised.

(c) *Adoption of Robert's Rules of Order.* The rules contained in *Robert's Rules of Order Revised*, 1971, shall govern the Commission in all cases to which they are applicable to the extent they are not inconsistent with these bylaws.

(d) *Quorum.* "Thirteen members of the Commission shall constitute a quorum for the transaction of business, but two or more members shall constitute a quorum for the purpose of conducting hearings." [Pub. L. 86-380 section 4(3); 42 U.S.C. 427(e).]

(e) *Substitute for Federal executive members.*¹ Federal executive members may designate one permanent substitute of at least Assistant Secretary rank or equivalent to act fully in his or her stead as a member of the Commission. Accordingly, such substitutes for Federal Executive members may participate in Commission debates and vote on all matters. Such named substitute designations by Federal Executive members shall be for the term of the member.

(f) *Polling.* The Chairman, on his own motion, may poll the membership to determine the views of the members on matters on the agenda of a regular or special meeting of the Commission but which were not considered by the Commission, or where he wishes to increase the number of members voting, or where he determines there is some administrative purpose to be served. Such voting shall either be by mail or, if by telephone, shall be confirmed in writing. The result of any poll shall be reported in the Docket Book for the fol-

¹In amending and reaffirming this provision for alternate members from the Executive Branch, the Commission emphasized its desire that members of the President's Cabinet be appointed to the Commission and attend its meetings whenever possible. The Commission also stressed that an alternate substituting for an Executive Branch member should be the same person from one meeting to the next and should represent the views of the regular member with continuity. Although the Commission recognized that it might be necessary to change the designation of an alternate, the Commission urged that such changes be kept to a minimum in the interest of strengthening continuity within the Commission.

lowing meeting of the Commission and shall be subject to a motion to reconsider at the following meeting but not at any other later time.

(g) *Acceptance of outside financial assistance.* No outside financial assistance is accepted without approval by the Commission. The Chairman, in his discretion, may request such approval by placing it in the Commission's regular agenda or by polling the members in accordance with Article VI of the Bylaws.

§ 1702.7 Staff—powers and limitations.

(a) *Duties and powers of the Executive Director.* The Executive Director directs and manages the staff in carrying out the directions of the Commission and the Chairman; represents the Commission before a variety of audiences including the Congress and its committees, the Executive Office of the President and other federal agencies, national and state associations of state and local officials, state and local governments, the media, schools and universities, and the general public; and undertakes and directs such other activities as the Executive Director and the Chairman of the Commission deem in the best interest of improved intergovernmental relations throughout the nation.

(b) *Commission's role in drafting legislative materials.* Any proposed legislation drafted by the staff to carry out Commission recommendations is to be approved by the Commission at a regularly scheduled Commission meeting before that material is transmitted to Congress, to state legislatures, to other interested groups, or to any other source.

§§ 1702.8—1702.10 [Reserved]

PART 1703—PUBLIC AVAILABILITY OF DOCUMENTS AND RECORDS

Subpart A—Freedom of Information Act Implementation

Sec.

1703.1 General.

1703.2 Publications.

1703.3 Requests for records.

1703.4 Index.

1703.5 Policy with respect to request for particular kinds of documents.

§ 1703.1

1703.6 Schedules of fees.

Subpart B—Privacy Act Implementation

1703.20 Purpose and scope.

1703.21 Definitions.

1703.22 Procedures for requests pertaining to individual records in a system of records.

1703.23 Request for amendment or correction of a record.

1703.24 Disclosure of a record to a person other than the individual to whom it pertains.

1703.25 Schedule of fees.

AUTHORITY: 5 U.S.C. 552, 552a, and 571-576.

SOURCE: 51 FR 24804, July 9, 1986, unless otherwise noted.

Subpart A—Freedom of Information Act Implementation

§ 1703.1 General.

This part implements section 552 of title 5, United States Code, and prescribes rules governing the availability to the public of documents and records of the Advisory Commission on Intergovernmental Relations.

§ 1703.2 Publications.

(a) Complete lists of Legislative Recommendations and Reports, together with the texts of those Recommendations, Reports and other publications are maintained in the Offices of the Commission.

(b) The Annual Report of the Commission contains a list of all Legislative Recommendations and Commission Reports adopted during the preceding year. It also contains descriptive material regarding the work of the Commission. The Annual Report is available from ACIR. Single copies of current and past Annual Reports will also be furnished by the Commission on request, to the extent that supplies on hand permit.

(c) The Commission endeavors to maintain for distribution to interested persons an adequate stock of reports, copies of congressional testimony, newsletters, minutes of recent committee meetings, and other documents of general interest. Requests for single copies of such documents will be filled at cost to the extent that supplies on hand permit.

5 CFR Ch. VII (1-1-01 Edition)

§ 1703.3 Requests for records.

(a) It is the policy of the Commission to make records and documents in its possession available to the public to the greatest extent possible. All records of the Commission are available for public inspection and copying in accordance with this section except those records or portions of records as to which the Director or his designee specifically determines that:

(1) They fall within a particular exemption in section 552(b) of the Freedom of Information Act and

(2) Disclosure would not be consistent with the national interest, the protection of private rights or the efficient conduct of Commission business.

(b) A request for records, other than for documents which are published in the FEDERAL REGISTER or available for sale or distribution as described in § 1703.2, shall be made in writing and directed to the Executive Director, Advisory Commission on Intergovernmental Relations, 1111 20th Street, NW., Washington, DC 20575. Such request shall be clearly marked "Freedom of Information Request" or "Information Request" and shall reasonably describe the record requested. The staff of the Commission will make reasonable efforts to assist a requester in formulating his request. Nothing in this section shall preclude staff of the ACIR from complying with oral, unmarked, or generally stated requests for information and documents.

(c) The Executive Director or his designee shall, within ten working days after its receipt, either comply with or deny a request for records, provided that when additional time is required because of:

(1) A need to search for, collect and examine a voluminous amount of separate and distinct records demanded in a single request, or (2) a need for consultation with another agency having a substantial interest in the determination of the request, the time limit for disposing of the request may be extended for up to ten additional working days by a written notice to the requester setting forth the reasons for and the anticipated length of the delay.

(d)(1) Where it appears to the Executive Director or his designee that fees

chargeable under § 1703.6 of this regulation for compliance with the request will exceed \$25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. The notification shall offer the requester the opportunity to confer with Commission personnel with the object of reformulating the request so as to meet his needs at lower cost.

(2) Where the anticipated fee chargeable under this part exceeds \$50, an advance deposit of 25% of the anticipated fee or \$25, whichever is greater, may be required. Where a requester has previously failed to pay a fee under this part, an advance deposit of the full amount of the anticipated fee may be required.

(e) The requester will be notified promptly of the determination made pursuant to paragraph (c) of this section. If the determination is to release the requested record, such record shall promptly be made available. If the determination is not to release the record, the person making the request shall, at the same time he is notified of such determination, be notified of:

(1) The reason for the determination;

(2) The name and title or position of each person responsible for the denial of the request; and

(3) His right to seek judicial review of such determination pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. 552(a)(4).

§ 1703.4 Index.

The Freedom of Information Act, 5 U.S.C. 552(a)(2), requires each agency to maintain and make available for public inspection and copying a current index of certain materials issued, adopted or promulgated by the agency. With respect to the materials covered by section 552(1)(2)(B), the Commission maintains currently for distribution a complete list of Commission Recommendations ("A" Series) and Reports ("M" Series), and other reports. The Commission has no adjudicatory respon-

sibilities of the kind contemplated by section 552(a)(2)(A) of the Act and does not ordinarily issue materials of the type described in section 552(a)(2)(C). Should such materials be issued, appropriate indexes will be maintained.

§ 1703.5 Policy with respect to request for particular kinds of documents.

This section is intended to amplify the policy set out in § 1703.3(a) as applied to specific categories of documents:

(a) All materials which are distributed to the membership of the Commission (Docket Book) for consideration at a plenary session will upon distribution be available to the public in accordance with § 1703.2(d) of these regulations.

(b) Consultant and staff reports which are otherwise exempt from disclosure under the Freedom of Information Act as interagency or intra-agency correspondence will, absent special circumstances, be made available if the reports are in substantially completed form and have been distributed widely for comment within or outside the Government. Tentative reports and working drafts which have received only limited circulation will ordinarily not be made available.

(c) Agency comments on a report or proposed legislative recommendation, even if exempt from disclosure under the Freedom of Information Act, will nevertheless ordinarily be made available unless the agency indicates to the Commission that its comment is confidential. Comment of an individual Commission member, writing in his personal capacity, will not be made available without the consent of the member.

(d) The following categories of documents are declared to be available to the public, notwithstanding any applicable exemption in section 552(b) of the Freedom of Information Act:

(1) Agency reports on the implementation of Commission recommendations;

(2) Correspondence from the Office of the Chairman of the Commission or the Executive Director to committees of Congress, commenting on pending legislation;

§ 1703.6

(3) Minutes of meetings of the standing committees of the Commission.

(4) Transcripts or minutes of Commission meetings.

§ 1703.6 Schedules of fees.

The Executive Director may charge a fee for searching for and copying documents or records requested pursuant to § 1703.3, as follows:

(a) The fee for copies shall be \$0.10 per copy per page. Copying fees of less than \$3 per request are waived.

(b) The search charge shall be \$9 per hour for the services of non-professional personnel and \$15 per hour for the services of professional personnel. Search charges shall be calculated to the nearest quarter hour. There shall be no search charge for searches requiring less than one-half man hour.

(c) No fee will be charged in connection with any record which is not made available because it is found to be exempt from disclosure.

(d) Charges may be waived or reduced where the Executive Director determines that such waiver or reduction is in the public interest.

Subpart B—Privacy Act Implementation

§ 1703.20 Purpose and scope.

The purpose of this subpart is the implementation of the Privacy Act of 1974, 5 U.S.C. 552a, by establishing procedures whereby an individual can determine if a system of records maintained by the Commission contains a record pertaining to himself, and procedures for providing access to such a record for the purpose of review, amendment, or correction. Requests for assistance in interpreting or complying with these regulations should be addressed to the Executive Director, Advisory Commission on Intergovernmental Relations, 1111 20th Street, NW., Washington, DC 20575.

§ 1703.21 Definitions.

As used in this subpart, the terms *individual*, *maintain*, *record*, *system of records*, and *routine use* have the meaning specified in 5 U.S.C. 552a(a).

5 CFR Ch. VII (1–1–01 Edition)

§ 1703.22 Procedures for requests pertaining to individual records in a system of records.

(a) An individual can determine if a particular system of records maintained by the Commission contains a record pertaining to himself by submitting a written request for such information to the Executive Director. The Executive Director or his designee will respond to a written request under this subpart within a reasonable time by stating that a record on the individual either is or is not contained in the system.

(b) If an individual seeks access to a record pertaining to himself in a system of records, he shall submit a written request to the Executive Director. The Executive Director or his designee will, within ten working days after its receipt, acknowledge the request and if possible decide if it should be granted. In any event, a decision will be reached promptly and notification thereof provided to the individual seeking access. If the request is denied, the individual will be informed of the reasons therefor and his right to seek judicial review.

(c) In cases where an individual has been granted access to his records, the Executive Director may, prior to releasing such records, require the submission of a signed notarized statement verifying the identity of the individual to assure that such records are disclosed to the proper person. No verification of identity will be required when such records are available under the Freedom of Information Act, 5 U.S.C. 552, as amended.

§ 1703.23 Request for amendment or correction of a record.

(a) An individual may file a request with the Executive Director for amendment or correction of a record pertaining to himself in a system of records. Such written request shall state the nature of the information in the record the individual believes to be inaccurate or incomplete, the amendment or correction desired and the reasons therefor. The individual should supply whatever information or documentation he can in support of his request for amendment or correction of a record.

(b) The Executive Director or his designee will, within ten working days after its receipt, acknowledge a request for amendment or correction of a record. A decision will be reached promptly and notification thereof provided to the individual seeking to amend or correct a record. The Executive Director may request such additional information or documentation as he may deem necessary to arrive at a decision upon the request. If the request is granted, the record as amended will be called to the attention of all prior recipients of the individual's record.

(c) If the request is denied, the individual will be informed of the reasons therefor and his right to appeal the denial in writing to the Chairman of the Commission. The Chairman will render a decision on an appeal within thirty working days following the date on which the appeal is received. The individual will be notified promptly of the Chairman's decision and, if the appeal is denied, the reasons therefor and the individual's right to seek judicial review and his right to file a concise statement of disagreement, which statement will be noted in the records to which it pertains and supplied to all prior and subsequent recipients of the disputed record. If an appeal is granted, the record as amended will be called to the attention of all prior recipients of the individual's record.

(d) Requests for amendment or correction of a record must be accompanied by a signed notarized statement verifying the identity of the requesting party.

§ 1703.24 Disclosure of a record to a person other than the individual to whom it pertains.

Except in accordance with 5 U.S.C. 552a(b), or as required by the Freedom of Information Act, 5 U.S.C. 552, as amended, or other applicable statute, the Commission will not disclose a record to any individual other than the individual to whom the record pertains without the written consent of such individual. An accounting of the date, nature, and purpose of each disclosure of a record as well as the name and address of the person or agency to whom the disclosure was made will be main-

tained. This accounting will be made available to the individual to whom the record pertains upon the submission of a written, notarized request to the Executive Director.

§ 1703.25 Schedule of fees.

Copies of record supplied to any individual at his request shall be provided for \$.10 per copy per page. Copying fees of less than \$3 per request are waived.

PART 1720—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

- Sec.
- 1720.101 Purpose.
- 1720.102 Application.
- 1720.103 Definitions.
- 1720.104—1720.109 [Reserved]
- 1720.110 Self-evaluation.
- 1720.111 Notice.
- 1720.112—1720.129 [Reserved]
- 1720.130 General prohibitions against discrimination.
- 1720.131—1720.139 [Reserved]
- 1720.140 Employment.
- 1720.141—1720.148 [Reserved]
- 1720.149 Program accessibility: Discrimination prohibited.
- 1720.150 Program accessibility: Existing facilities.
- 1720.151 Program accessibility: New construction and alterations.
- 1720.152—1720.159 [Reserved]
- 1720.160 Communications.
- 1720.161—1720.169 [Reserved]
- 1720.170 Compliance procedures.
- 1720.171—1720.999 [Reserved]

AUTHORITY: 29 U.S.C. 794.

SOURCE: 51 FR 4574, 4579, Feb. 5, 1986, unless otherwise noted. Redesignated at 51 FR 24800, July 9, 1986.

§ 1720.101 Purpose.

This part effectuates section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.