

§ 1702.5

meeting, compensates and removes the Executive Director.

(d) *Committees.* The Commission may establish such committees as it deems necessary or desirable to guide research, to hold hearings, or to perform other duties.

(e) *Responsibilities and duties of Commission members.* Members are expected to:

- (1) Attend all meetings.
- (2) Be familiar with docket book contents.
- (3) Be prepared to discuss and vote on proposed recommendations.
- (4) Attend ACIR public hearings and suggest witnesses.
- (5) Make speeches and appearances on behalf of ACIR.
- (6) Testify for ACIR at Congressional hearings.
- (7) Upon request of the Chairman, serve on Commission committees.

Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any committee or members thereof (section 6(a), Pub. L. 86-380 (42 U.S.C. 4276(a))).

§ 1702.5 Duties and powers of the Chairman and Vice-Chairman.

(a) *Personnel.* Subject to rules and regulations adopted by the Commission, the Chairman is empowered by section 6(d) of Pub. L. 86-380 (42 U.S.C. 4276(d)) to appoint, fix the compensation of, and remove all personnel other than the Executive Director, without regard to civil service laws or political affiliation; and to procure the services of temporary and intermittent employees.

(b) *Information requests.* The Chairman is empowered to request necessary information of federal departments and agencies to be furnished by them as required by Pub. L. 86-380, 42 U.S.C. 4276(b). The Vice-Chairman also is empowered to request such information.

(c) *Presiding and voting.* The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman, the Vice-Chairman shall preside at Commission meetings. In the absence of both the Chairman and Vice-Chairman, the Commission member who will preside shall have been designated by the Chairman or failing

5 CFR Ch. VII (1-1-02 Edition)

such designation, by majority vote of those attending. The Chairman votes only in the case of a tie or when a vote is taken by written ballot.

(d) *Committees.* The Chairman may establish committees as necessary.

(e) *Hearings.* The Chairman may call hearings and fix their time and place.

(f) *Encouraging attendance and reducing absenteeism.* The Chairman shall promote regular attendance by Commission members at regular Commission meetings and other Commission functions. Whenever a member misses three or more consecutive regular Commission meetings, the Chairman shall write the member, on behalf of the Commission, requesting the member's resignation. The Chairman shall send a copy of his letter to the officials responsible under the law for nominating and appointing that member to the Commission, noting his record of absenteeism and suggesting that efforts be made to vacate the seat so that a new member may be nominated. Every effort will be made to make attendance expectations known to all new members and to officials making nominations and appointments.

§ 1702.6 Commission meetings.

(a) *Time and place.* The Commission intends in the exercise of its discretion provided by Pub. L. 86-380, section 6(a) (42 U.S.C. 4276(a)), to meet quarterly at the call of the Chairman, except in even numbered election years when the fall quarter meeting may be cancelled. Additional meetings may be called by the Chairman or by a majority of all the Commission members. Commission meetings shall be held, upon due notice, at such times and places as the Chairman or the Commission shall determine. The Commission also intends, in the exercise of its discretion, that at least one of its meetings each year be held outside Washington, D.C.

(b) *Setting meeting agendas—notice.* With the approval of the Chairman, the Executive Director will establish the agenda for each regular meeting and shall notify the members of its contents by sending out a docket book at least three weeks in advance of the meeting. Members wishing items placed on the agenda may request the

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.