

00: 9-0263

14 Feb. 1959

MEMORANDUM FOR: Deputy Director (Intelligence)
Deputy Director (Plans)
Deputy Director (Support)
Deputy Director (Coordination)
Inspector General

SUBJECT: Advisory Committees

1. For several years now the Cabinet has been seriously concerned about the use of advisory committees by the Government. The use of advisory committees is meant any committee, board, commission, council, panel, task force, or similar group, used by any department or agency for advice or recommendations, that is not composed wholly of Government employees.

2. The concern of the Administration over the use of advisory committees in general arises out of the possibility of conflicts of interest. A more specialized problem arises in the use of what are called industry advisory committees, which are advisory committees composed predominantly of members or representatives of a single industry. Thus, if we were to call in a few prominent members of the petroleum industry to advise us on intelligence in the petroleum field, we would technically have an industry advisory committee. Here the problem is created by the antitrust laws which forbid representatives of various companies conferring in any manner that could be deemed to be business collaboration. While it is quite obvious that any such panel called for our purposes would not be the type of collaboration violating the antitrust laws, the problem is to be able to demonstrate this.

3. The Cabinet has now decided that certain criteria must be applied in the use of advisory committees:

a. The head of the agency shall find that such committees are in the public interest in connection with the performance of duties imposed by law;

b. functions of committees shall be solely advisory, and determination of any action to be taken will be made solely by the proper Government officials;

c. meetings shall be called or approved by Government officials who shall also set the agenda;

d. meetings shall be chaired by or conducted in the presence of Government officials who shall have full control of the meeting;

c. minutes of each meeting will be kept at least in the form of a summary of matters discussed and conclusions reached, and the minutes will be certified as accurate by a Government official.

In the case of general advisory committees, c., d., or e. may be waived by the agency head if necessary to get on with the business. In the case of industry advisory committees, however, none of these criteria may be waived.

4. The Administration's concern in this field arose out of the use of advisory groups by certain departments and agencies, particularly the Department of Commerce. Certain situations led to the proposal by the Congress that legislation should be enacted to control the use of such groups. The Administration has strongly resisted such legislation; it is, therefore, imposing its own controls.

5. It is obvious that our utilization of committees would not normally create the types of conflict of interest and antitrust problems that arise with departments like Commerce. However, the Cabinet has determined that the Administration must be in a position to demonstrate that the situation is under control throughout all departments and agencies. Already our regulations provide that consultants must be used only in an advisory capacity and that any situation creating a possible conflict of interest must be reported immediately. Nevertheless, I am called upon to make a report to the Cabinet on the application of the criteria set forth above to our use of advisory committees.

6. Will you have prepared as soon as may be practicable a report on the utilization by activities under your jurisdiction of advisory committees of any sort and the application of the specified criteria in their utilization. Based on your report, the Executive Officer will maintain a registry of all such advisory committees, and any new committees proposed in any of your areas will be reported to him in advance. Any inquiries as to definition or makeup of advisory committees or as to the criteria involved should be addressed to the General Counsel. In the case of this Agency, the Cabinet will require only a general report, and no specifics as to nature or composition of the committees will go forward.

/s/
ALLEN W. DULLES
Director