



**NOTICE TO REQUEST VOTE ON CLOSURE OF AUGUST 17, 2012 MEETING/  
LEGAL GUIDANCE ON BASIS FOR MEETING CLOSURE**

**Sent via email on July 31, 2012**

**TO: BROADCASTING BOARD OF GOVERNORS**

**FROM: PAUL KOLLMER-DORSEY  
BOARD SECRETARY AND DEPUTY GENERAL COUNSEL**

**SUBJECT: REQUEST TO CLOSE BOARD MEETING TO DISCUSS FY 2014 BUDGET**

The Board will hold a special telephonic meeting of the Board on August 17 at 12 p.m. EDT in order to discuss the Agency's FY 2014 budget proposal.

In order to comply with the Government in the Sunshine Act, we have structured the meeting as a closed session of the Board to consider adoption of the Agency's FY 2014 budget proposal.

Request to Approve Closure of the Board Meeting

The meeting will be devoted to consideration of the BBG's submission of the President's FY 2014 budget. This meeting may be properly closed to the public pursuant to 5 USC 552b(c)(9)(B) because any public discussion of agency deliberations related to developing the President's budget is prohibited in accordance to Office of Management Budget guidance (see attached excerpt from OMB Circular A-11: Confidentiality of Agency Budget Deliberations).

In order to close the meeting under the Government in the Sunshine Act, a majority of Governors must vote in favor of closure.

We are therefore requesting each Governor to respond by voting "yes" or "no" in favor of closing the August 17 meeting devoted discussion of the FY 2014 Annual Budget.

All votes should be submitted not later than close of business Friday, August 3, 2012, so that we may submit the required public notice of the upcoming meeting to the Federal Register. In accordance with the Sunshine Act, your vote will be made available to the public.

Thanks. PKD

## **Excerpt from OMB Circular A-11 – Preparation, Submission and Execution of the Budget**

### **22.1 Confidentiality of budget deliberations.**

The nature and amounts of the President's decisions and the underlying materials are confidential. Do not release the President's decisions outside of your agency until the Budget is transmitted to the Congress. The materials underlying those decisions should not be released at any time, except in accordance with this section. In addition, outyear discretionary data is considered pre-decisional and should not be released without prior OMB approval. (For additional information on the confidentiality of pre-decisional budget information, please consult OMB Memorandum M-01-17 of April 25, 2001.)

Presidential decisions on current and budget year estimates (other than forecasts of items that will be transmitted formally later), both in total and in detail, become the "proposed appropriations" as that term is used in the Budget and Accounting Act of 1921, as amended, and must be justified by your agency. Do not release agency justifications provided to OMB and any agency future year plans or long-range estimates to anyone outside the Executive Branch, except in accordance with this section.

#### AGENCY INFORMATION • MEMORANDA

April 25, 2001  
M-01-17

#### MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Sean O'Keefe, Deputy Director

SUBJECT: Confidentiality of Pre-Decisional Budget Information

As a follow-up to the submission to Congress of the Fiscal Year 2002 Budget, I would like to emphasize the importance of continuing to preserve the confidentiality of the deliberations that led to the President's budget decisions. Since the Budget has been formally submitted, it is important that the Executive Branch's internal deliberations regarding the various issues and options that were considered in the process leading to the President's decisions should remain a matter of internal record. Examples of confidential budget information are an agency component's budget requests to the agency, the agency's budget requests to OMB, and OMB's passback to the agency.

The Executive Branch's longstanding policy on the need to preserve the confidentiality of pre-decisional budget information is outlined in Section 36 of Circular A-11, "Communications with Congress and the Public and Clearance Requirements." For your convenience, a copy of Section 36 is enclosed. This policy applies to all Executive Branch officials and staff.

Thank you for your cooperation.