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The Federal Advisory Committee Act (FACA) Brochure

An Overview

U.S. General Services Administration
Office of Governmentwide Policy
Committee Management Secretariat
Washington, DC 20405

Advisory committees have played an important role in shaping programs and policies of the federal government from the earliest days of the Republic. Since President George Washington sought the advice of such a committee during the Whiskey Rebellion of 1794, the contributions made by these groups have been impressive and diverse.

Through enactment of the Federal Advisory Committee Act (FACA) of 1972 (Public Law 92-463), the U.S. Congress formally recognized the merits of seeking the advice and assistance of our nation's citizens. At the same time, the Congress also sought to assure that advisory committees:

- Provide advice that is relevant, objective, and open to the public;
- Act promptly to complete their work; and
- Comply with reasonable cost controls and recordkeeping requirements.

Role of Federal Advisory Committees

With the expertise from advisory committee members, federal officials and the nation have access to information and advice on a broad range of issues affecting federal policies and programs. The public, in return, is afforded an opportunity to participate actively in the federal government's decision-making process.

Federal Agency Responsibility

Each federal agency that sponsors advisory committees must adhere to the requirements established by the FACA, as well as those administrative guidelines provided by the U.S. General Services Administration's (GSA) Committee Management Secretariat. GSA has had the responsibility for overseeing the FACA since 1977.

GSA's Role Under the FACA

With approximately 1,000 advisory committees in existence at any given time, special attention is required to assure compliance with the FACA, the Freedom of Information Act, and related regulations, as well as to encourage effective and

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efficient use of committee resources.

While executive branch departments and agencies are responsible for continually reviewing committee performance in these areas, the General Services Administration was designated by the President in 1977 to monitor committee activities governmentwide. As part of this responsibility, GSA:

- Conducts annual reviews of advisory committee accomplishments;
- Responds to inquiries from agencies on establishing new committees or the renewal of existing groups;
- Prepares an annual report covering a summary of committee activities; and
- Maintains a FACA database on the worldwide web from which advisory committee information may be obtained via the Internet.

Together, GSA and the federal community work to eliminate the overlap or duplication of advisory bodies, terminate unnecessary or inactive committees, and develop committee management regulations, guidelines, and training in response to requirements of the executive branch and Congress.

Complying with FACA

Any advisory group, with limited exceptions, that is established or utilized by a federal agency and that has at least one member who is not a federal employee, must comply with the FACA. To find out if a group comes under the FACA, any individual may contact the sponsoring agency's Committee Management Officer, or the GSA Committee Management Secretariat (see the last section "*For More Information...*").

Requirements for Establishing and Managing Advisory Committees

Under the Federal Advisory Committee Act, advisory committees can be created only when they are essential to the performance of a duty or responsibility conveyed upon the executive branch by law. Before committees can be set up, high-level officials within the sponsoring agency must review and approve the request. Once a committee is approved, a charter is prepared outlining the committee's mission and specific duties and forwarded to GSA's Committee Management Secretariat for final review. Following a required public notification period, and the filing of the charter with Congress, the committee may begin operation.

Committee Management Officer and Designated Federal Official

The Federal Advisory Committee Act also provides that each agency sponsoring a federal advisory committee must appoint a Committee Management Officer to oversee the administration of the Act's requirements.

In addition, a designated federal official must be assigned to each committee to:

- Call, attend, and adjourn committee meetings;
- Approve agendas;
- Maintain required records on costs and membership;
- Ensure efficient operations;
- Maintain records for availability to the public; and
- Provide copies of committee reports to the Committee

Management Officer for forwarding to the Library of Congress.

Expiration of a Committee's Charter

Unless the renewal of a committee charter is justified under the FACA, the charter automatically expires after a two-year period (or as otherwise provided by law).

Advisory Committee Members

Federal advisory committee members are drawn from nearly every occupational and industry group and geographical section of the United States and its territories. The FACA requires that committee memberships be "fairly balanced in terms of the points of view represented and the functions to be performed."

As a result, members of specific committees often have both the expertise and professional skills that parallel the program responsibilities of their sponsoring agencies. In balancing committee memberships, agencies are expected to assure that major-and sometimes strongly opposing-viewpoints are represented to provide a foundation for developing advice and recommendations that are fair and comprehensive.

Appointing Committee Members

Agency officials, members of Congress, the general public, or professional societies or current and former committee members may nominate potential candidates for membership.

Selection of committee members is made based on the FACA's requirements and the potential member's background and qualifications. Final selection is made by the president or heads of agencies.

Prior to accepting an appointment with a federal advisory committee, each prospective member should meet with the appropriate agency Committee Management Officer and Designated Agency Ethics Official, to discuss duties and obligations, allowable expenses, and compensation limitations.

Federal Ethics and Conflict of Interest Laws

Agency officials must provide prospective advisory committee members with information regarding any applicable standards of conduct-including those imposed by federal conflict of interest statutes. In some instances, members may be subject to special limitations during the course of their service on an advisory committee. For some members, these restrictions also may apply (for limited periods) after their committee assignments have ended.

Some agencies may impose additional administrative requirements as well. To avoid potential conflicts, each advisory committee member should assure that he or she receives adequate information from the sponsoring agency and completes any required appointment papers and disclosure forms prior to service on a committee.

Oral briefings and other explanatory material may be obtained through the sponsoring agency's Committee Management Officer, Designated Agency Ethics Official, or from the Office of Government Ethics, which has governmentwide jurisdiction on federal ethics issues.

Limits on Membership Terms

Each agency sets limits (unless provided by law) on the lengths of terms for serving on advisory committees to allow for continually new membership.

Open Access to Committee Meetings and Operations

Under the provisions of the Federal Advisory Committee Act, federal agencies sponsoring advisory committees must:

- Arrange meetings for reasonably accessible and convenient locations and times;
- Publish adequate advance notice of meetings in the *Federal Register*;
- Open advisory committee meetings to the public (with some exceptions-see the section on "Government in the Sunshine Act" below);
- Make available for public inspection, subject to the Freedom of Information Act, papers and records, including detailed minutes of each meeting; and
- Maintain records of expenditures.

Government in the Sunshine Act

Advisory committee meetings may be closed or partially closed to the public based upon provisions of the Government in the Sunshine Act of 1976 (Public Law 94-409). Examples of meetings that may be closed under the FACA are:

- Those including discussions of classified information;
- Reviews of proprietary data submitted in support of Federal grant applications; and
- Deliberations involving considerations of personnel privacy.

Today, an average of 1,000 advisory committees with more than 40,000 members advise the President and the Executive Branch on such issues as the disposal of high-level nuclear waste, the depletion of atmospheric ozone, the national fight against Acquired Immune Deficiency Syndrome (AIDS), and on efforts to rid the Nation of illegal drugs or to improve schools, highways, and housing, and on other major programs.

For More Information...

For more information on the requirements of the Federal Advisory Committee Act, contact the General Services Administration's Committee Management Secretariat at (202) 273-3556.

Examples of materials available from Committee Management Secretariat are:

- Annual Report on Federal Advisory Committees (for current fiscal year)
 - Federal Advisory Committee Act
 - Government in the Sunshine Act
 - GSA Final Rule on Federal Advisory Committee Management
 - List of agency committee affiliations
 - List of agency Committee Management Officers

- [The Federal Advisory Committee Act: An Overview](#)

Other materials, such as samples of nominating letters and charters, are available from each sponsoring agency.

- [Information on the Federal Advisory Committee Act Training course.](#)

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