

## **Green Building Advisory Committee**

### **Bylaws and Operating Procedures**

#### **Section I: Purpose**

The purpose of the Green Building Advisory Committee (“the Committee”) is to provide advice and expertise for use by the Federal Director of GSA’s Office of Federal High-Performance Green Buildings (OFHPGB) in carrying out the duties under the Energy Independence and Security Act (EISA) section 494, including such recommendations relating to Federal activities carried out under section 434 through 436 as are agreed to by a majority of the members of the Committee. The objective of the Committee is to provide advice to GSA to advance federal building innovations in planning, design, and operations to reduce costs, enable agency missions, enhance human health and performance, and minimize environmental impacts.

#### **Section II: Authority**

The Committee is required under the authority of the Energy Independence and Security Act of 2007 (EISA), Section 494, Public Law 110-140. This Committee is established in accordance with and operates under the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. 10).

#### **Section III: Membership Selection and Appointment**

The GSA Administrator, or their designee, will appoint a member of the Committee and subcommittee(s)/task group(s) to be the Chair, or two members to be Co-Chairs. Members of the Committee and subcommittee(s)/task group(s) are appointed by the GSA Administrator, or the Administrator’s designee, for up to 3 year terms with a possible extension of up to another 3 years. Members may not serve more than 6 consecutive years. Members will be selected based on the specific requirements of the EISA statute, as well as based on their knowledge of and experience with the green building industry with relevance to office buildings and other large public or commercial buildings. Membership includes the responsibility to attend Committee meetings and have read all materials prior to the meeting.

## **Section IV: Organization**

As deemed necessary by the Chair or Co-Chairs of the Committee, the Designated Federal Officer (DFO) for the Committee may establish subcommittees/ task groups for any purpose consistent with the Committee's charter. All activities of the subcommittees/task groups must be in compliance with the Committee's charter, FACA, the FACA Final Rule<sup>1</sup> and GSA policy.

## **Section V: Meeting Procedures**

The Committee will meet at least two times a year. This proposed schedule will be subject to change based on all extenuating factors. Some meetings may be held virtually by teleconference or videoconference, or a hybrid of virtual and in-person participation, in accordance with Federal regulations and FACA rules.

Subcommittees/task groups may meet as frequently as necessary to carry out the work of the task group. Committee and subcommittee/task group meetings will be called by the DFO in consultation with the Chair or Co-Chairs, consistent with the following considerations:

**A. Agenda:** The DFO will approve the agenda for all Committee and subcommittee/task group meetings. The DFO will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the notice of the meeting in the Federal Register. Items for the agenda may be submitted to the Chair or Co-Chairs and DFO by any member of the Committee.

**B. Minutes and Records:** The DFO will prepare minutes of each Committee and subcommittee/task group meeting, which must be certified by the Chair, or a Co-Chair, within 90 days of the meetings and posted on the Committee website within two weeks of the certification. The DFO will also distribute copies to each member. Minutes of closed meetings will follow the same process, subject to the withholding of matters about which public disclosure would be harmful to the interests of the government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act. The minutes will include the time, date and place of the meeting, a record of the persons present (including the names of Committee or subcommittee/taskgroup members, names of staff, and the names of members of the public from whom written or oral presentations were made) and a complete and accurate description of the matters discussed and conclusions reached, and copies of

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<sup>1</sup> <https://www.regulations.gov/document/GSA-FMR-2022-0015-0010>

all reports received, issued or approved by the Committee or subcommittee/task group.

All documents, reports, or other materials prepared by, or for, the Committee constitute official government records and must be maintained according to Federal and GSA policies and procedures. Copies of meeting materials, including agendas, minutes, reports, and presentations will be made available on the Committee's webpage.

**C. Open Meetings.** Unless otherwise determined in advance, all meetings of the Committee and subcommittees/task groups will be open to the public. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may offer oral comments at such meeting in accordance with public comment procedures noted in the Federal Register preceding such meeting. The Chair or Co-Chairs may decide in advance to exclude public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the Committee at any time.

**D. Closed Meetings:** Meetings of the Committee and subcommittees/task groups will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by the GSA Administrator, with legal counsel review and concurrence, 30 days in advance of the meeting.

Where the DFO has determined in advance that discussions during a Committee or subcommittee/task group meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act, will be published in the Federal Register. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Chair or Co-Chairs will order such discussion to cease and will schedule it for closed session.

**E. Administrative Planning Meetings.** The Chair or Co-chairs of the Committee or a subcommittee/task group, or the full Committee/subcommittee/task group, may meet with the DFO in order to plan future subcommittee/task group or full Committee meetings, but must only discuss administrative issues of the Committee or

subcommittee/task group(s). Discussion of substantive issues of the Committee or subcommittees/task groups must take place during open meetings in order to maintain the openness requirements under FACA and GSA policy.

## **Section VI: Voting**

The Committee and subcommittee(s)/task group(s) will seek to make the majority of its decisions by consensus. When a decision or recommendation of the Committee or a subcommittee/task group is required, the Chair, Co-Chairs, or any Committee or subcommittee/task group member, may request a motion for a vote. A second will be required to bring a motion to a vote. A quorum, defined as two-thirds of the members, also will be required for a vote to take place at a meeting. Major votes should be planned and announced in advance of a meeting.

## **Section VII: Roles**

**Chair and Co-Chair:** The Chair or Co-Chairs moderate meetings, serve as the focal point for members and work with the DFO and members to establish priorities and identify issues which must be addressed by the Committee and subcommittee/task group. In addition, the Chair or Co-Chairs are responsible for certifying or approving the accuracy of minutes developed by the DFO to document Committee and subcommittee/task group meetings. The certification may be in the form of an email from the Chair or Co-Chairs to the DFO certifying the accuracy of the meeting minutes.

**Designated Federal Officer:** The DFO is responsible for managing the day-to-day activities of the Committee and subcommittee(s)/task group(s) and ensuring compliance with FACA, the FACA Final Rule, and GSA policy. The DFO must: (1) approve or call the meetings of the Committee and subcommittee(s)/task groups(s); (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) Chair meetings when so directed by the Administrator, or their designee.

In addition, the DFO is responsible for: (1) notifying members of the time and place for each meeting; (2) maintaining records of all meetings, including subcommittee/task group activities, as required by Law; (3) maintaining the membership rosters (4) preparing the minutes of all meetings; (5) attending to official correspondence; and (6) maintaining official Committee records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees/task groups.

Alternate DFO(s) will be named to handle these responsibilities in case at any time the DFO is unable to execute them.

**Members:** Members are expected to fulfill their duties as outlined in EISA section 494 while following all applicable provisions of FACA, the FACA Final Rule and GSA policy. Their responsibilities include: bringing their expertise on green building and related topics to the Green Building Advisory Committee; attending all meetings and volunteering on at least one subcommittee/task group; reading all materials the DFO provides members; providing their feedback on how well the OFHPGB is accomplishing its mission and where its projects or strategies can be improved; and voting on particular issues presented in front of the Committee. No person appointed to serve in an individual capacity shall be a federally registered lobbyist in accordance with the Presidential Memorandum "Lobbyists on Agency Boards and Commissions" (June 18, 2010) and OMB Final Guidance published in the *Federal Register* on October 5, 2011 and revised on August 13, 2014. GSA reserves the ability to replace any member who is unable to fully participate in the Committee's meetings.

#### **Section VIII: Expenses and Reimbursement.**

Expenses related to the operation of the Committee will be borne by the Office. Expenditures of any kind must be approved in advance by the DFO.

Members serving on the Committee are not eligible for any form of additional compensation. The government may pay travel and per diem for non-Federal members, where necessary and appropriate, at a rate equivalent to that allowable for federal employees.

#### **Section IX: Amendments**

The Bylaws may be amended by the DFO, with approval of the full Committee through a Committee.

Bylaw Amendments:

Amendment 1: October 22, 2024