The Federal Advisory Committee Act (FACA)

Sometimes the Federal Government can benefit from outside advice

FACA

The public has a right to know who is influencing Federal Government decision-making
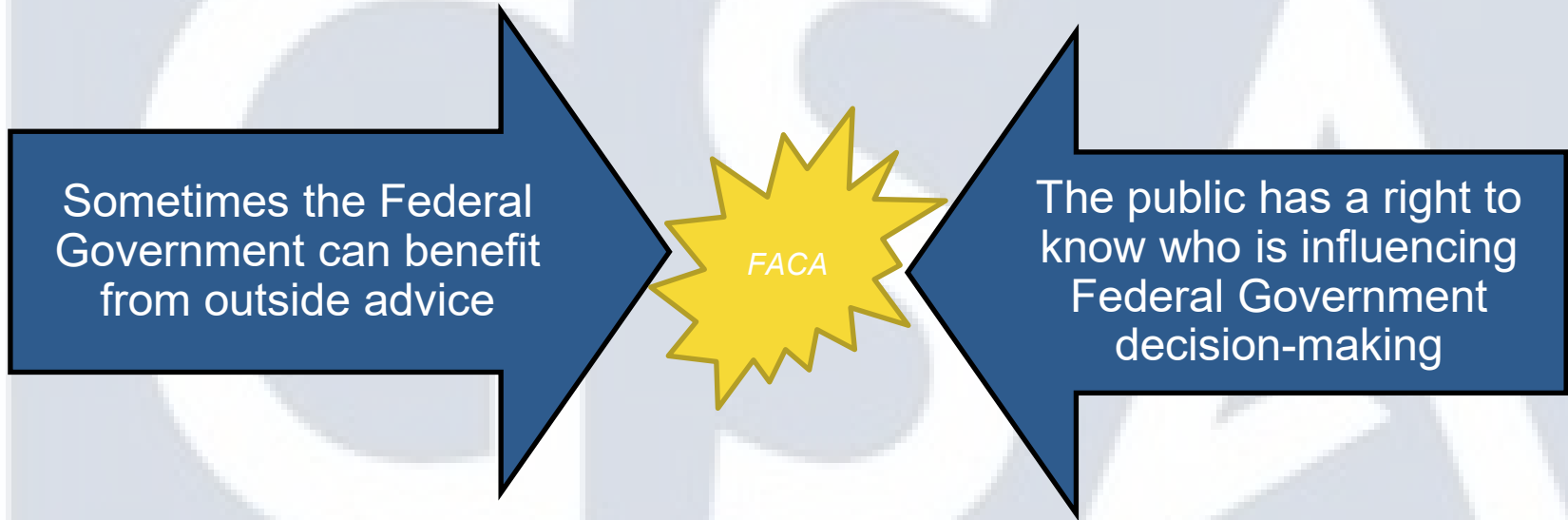
When does the FACA apply?

FACA

Group includes non-federal member(s)

The group provides *consensus* advice

The federal government exercises control over the group
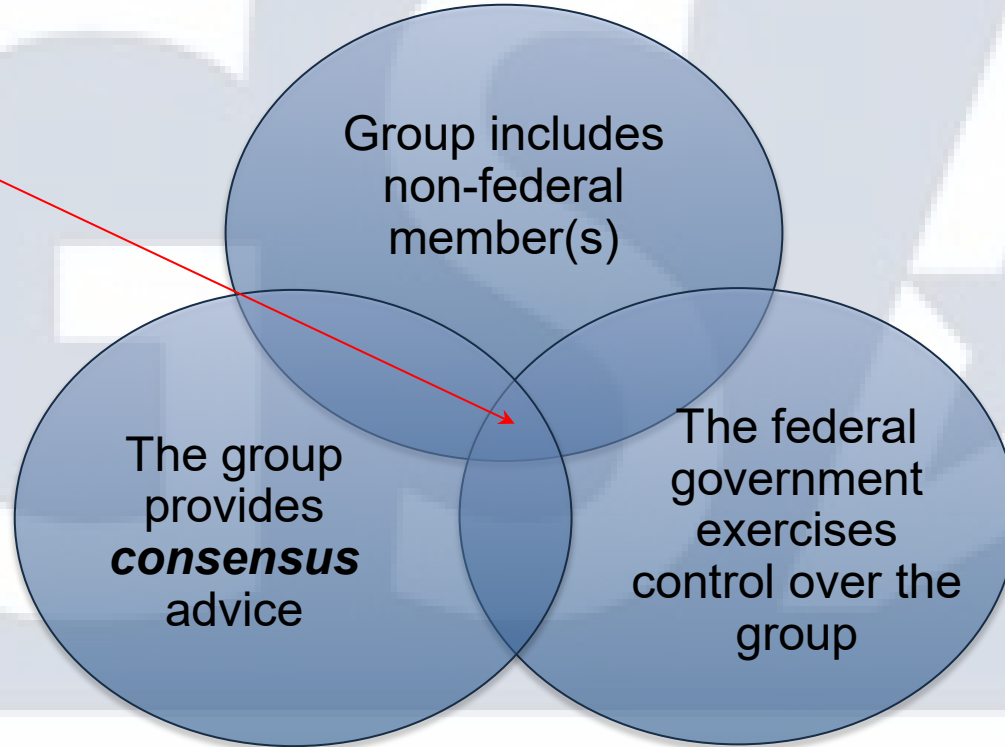
GSA's FACA Responsibilities

- 1977: GSA assigned to monitor committee activities government-wide
  - Annual reviews
  - Helps agencies establish or renew committees
  - Maintains a FACA database on the internet

- Depending on extent of GSA involvement, the advisory committee may operate under GSA Order 5420.4OA OGP, GSA Federal Advisory Committee Management Program, including additional rules for subcommittees

Establishing Federal Advisory Committees

How
- Executive Order
- Statutory Mandate
- Discretionary authority (including GSA Administrator)

Who
- Federal employees, Special Government Employees (SGEs), & Representatives
- Committee Management Officer (CMO)
- Designated Federal Official (DFO)

What
- Must file a charter with committee details (e.g. costs, meeting frequency, termination date) before taking any action

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FACA Meeting & Records Requirements

Generally, advisory committee meetings are noticed and open to the public

FACA Sec. 10(b): "[R]ecords, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were *made available to or prepared for or by each advisory committee* shall be available for public inspection and copying … until the advisory committee ceases to exist"

Exceptions:
- Meetings involving classified info, PII, proprietary info, etc.

Committee Roles

⊙ **Committee Members**

⊙ **Committee Chairperson**

⊙ **DFO**

⊙ **Committee Staff**

Committee Meetings

- Meetings are open to the public, with limited exceptions;

- All meetings require a 15 day advance notice in Federal Register

- Meetings can be closed with advance OGC and agency head approval per exemptions in Government in the Sunshine Act

- Public permitted to file written statements

- The Chair and DFO must be present (the entire meeting)

- Meeting minutes are required