

Federal Advisory Committee Act (FACA) Brochure

U.S. General Services Administration
Office of Governmentwide Policy
Committee Management Secretariat
Washington, DC 20417

<https://www.gsa.gov/portal/content/101010>

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.

Today, an average of 1,000 advisory committees with more than 60,000 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), efforts to rid the Nation of illegal drugs, to improve schools, highways, and housing, and on other major programs.

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 record keeping 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 provide input into a process that may form the basis for government decisions.

Federal Agency Responsibility

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

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, contact the sponsoring agency's Committee Management Officer. The GSA Committee Management Secretariat is an additional resource.

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 or Presidential Directive. 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 Officer

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 Officer must be assigned to each committee to:

- Ensure compliance with FACA, and any other applicable laws and regulations;
- 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 consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and function of the advisory committee.

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 on a committee.

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 departments or agencies.

Prior to accepting an appointment with a federal advisory committee, each prospective member should clarify his/her role, obligations, duties, allowable expenses, compensation limitations, and any ethics requirements with their committee's Designated Federal Officer and/or Committee Management Officer, as appropriate.

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 government-wide jurisdiction on federal ethics issues.

Limits on Membership Terms

Each agency may set limits (unless provided by law or Presidential Directive) on the lengths of terms for serving on advisory committees to allow for 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 that are reasonably accessible and at 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.

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 cms@gsa.gov or via the internet at:

<http://www.gsa.gov/faca>; or

<http://www.gsa.gov/committeemanagement>

Examples of materials available on the Committee Management Secretariat website are:

- [Federal Advisory Committee Act](#)
- [GSA Final Rule on Federal Advisory Committee Management](#)
- [Guidance documents](#)
- [Access to the Federal Advisory Committee Act database](#)
- [Information on the Federal Advisory Committee Act Training course.](#)

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