

Federal Advisory Committee Act

WASHINGTON DC

FEDERAL ADVISORY COMMITTEE ACT (FACA) FISCAL YEAR 2010 COSTS AND ACTIVITY

Committee Costs:

- \$386 Million in total expenditures
- 47% of that cost is for Federal staff support
- 18% of the total is for travel and per diem
- (EPA spent 14.2 million)

Committee Activity:

- 1,002 Committees in existence
- 74,321 Committee and Subcommittee members
- 51 Executive Departments and Agencies
- 7,254 meetings held
- 820 reports issued
- (EPA held 81 meetings)
- (EPA issued 81 reports)

FACA SELECTED STATUTES, REGULATIONS, AND POLICY DOCUMENTS

Federal Advisory Committee Act

Public Law 92-463, effective January 5, 1973. Requires the establishment of a Committee Management Secretariat to provide Government wide oversight of advisory committees. In addition, the Act establishes a framework covering the creation, management, operation, and termination of all advisory committees reporting to the Executive Branch.

Government in the Sunshine Act

Public Law 94-409, effective March 12, 1977. Section 5 (c) amended Section 10(d) of the Federal Advisory Committee Act. Serves as the basis for closing all or part of an advisory committee meeting.

GSA Federal Property Management Regulation – Final Rule

41 CFR Part 101-6, Federal Advisory Committee Management. Provides guidance regarding the implementation of the Federal Advisory Committee Act. Superseded by 41 CFR Parts 101-6 and 102-3 on July 19, 2001.

FEDERAL ADVISORY COMMITTEE ACT

MAJOR REQUIREMENTS

- **FACA was intended to authorize the establishment of a system governing the creation and operation of advisory committees in the Executive Branch of the Federal Government. [see 41 CFR § 102-3.10]**
- **Agencies must establish uniform administrative guidelines and management controls that are consistent with the Act and the GSA Rule. [41 CFR §§ 102-3.105(b) & 3.115(c)]**
- **Agency heads must designate Committee Management Officers (CMOs) who are responsible for exercising controls and supervision over the committee management program. [41 CFR §§ 102-3.105(c) & 3.115]**

FEDERAL ADVISORY COMMITTEE ACT MAJOR REQUIREMENTS (Continued)

- **Committees must be chartered before they can meet or conduct any business. [41 CFR §§ 102-3.70 & 3.75]**
- **Charters must be renewed every two years or they will be terminated under the sunset provisions of Sec. 14 of the Act, unless otherwise provided by law. [41 CFR § 102-3.55]**
- **Advisory committee memberships are to be fairly balanced in terms of the points of view represented and the functions to be performed. [FACA Sec. 5(b)(2); 41 CFR §§ 102-3.30(c) & 3.60(b)(3)]**

FEDERAL ADVISORY COMMITTEE ACT MAJOR REQUIREMENTS (Continued)

- **Advisory committee meetings are required to be open to the public, with limited exceptions. Meeting notices and agendas must be published in the *Federal Register* to accommodate public participation. [41 CFR § 102-3.150]**
- **The meeting room is to accommodate a reasonable number of interested members of the public. [41 CFR § 102-3.140 (b)]**
- **A member of the public is permitted to file a written statement with the advisory committee. [41 CFR § 102-3.140 (c)]**

FEDERAL ADVISORY COMMITTEE ACT MAJOR REQUIREMENTS (Continued)

- **Any member of the public may speak to or otherwise address the advisory committee if the agency's guidelines so permit. [41 CFR § 102-3.140 (d)]**
- **Designated Federal Officers (DFOs) must approve all meetings and agendas, and attend meetings. [41 CFR § 102-3.120]**
- **Detailed minutes of each advisory committee meeting must be kept. [41 CFR § 102-3.165; see also §§ 102-3.170 & 3.175(e)]**

FEDERAL ADVISORY COMMITTEE ACT MAJOR REQUIREMENTS (Continued)

- All advisory committee documents must be available for contemporaneous public inspection and copying until the committee ceases to exist. [41 CFR §§ 102-3.170 & 3.175(e)]
- Records must be maintained which will fully-disclose costs for the purpose of GAO audits and the FACA Annual Report. [41 CFR §§ 102-3.175(b) & (e)]
- Advisory committees will be terminated as soon as:
 - a. their stated objectives have been accomplished;
 - b. the committee's work has become obsolete; or
 - c. the cost of the committee's operation is excessive in relation to the benefits accruing to the Federal Government.[41 CFR §§ 102-3.30(b) & 3.55]