



Research Advisory Committee on Gulf War Veterans' Illnesses

Federal Advisory Committee Act (FACA) Overview

January 7, 2014



Federal Advisory Committee Act



FACA is the statute (Public Law 92-463) that governs the management and operations of committees established by a Federal agency to obtain advice from non-Federal individuals or entities (5 USC, Appendix)





VA Snapshot



VA Advisory Committees (as of FY 12):

- 24 Committees – 15 are statutory
- 52 Meetings
- 15 Committee Reports issued
- 809 Members
- \$6.2M total expenditures
- 29 FTEE in staff support



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Purpose



FACA was designed to fulfill two basic purposes:

To enhance Public Accountability of Advisory Committees

- To control the undue influence of special interests by balancing committee membership
- To ensure that public access to committee deliberations is maximized

To reduce wasteful expenditures on Advisory Committees

- To improve the overall management of committee activities by establishing a set of management controls



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Advisory Committee

An Advisory Committee is:

Any committee, board, commission, council, conference, panel, task force, or other similar group which is established or utilized by the President or by an agency official, for the purpose of obtaining advice or recommendations and which has at least one member that is not a Federal employee

President George Washington sought the advice of such a committee during the Whiskey Rebellion of 1794.

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Characteristics

Advisory Committee characteristics:

- Established or utilized by the Federal government
- Federal government appoints members or influences the membership of a non-Federal group
- Has non-Federal members (even one)
- Provides advice and recommendations to a Federal official
- Membership is balanced relevant to the issues the committee will address

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Committee Operations

Committee Operations:

- Meetings are required to be open and announced to the public, with limited exceptions
- Members of the public are permitted to file written statements with the committee and may be permitted to address the committee if agency guidelines permit
- The Agency approves the agenda for each meeting and authorizes the committee to meet. Performed by the Designated Federal Official (DFO)
- DFO must attend all meetings of the committee and its subcommittees
- Advisory committees have no operational authority; they make recommendations to a Federal official or agency

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Membership

Member:

- An individual duly appointed and to attend and participate in advisory committee meetings
- Unless a statute or Presidential directive provides otherwise, each advisory committee member is appointed and serves at the pleasure of the Secretary
- Appointments are personal to the member and not transferable to another individual

The membership of committees and subcommittees must be fairly balanced in the terms of points of view represented and the functions to be performed by the committee or subcommittee

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Responsibilities

Member Responsibilities:

- Attend and actively participate in all meetings, whether in person or by teleconference
- Members should come to meetings prepared
- Serve on subcommittee established by the agency (DFO)
- Keep the purpose of the committee in focus
- Be aware of your role; for representative members, the perspective of your stakeholder group; for SGEs, your independent judgment based on your expertise

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Activities

Restrictions on Members' Activities:

- May not use their access to the Federal government as a member of an advisory committee to solicit business or otherwise seek economic advantage for themselves or their companies
- May not use any non-public information obtained in the course of their duties as a member for personal gain or for that of the company or employer
- Must hold any non-public information in confidence, for example, information developed by a subcommittee that has not yet been reported to the parent company at a public meeting

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Activities

Restrictions on Members' Activities (cont.):

- May not represent themselves as members of a VA Advisory Committee on business or personal cards or letterhead
- May list their service on advisory committees on their resumes
- The committee as a whole may advise the agency on legislation or recommend legislative action. *However...*
- *In their capacities as members of a committee*, individual members may not petition or lobby Congress in support of or in opposition to particular legislation or encourage others to do so

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Activities

Restrictions on Members' Activities (cont.):

- Are advisors to VA and have no authority to speak for the committee, or for the Department
- May not testify before Congress in their capacity as a member of an advisory committee. If requested to testify before Congress, members:
 - Cannot represent or speak for the committee or VA in their testimony
 - Cannot provide information or comment on committee recommendations that are yet publicly available (e.g. subcommittee work that has not been provided to the parent company)
 - May state they are a member of the committee
 - May speak to the personal observations as to their service on the committee
- These restrictions apply if a member is speaking outside the committee structure at other forums or meetings

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Information



CONTACT INFORMATION:

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