



U.S. General Services Administration (GSA)

GSA Order: GSA Federal Advisory Committee Management Program

OGP 5420.40A

Office of Government-wide Policy

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Purpose:

This Order updates guidance for the establishment, management, and termination of the General Services Administration's (GSA's) advisory committees that fall under the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10, and GSA's Federal Advisory Committee Management Final Rule ("the Final Rule"), 41 CFR Part 102-3. This Order supplements FACA and the Final Rule and should be used in conjunction with both. Implemented together they provide detailed GSA requirements, responsibilities, processes, and procedures for the establishment, operation, and management of GSA Federal advisory committees.

Questions related to this Order should be directed to the GSA Committee Management Officer (CMO) located in the Office of Government-wide Policy (OGP).

Background:

Each agency head must issue administrative guidelines for the management of Federal advisory committees established by the agency. See 41 CFR 102-3.105(b).

Applicability:

1. This Order applies to all GSA Service and Staff offices.
2. This Order applies to the Office of Inspector General (OIG) to the extent that the OIG determines it is consistent with the OIG's independent authority under the Inspector General Act and does not conflict with other OIG policies or the OIG mission.
3. This Order applies to the Civilian Board of Contract Appeals (CBCA) to the extent that the CBCA determines it is consistent with the CBCA's independent authority under the Contract Disputes Act and applicable Federal Court decisions and does not conflict with other CBCA policies or its mission.

Cancellation:

This Order supersedes ADM 5420.40E, GSA Federal Advisory Committee Management Program, dated July 21, 2016.

Summary of Changes:

The following changes have been made to the Order:

1. All references to the CMO functionality residing in the Office of Administrative Services have been changed to OGP, including the Order number.
2. It has been updated for compliance with GSA's recently revised Federal Advisory Committee Management Final Rule issued on April 18, 2024, and other relevant bulletins, directives, and memorandums.

Roles and Responsibilities:

The following abbreviated roles and responsibilities apply to this Order. See section 3 of the Order for the full description.

1. The GSA Administrator serves as the agency head under 41 CFR 102-3.105 and ensures GSA advisory committee staff and members comply with FACA, the Final Rule, and this Order.
2. The CMO is responsible for implementing and exercising control and supervision over policies and procedures for the management of GSA's Federal Advisory Committee Management Program.
3. The Heads of Services and Staff Offices and Regional Administrators (HSSO/RAs) are responsible for providing oversight for advisory committees within their purview and ensure their Designated Federal Officers (DFOs) are coordinating closely with the CMO for guidance on the establishment, renewal, operation, management, and termination of those advisory committees.
4. The DFO is responsible for ensuring their advisory committee activities comply with FACA, the Final Rule, and this Order.
5. The Office of General Counsel (OGC) is responsible for providing legal assistance and advice to GSA's Federal Advisory Committee Management Program concerning the applicability of, and compliance with, FACA and related statutes and regulations.
6. The Chairperson serves as the advisory committee leader and is responsible for coordinating with the DFO and the advisory committee members.
7. GSA's Committee Management Secretariat (Secretariat) is responsible for oversight of the government-wide FACA program.

Signature

_____/s/_____
Mehul Parekh
Acting Associate Administrator
Office of Government-wide Policy

Date

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1. Relevant laws, memorandums, regulations, and references

- Federal Advisory Committee Act (FACA), as amended, [5 U.S.C. 10](#)
- Federal Management Regulation; Federal Advisory Committee Management Final Rule (Final Rule), [41 CFR Part 102-3](#), issued April 18, 2024
- Government in the Sunshine Act, [5 U.S.C. 552\(b\)](#)
- Office of Management and Budget (OMB) Circular A-135 “Management of Federal Advisory Committees,” dated October 5, 1994, [OMB Circular A-135](#)
- OMB Revised Guidance titled, “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions,” [79 Fed. Reg. 47482](#), issued August 13, 2014
- Office of Government Ethics, Informal Advisory Memorandum [05 x 4](#), August 18, 2005, Regarding Federal Advisory Committee Appointments
- General Records Schedule (GRS) [6.2](#): Federal Advisory Committee Records, [FAQ GRS 6.2](#), [FAQs Managing FACA Committee Records](#), [Transfer Checklist](#)
- Secretariat [guidance document](#) titled, “Preparing Federal Advisory Committee Charters”
- Secretariat [guidance document](#) titled, “Preparing Membership Balance Plans”
- Federal Management Regulation Bulletin 2022-F1 titled, “[Federal Advisory Committee Act \(FACA\) Database Cost Reporting](#)”

2. Definitions

- See definitions under 41 CFR 102-3.25.
- **Administrator.** The agency head of GSA.
- **Advisory Committee.** Any committee, board, commission, council, conference, panel, task force, or other similar group, which is established by statute, or established or utilized by the President or by an agency official, for the purpose of obtaining the group's advice or recommendations for the President or on issues or policies within the scope of agency responsibilities where at least one member of the group is not a Federal employee. Advisory committees are subject to FACA unless specifically exempted by statute or FACA has been determined not to be applicable.

- **Chairperson.** The advisory committee or subcommittee member who serves in this role on an advisory committee or subcommittee either by statutory requirement, by appointment or invitation by Presidential authority, or by appointment by the Administrator, or the Administrator's designee. Consistent with the advisory committee's authority, a Co-Chairperson may be appointed to assist the Chairperson, or to assume the duties of the Chairperson, when necessary. A GSA employee cannot serve as the Chairperson or Co-Chairperson on a GSA advisory committee unless required by statute or Presidential directive.
- **Charter.** A legal document that specifies the advisory committee's authority, objectives and scope, membership composition, and general characteristics. See the Secretariat's guidance document titled, "Preparing Federal Advisory Committee Charters." No advisory committee can meet, hold meetings, or conduct official business until the charter is filed by the CMO per the requirements of 41 CFR 102-3.70. The charter filing by the CMO establishes the advisory committee under FACA.
- **Controlled Document Tracker (CDT).** GSA's system to route correspondence, including recurring and non-recurring reports, congressional inquiry responses, decision papers, memoranda, and other official documents, for official GSA signature from the GSA Administrator or Deputy Administrator, OGP Associate Administrator, Office of Congressional and Intergovernmental Affairs Associate Administrator, Public Buildings Service or Federal Acquisition Service Commissioners. Documents needing the Administrator's signature should be submitted into CDT at least 30 calendar days in advance.
- **Discretionary advisory committee.** Any advisory committee that is either established under the authority of an agency head or authorized by statute or an advisory committee referenced in general (non-specific) authorizing language or Congressional committee report language, and its establishment or termination is within the legal discretion of an agency head.
- **FACA Database (www.facadatabase.gov).** The online data collection and management system, managed by the Secretariat, used by Executive branch agencies to continuously report Federal advisory committee data. It is also used by the Congress and Government Accountability Office to perform oversight of related Executive branch programs, and by the public, media, and others to stay informed about advisory committees.
- **Federal Register notice.** A legal notice published in the *Federal Register* to inform the public of meetings of Federal advisory committees, advisory committee charter notifications, calls for potential committee members, or to provide other information.

- **Non-discretionary advisory committee.** Any advisory committee required either by statute or by Presidential directive. A non-discretionary advisory committee required by statute generally is identified specifically in a statute by name, purpose, or function(s), and its establishment or termination is beyond the legal discretion of an agency head.
- **Membership Balance Plan (MBP).** The document that provides a description of GSA's plan to attain fairly balanced membership, as appropriate based on the nature and functions of the advisory committee (see 41 CFR 102-3.60(b)(3)), for each advisory committee being established, reestablished, renewed, or merged within the agency. Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed. See the Secretariat's guidance document titled, "Preparing Membership Balance Plans."
- **Subcommittee.** A group that reports to an advisory committee, and not directly to a Federal officer or agency, whether or not its members are drawn in whole or in part from the parent advisory committee. It is GSA policy that subcommittees are subject to the same openness requirements as the parent advisory committee.

3. Roles and responsibilities

3.1. Administrator

The Administrator serves as the agency head and ensures GSA advisory committee staff and members comply with FACA, the Final Rule, and this Order. The Administrator carries out the responsibilities under 41 CFR 102-3.105, and:

- Approves and signs the charters for GSA advisory committees, which includes the charters for any establishment, reestablishment, renewal, amendment, or merger.
- Approves and appoints members to GSA advisory committees, except those members who are appointed by the President. The Administrator, or the Administrator's designee, is the signatory on appointment letters.

3.2. Committee Management Officer (CMO)

The CMO is responsible for implementing and exercising control and supervision over policies and procedures for the management of GSA's advisory committees and carries out the responsibilities and functions under 41 CFR 102-3.115. In addition, the CMO:

- Must attend the government-wide FACA Management Training course administered by the Secretariat.

- Provides FACA advice and guidance to GSA advisory committee staff. This includes determining the authority for each GSA advisory committee in consultation with OGC.
- Reviews all advisory committee and subcommittee decision memo/paper packages, such as charter establishment and renewal packages, DFO designations, appointment packages, and *Federal Register* notices.
- Consults with the Secretariat on the establishment, reestablishment, renewal, merger, or termination of GSA advisory committees, and charter amendments.
- Ensures that all GSA advisory committee charters are filed with the standing committees of Congress, the Library of Congress, the Administrator, and the Secretariat.
- Maintains copies of relevant documents and records for each GSA advisory committee.
- Oversees the Annual Comprehensive Review (ACR) of GSA advisory committee activities and ensures the DFOs comply with the Secretariat's reporting requirements. This includes verifying the data reported to the Secretariat for each GSA advisory committee.

3.3. Head of Services and Staff Offices (HSSO) and Regional Administrators (RA)

The HSSO/RA provides oversight for advisory committees within their purview and ensures their DFOs are coordinating closely with the CMO for guidance on the establishment, renewal, operation, management, and termination of those advisory committees.

- Designates a DFO to each committee and subcommittee within their purview. A trained alternate DFO should also be designated to assist the DFO, or to assume the duties of the DFO, when necessary.
- Ensures that *Federal Register* notices announcing advisory committee and subcommittee meetings are published per the requirements of the Final Rule and this Order. The HSSO/RA, or designee, is the signing authority on all *Federal Register* notices.

3.4. Designated Federal Officer (DFO)

A DFO must be designated for every GSA advisory committee and subcommittee. The DFO plays a critical role in the operation of an advisory committee and is responsible for an advisory committee's day to day operation and ensuring the

advisory committee complies with FACA, the Final Rule, this Order and CMO guidance. Effective DFOs have strong communication and interpersonal skills, are highly organized, pay attention to details, and exhibit leadership qualities. The DFO carries out the responsibilities and functions under 41 CFR 102-3.120. The DFO also:

- Must attend the government-wide FACA Management Training course administered by the Secretariat prior to designation and at least once every three years.
- Ensures the advisory committee will not be inappropriately influenced by the appointing authority, GSA, or by any special interest, but will instead be the result of the advisory committee's independent judgment. Ensures only advisory committee staff have access to advisory committee materials and attend advisory committee meetings and subcommittee meetings that are not open to the public.
- Prepares advisory committee documents and decision memo/paper packages, such as charter packages, DFO designation packages, and membership appointment packages, for review and concurrence by the CMO and OGC, and approval by the Administrator and/or the HSSO/RA.
- Prepares justifications and recommendations for advisory committee membership appointments, reappointments, and/or removal for approval by the Administrator. Prepares membership invitation, reappointment, and thank you letters for approval and signature by the Administrator. Ensures the advisory committee and subcommittee members complete the necessary financial disclosure forms, appointment paperwork and on boarding paperwork, as appropriate.
- Ensures any advisory committee travel arrangements are made and that advisory committee members are reimbursed in a timely manner.
- Monitors the attendance and participation of advisory committee members and recommends to the Administrator replacing any member who has missed a certain number of scheduled advisory committee meetings and/or does not appear to demonstrate a sufficient degree of interest in the activities of the advisory committee.
- Schedules, plans, and approves all advisory committee and subcommittee meetings and agendas. This does not apply to Presidential advisory committees.
- Prepares all *Federal Register* notices of advisory committee establishments, reestablishments, renewals, mergers, and charter amendments, as applicable;

and open, closed or partially-closed advisory committee and subcommittee meetings. Prepares written determinations for approval by the Administrator for closing part of or all of an advisory committee or subcommittee meeting to the public in accordance with the criteria provided in the Government in the Sunshine Act, 5 U.S.C. 552(c). See the reporting requirements under section 5.13 of this Order for more information.

- Prepares written determinations for approval by the Administrator for the DFO to chair an advisory committee or subcommittee meeting in advance of the advisory committee or subcommittee meeting. All written determinations must be sent to the CMO for the record.
- Ensures advisory committee and subcommittee meetings are held in accordance with 41 CFR 102-3.140. Provides for written public comments to be accepted for the life of the advisory committee and oral public comment at advisory committee and subcommittee meetings as appropriate.
- Ensures advisory committee and subcommittee meeting minutes are prepared and certified in accordance with 41 CFR 102-3.165. This applies to each advisory committee meeting, including meetings that are not required to be open or are closed or partially-closed to the public.
- Develops advisory committee bylaws and ensures the bylaws are sent to the CMO and OGC for review and concurrence prior to adoption by the full committee.
- Maintains an ongoing interface with the advisory committee members and the GSA Program Office supporting the advisory committee.
- Creates and maintains a public website for the advisory committee in accordance with 41 CFR 102-3.120(b).
- Monitors, tracks and documents the financial resources that support the advisory committee.
- In accordance with GRS 6.2 maintains all records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas, videos, or other documents that were available to or prepared for or by the advisory committee and subcommittees (until the advisory committee ceases to exist), and makes them available for public inspection and copying. After the advisory committee's work ends, the DFO is responsible for the disposition of such records in accordance with the GRS or other approved agency records schedules. See section 5.12 of this Order for more information.
- Responsible for ensuring all reporting requirements under section 5.13 of this

Order are completed.

- Tracks and records the disposition of advisory committee reports and recommendations within GSA. At regular intervals, the DFO should communicate to the members how their advice has affected agency programs and decision making and make this information available to the public.
- Continually seeks feedback from advisory committee members and the public regarding the advisory committee's activities.
- Continuously maintains current and accurate data in the FACA Database on their advisory committee(s) as required for the ACR, paying particular attention to advisory committee costs. See 41 CFR 102-3.175(b). The DFO is required to verify the data reported in the FACA Database to the Secretariat for each advisory committee.

3.5. Office of the General Counsel (OGC)

OGC provides legal assistance and advice to GSA's Federal Advisory Committee Management Program concerning the applicability of, and compliance with, FACA and other applicable laws and regulations. OGC also:

- Reviews and concurs on advisory committee decision memo/paper packages, such as *Federal Register* notices, charter packages, and appointment packages.
- Assists the DFO to determine advisory committee member designations and ensures that all applicable ethics and conflicts of interest requirements are carried out for members of each GSA advisory committee.
- Makes legal determinations on the applicability of FACA to groups created, managed, or controlled by GSA.
- Provides briefings on FACA and ethics requirements to advisory committee members, the DFO and advisory committee staff.

3.6. Chairperson

The Chairperson, or Co-Chairperson, plays a critical role in coordinating with the DFO and the advisory committee members. They serve several roles, including advisory committee leader, facilitator, team/consensus builder; liaison between the advisory committee and the DFO; manager of advisory committee activities (including meetings) and timelines; and key developer and integrator of advisory committee work products. The Chairperson, or Co-Chairperson, also:

- Presides at advisory committee and subcommittee meetings and conducts each meeting in accordance with the approved agenda.
- Fosters a culture of diversity, equity, and inclusion by encouraging engagement, participation, and expression from all advisory committee members and any members with dissenting opinions, as applicable.
- Directs and manages the work of the advisory committee or subcommittee during and in-between meetings.
- Works closely with the DFO to ensure advisory committee and subcommittee activities are in compliance with FACA, the Final Rule, and this Order.
- Certifies the accuracy of the meeting minutes within 90 calendar days of each advisory committee and subcommittee meeting as required by 41 CFR 102-3.165.
- Advises the public at the beginning of each meeting about the advisory committee or subcommittee's rules on public participation.
- Facilitates member discussions to maintain focus on areas relevant to accomplishing the agenda and keeps members engaged.
- Determines when comments are not germane, when it's time to end the discussion, when a topic should be assigned to a subcommittee for further consideration, or when discussions should be tabled until the next meeting.
- Coordinates how work products of the advisory committee are organized, generated, and transmitted to GSA.

3.7. Committee Management Secretariat (Secretariat)

The Secretariat is responsible for oversight of the government-wide FACA program and the responsibilities and functions under 41 CFR 102-3.100.

4. Applicability of FACA

In general, FACA will apply to groups that meet the following criteria:

- They are established or "utilized by" a Federal official or agency (see 41 CFR 102-3.25),
- They include at least one member who is not an officer or employee of the Federal government, and
- They provide group advice and recommendations to the agency.

This Order does not apply to groups or committees listed under 41 CFR 102-3.40. Consult with the CMO on questions regarding the applicability of FACA to a particular group. The CMO may suggest further consultation with OCG to make a formal determination.

5. Advisory committee management policies and procedures

5.1. Establishing or reestablishing an advisory committee

Requirements for establishing or reestablishing an advisory committee vary depending on whether the advisory committee is a discretionary or non-discretionary advisory committee, which depends on the specific authority for the advisory committee. FACA identifies four sources of authority for establishing an advisory committee, see 41 CFR 102-3.50:

Authority	Description
Required by statute (<i>non-discretionary</i>)	Congress establishes an advisory committee, or directs the President or an agency to establish an advisory committee
Presidential authority (<i>non-discretionary</i>)	The President, by Presidential directive, establishes an advisory committee, or directs an agency to establish an advisory committee
Authorized by statute (<i>discretionary</i>)	Congress authorizes the establishment of an advisory committee by the President or an agency, but does not require the establishment
Agency authority (<i>discretionary</i>)	An agency head, under general authority in Title 5 of the U.S. Code or under general agency authorizing statutes, establishes an advisory committee

No GSA advisory committee may meet or take any action until the advisory committee charter has been filed by the CMO in accordance with 41 CFR 102-3.70 and members have been appointed.

5.1.1. Discretionary advisory committees:

A discretionary advisory committee may be established or reestablished by the Administrator only when it is essential to the conduct of GSA business and when the information to be obtained is not already available through another advisory committee or government source. To establish a discretionary advisory

committee the GSA Program Office sponsoring the advisory committee must inform the CMO. Staff in the Program Office, or the DFO if one has been designated by the HSSO/RA, will work with the CMO and OGC on determining the need to establish or reestablish the advisory committee, see 41 CFR 102-3.30(a) and 102-3.60. The Program Office staff, or DFO, must work with their HSSO/RA to ensure the Administrator has approved establishing or reestablishing a discretionary advisory committee, and confirm the approval to the CMO. The CMO must also consult with the Secretariat on any proposed establishment or reestablishment. The DFO will provide the CMO with the information required for the consultation (see 41 CFR 102-3.60(b)), including the draft charter and MBP for the advisory committee. Once the draft charter and MBP have been reviewed and approved by the CMO and OGC, the CMO will send the explanation of need, explanation of the lack of duplication of resources, draft charter, MBP and authority to the Secretariat for consultation. The consultation process with the Secretariat may result in comments from the Secretariat that the DFO will need to address. Once the consultation with the Secretariat is complete and the need for the advisory committee has been determined, the DFO will prepare the establishment/reestablishment package with assistance and review from the CMO.

The establishment/reestablishment package for a discretionary advisory committee must include: a decision paper to the Administrator, charter, MBP, *Federal Register* notice announcing the establishment/reestablishment (see 41 CFR 102-3.65), and the charter filing letters. The decision paper must include:

- Why the advisory committee is essential to the conduct of agency business and is in the public interest, and
- Why the proposed advisory committee's functions cannot be performed by GSA, another existing advisory committee, or other means such as a public hearing.

The DFO will submit the establishment/reestablishment package to the CMO and OGC for review and approval. Once the CMO and OGC have approved the establishment/reestablishment package, the DFO must work within their Program Office to submit the package for the Administrator's signature. The CMO must be added in CDT as one of the approvers to ensure any changes made during the approval process remain consistent with FACA, the Final Rule, and this Order.

When the signed establishment/reestablishment package is returned to the DFO, the DFO must share the signed documents with the CMO and publish the notice of establishment/reestablishment in the *Federal Register*. After the notice

has appeared in the *Federal Register* for at least 15 calendar days, the CMO will file the charter in accordance with 41 CFR 102–3.70 and notify the DFO when the filing is complete. The advisory committee is considered established/reestablished on the date the charter is filed.

5.1.2. Non-discretionary advisory committees:

To establish or reestablish a non-discretionary advisory committee the Program Office sponsoring the advisory committee must inform the CMO of the Presidential directive or statute requiring the establishment/reestablishment. Staff in the Program Office, or the DFO when one is designated, will work with the CMO and OGC on establishing/reestablishing the advisory committee.

GSA follows the same general process to establish/reestablish non-discretionary advisory committees as discretionary advisory committees, with a few distinctions. Non-discretionary advisory committees are required to be established/reestablished by their authority, either a Presidential directive or statute. The authority may also prescribe certain criteria for the advisory committee, such as the number or expertise of the members, reporting requirements, and termination dates.

The CMO will consult with the Secretariat on any proposed establishment/reestablishment. The DFO will provide the CMO with the information required for the consultation including the draft charter, MBP and authority for the advisory committee. Once the draft charter and MBP have been reviewed and approved by the CMO and OGC, the CMO will send the draft charter, MBP and authority to the Secretariat for consultation. The consultation process with the Secretariat may result in comments from the Secretariat that the DFO will need to address. Once the consultation with the Secretariat is complete the DFO will prepare the establishment package with assistance and review from the CMO.

The establishment/reestablishment package for a non-discretionary advisory committee must include: a decision paper to the Administrator, charter, MBP, authority, and the charter filing letters. Since the authority for the advisory committee has already provided public notification, the *Federal Register* notice announcing the establishment/reestablishment of the advisory committee is not required and therefore not part of this package.

The DFO will submit the establishment/reestablishment package to the CMO and OGC for review and approval. Once the CMO and OGC have approved the establishment/reestablishment package, the DFO must work within their

Program Office to submit the package for the Administrator's signature. The CMO must be added in CDT as one of the approvers to ensure any changes made during the approval process remain consistent with FACA, the Final Rule, and this Order.

When the signed establishment/reestablishment package is returned to the DFO, the DFO must share the signed documents with the CMO. The CMO will then file the charter in accordance with 41 CFR 102-3.70 and notify the DFO. The advisory committee is considered established/reestablished on the date the charter is filed.

5.2. Renewing an advisory committee

An advisory committee automatically terminates two years after its date of establishment, unless renewed prior. The renewal or termination of an advisory committee will be in accordance with 41 CFR 102-3.55. The DFO will meet with the CMO no later than 120 calendar days before the charter's expiration date to discuss whether to renew or terminate an advisory committee.

5.2.1. Renewing a discretionary advisory committee:

Upon determining the need to continue a discretionary advisory committee, and at least 90 calendar days prior to the current charter expiration date, the DFO will provide the CMO with the information required for the consultation (see 41 CFR 102-3.60), including the draft renewal charter, a redlined version of the current charter if applicable, and MBP for the advisory committee. Once the draft charter and MBP have been reviewed and approved by the CMO and OGC, the CMO will send the explanation of need, explanation of the lack of duplication of resources, draft renewal charter and MBP to the Secretariat for consultation. The consultation process with the Secretariat may result in comments from the Secretariat that the DFO will need to address. Once the consultation with the Secretariat is complete and the need for the advisory committee has been determined, the DFO will prepare the renewal package with assistance and review from the CMO.

The renewal package for a discretionary advisory committee must include: a decision paper to the Administrator, the renewal charter incorporating any needed updates, a redlined version of the current charter, the updated MBP, a *Federal Register* notice announcing the renewal (see 41 CFR 102-3.65), and the charter filing letters. The decision paper must include:

- A high-level review of any proposed revisions to the charter and MBP,

- A justification for continued need and an explanation why the advisory committee is essential to the conduct of GSA business and is in the public interest,
- An explanation of how well the advisory committee has accomplished its mission to date, including details as to its accomplishments and information discussing whether the degree of expenditures to support the advisory committee is justified, and
- An explanation why the proposed advisory committee's functions cannot be performed by GSA, another existing advisory committee, or other means such as a public hearing.

The DFO will submit the charter renewal package to the CMO and OGC for review and approval. Once the CMO and OGC have approved the renewal package, the DFO must work within their Program Office to submit the package for the Administrator's signature. The CMO must be added in CDT as one of the approvers to ensure any changes made during the approval process remain consistent with FACA, the Final Rule, and this Order.

When the signed renewal package is returned to the DFO, the DFO must share the signed documents with the CMO and coordinate with the CMO to ensure the notice of renewal in the *Federal Register* is published concurrently with the CMO filing the charter (see 41 CFR 102-3.65 and 102-3.70). The CMO will notify the DFO when the charter filing is complete.

5.2.2. Renewing a non-discretionary advisory committee:

Upon determining the need to continue a non-discretionary advisory committee, and at least 90 calendar days prior to the current charter expiration date, the DFO will provide the CMO and OGC with an updated copy of the authority, a draft renewal charter, a redlined version of the draft renewal charter, if applicable, and the MBP for review and approval. Once approved by the CMO and OGC the CMO will send the authority, renewal charter, redlined version of the charter, if applicable, and MBP to the Secretariat for consultation. The consultation process with the Secretariat may result in comments from the Secretariat that the DFO will need to address. Once the consultation with the Secretariat is complete, the DFO will prepare the renewal package with assistance and review from the CMO.

The renewal package for a non-discretionary advisory committee must include: a decision paper to the Administrator, the renewal charter incorporating any needed updates (consistent with the authority), a redlined version of the current charter, if applicable, the updated MBP, a copy of the current authority, and the charter filing

letters. The decision paper must include:

- A high-level review of any proposed revisions to the charter and MBP, and
- An explanation of how well the advisory committee has accomplished its mission to date, including details as to its accomplishments and information discussing whether the degree of expenditures to support the advisory committee is justified.

The DFO will submit the charter renewal package to the CMO and OGC for review and approval. Once the CMO and OGC have approved the renewal package, the DFO must work within their Program Office to submit the package for the Administrator's signature. The CMO must be added in CDT as one of the approvers to ensure any changes made during the approval process remain consistent with FACA, the Final Rule, and this Order. When the signed renewal package is returned to the DFO, the DFO must share the signed documents with the CMO. The CMO will then file the charter in accordance with 41 CFR 102-3.70 and notify the DFO.

5.3. Merging advisory committees

If one or more advisory committees need to merge, the DFO will meet with the CMO and OGC to discuss the reason for the merger and the relevant authorities. Advisory committees established by statute or Presidential directive may require legislation or Presidential action to merge.

5.4. Terminating an advisory committee

If an advisory committee needs to terminate in accordance with the criteria under 41 CFR 102-3.55, the DFO will meet with the CMO and OGC to discuss the specific termination criteria, the advisory committee's authority, and the projected termination date. Advisory committees established by statute or Presidential directive may require legislation or Presidential action to terminate.

5.5. Charter

The required components of an advisory committee charter are under 41 CFR 102-3.75. Charters are prepared by the DFO, with review and approval by the CMO and OGC. Unless prescribed otherwise by statute, advisory committee charters expire two years after they are filed. No advisory committee can meet or take any action until a charter is filed. See the Secretariat's guidance document titled, "Preparing Federal Advisory Committee Charters."

5.5.1. Charter amendments

The procedures for making amendments and filing amended charters will depend upon the authority basis for the advisory committee, see 41 CFR 102-3.80. Amending any existing advisory committee charter does not constitute renewal of the advisory committee. The DFO will meet with the CMO to discuss whether a charter needs to be amended and if the amendments are consistent with the advisory committee's authority.

Upon determining the need to amend the charter outside the renewal process, the DFO will provide the CMO with an explanation of the purpose of the changes and why they are necessary, a copy of the current authority, the current charter and MBP, and a redlined version of the charter and MBP documenting the changes. Once the documents have been reviewed and approved by the CMO and OGC, the CMO will send the necessary information and documents to the Secretariat for consultation. The consultation process with the Secretariat may result in comments from the Secretariat that the DFO will need to address. Once the consultation with the Secretariat is complete, the DFO will prepare the amendment package with assistance and review from the CMO.

The amendment package must include: a decision paper, the amended charter, a redlined version of the current charter, the updated MBP, a copy of the current authority, a *Federal Register* notice of amendment (if applicable), and the charter filing letters. The decision paper must include:

- An explanation why the charter needs to be amended and a high-level review of the proposed changes to the charter or MBP, and
- An explanation on how the advisory committee will better accomplish its mission once the amended language in the charter is effective.

The DFO will submit the amendment package to the CMO and OGC for review and approval. Once the CMO and OGC have approved the amendment package, the DFO must work within their Program Office to submit the package for the Administrator's signature. The CMO must be added in CDT as one of the approvers to ensure any changes made during the approval process remain consistent with FACA, the Final Rule, and this Order. When the signed amendment package is returned to the DFO, the DFO must share the signed documents with the CMO. The CMO will then file the charter in accordance with 41 CFR 102-3.70 and notify the DFO. The DFO must fulfill the public notification requirements for charter amendments under 41 CFR 102-3.80(c).

5.6. Bylaws

The advisory committee bylaws provide the framework and operational structure by which the advisory committee conducts business under the filed charter. See 41 CFR 102-3.125(a). The creation of the bylaws is the responsibility of the DFO, not the advisory committee. When a new advisory committee is formed, the DFO will draft the bylaws and send them to the CMO and OGC for review and approval. Once cleared by the CMO and OGC, the DFO must have the bylaws adopted by the full advisory committee, via an advisory committee vote, during the first administrative or public meeting.

The bylaws should contain, at a minimum: member roles and responsibilities; the role and responsibilities of the DFO, Chairperson, Co-Chairperson (if applicable) and advisory committee staff; the procedures for holding meetings and establishing quorum for meetings; voting procedures; and the process for amending the bylaws, which will also require a vote by the full advisory committee.

5.7. Advisory committee websites

To increase access, openness, and transparency, each GSA advisory committee must have a public facing website that includes at a minimum: the charter; MBP; bylaws; DFO contact information; relevant laws, regulations, and guidance; advisory committee and subcommittee member rosters; advisory committee and subcommittee meeting materials; relevant *Federal Register* notices announcing calls for nominees and charter actions; advisory committee and subcommittee meeting minutes; meeting recordings, if available; advisory committee and subcommittee reports; and any other information that would increase the transparency and public understanding of advisory committee functions and activities and assist in fulfilling the requirements under 41 CFR 102-3.170.

The websites must comply with E.O. 13166, relevant sections of the Rehabilitation Act, as amended, 29 U.S.C. 794, and the 21st Century Integrated Digital Experience Act. See 41 CFR 102-3.65, 102-3.80, 102-3.95, 102-3.120, 102-3.140, 102-3.150, 102-3.165 and 102-3.170.

5.8. Membership on advisory committees and subcommittees

A critical element in the establishment and continued operation of an advisory committee is the selection and appointment of advisory committee and subcommittee members. This is an activity that can be started prior to or while the establishment charter is going through the internal GSA approval process.

Identifying and selecting potential members early ensures that the advisory committee can meet as soon as practicable after the charter is filed and the members are appointed.

- Advisory committee membership must be fairly balanced in terms of the points of view represented and the functions to be performed. See 41 CFR 102-3.30 and 102-3.60.
- Unless otherwise provided by statute or Presidential directive, the Administrator appoints members to GSA advisory committees and subcommittees. The Administrator may delegate the authority to appoint members to advisory committees and/or subcommittees.
- Appointments are personal to the member and are not transferable or delegable to another individual.
- Vacancies on advisory committees should be filled as they arise, consistent with the process described in the MBP.

5.8.1. Member selection

The DFO is responsible for the recruitment and selection of potential members consistent with the requirements under 41 CFR 102-3.30 and 102-3.60.

- The DFO must develop a set of membership criteria for the advisory committee to guide the recruitment and selection process to ensure the advisory committee membership is fairly balanced. The membership criteria must be consistent with the authority, charter, and MBP.
- For discretionary advisory committees, there are no requirements regarding the size of the advisory committee. However, statutes and Presidential directives mandating the establishment of non-discretionary advisory committees frequently include membership requirements. When determining the size of an advisory committee, it is important to consider that a large advisory committee (greater than 20-25 members) can be hard to manage, less effective, and more costly. Members of the advisory committee should be limited to the fewest needed in order to most efficiently and effectively accomplish the objectives described in the advisory committee charter, while ensuring fairly balanced membership. It is recommended that advisory committees have a minimum of 10-15 members in order to ensure a diversity of viewpoints.
- The DFO must perform broad outreach using a variety of methods and means to ensure that the call for nominees reaches the interested parties

and stakeholder groups likely to possess the necessary expertise and points of view, including underserved communities as appropriate. At a minimum, the DFO will publish a call for nominees in the *Federal Register*, and post to GSA and other websites, social media, and targeted listservs.

- After conducting broad outreach for candidates, the DFO will convene a review panel of GSA employees to review and evaluate the applicants using the pre-developed set of membership criteria. After the review panel has established a list of qualified candidates, they may be interviewed for qualifications, interest, and availability.
- Once the candidate list is established, the candidates must be cleared by OGC for balance and appropriate membership designation, and, if the member is designated as a Special Government Employee or Regular Government Employee, any conflict of interest issues.
- Appointments are personal to the member and are not transferable or delegable to another individual.

5.8.2. Member designations

Consistent with the advisory committee's authority, charter, and MBP, each appointed advisory committee member will serve as either a Special Government Employee (SGE), representative, or Regular Government Employee (RGE). OGC will brief the DFO, advisory committee staff, and members regarding the ethics considerations and requirements for members. Membership designations must be clearly defined in the appointment letters.

- **Special Government Employee (SGE) member**

An SGE is an individual appointed to an advisory committee to provide their independent judgment based on their individual expertise. SGEs serve in their individual capacity, rather than as a representative of a particular group. A member appointed as an SGE cannot be a Federally registered lobbyist. See OMB's Revised Guidance titled, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (OMB's Revised Guidance). Note: Under 18 U.S.C. 202, an SGE cannot serve more than 130 days in a consecutive 365-day period, which must be tracked by the DFO. For more information on the definition of an SGE, see 18 U.S.C. 202(a), or consult with the GSA OGC Ethics officials.

- At the time of their appointment and on an annual basis, SGEs must complete and submit a Confidential Financial Disclosure Report ([OGE 450](#)) for OGC review and receive an ethics briefing. The DFO, in consultation with OGC, will ensure SGE members comply with the

applicable conflict of interest laws, standards of conduct rules, and financial disclosure requirements.

- **Regular Government Employee (RGE) member**

An RGE is an individual currently employed by the Federal government as defined by 5 U.S.C. 2101(3), 5 U.S.C. 2104, or 5 U.S.C. 2105 who is appointed to serve in their individual capacity to provide their expertise consistent with their agency or department's policy. A member appointed as an RGE cannot be a federally registered lobbyist. See OMB's Revised Guidance.

- At the time of their appointment and on an annual basis, RGEs must complete and submit a Confidential Financial Disclosure Report ([OGE 450](#)), or submit a certified copy of their agency OGE 450 or 278, for OGC review. The DFO, in consultation with OGC, will ensure RGE members comply with the applicable conflict of interest laws, standards of conduct rules, and financial disclosure requirements.

- **Representative member**

A Representative is an individual who is not a Federal employee, who is selected for membership for the purpose of obtaining the point of view or perspective of an outside interest group or stakeholder interest. While representative members may have expertise in a specific area, discipline, or subject matter, they are not selected on the basis of this expertise but to represent the point of view of a group or particular interest. Representative members represent the collective interest of the group represented.

5.8.3. Federally registered lobbyists as members

As directed in the OMB's Revised Guidance, appointment or reappointment of federally registered lobbyists in an individual capacity (i.e., as an SGE or RGE) to advisory committees or subcommittees is prohibited.

The DFO must [check the federal lobbyist databases](#) for the United States Senate and the United States House of Representatives prior to appointment or reappointment to ensure the proposed SGE and RGE members are not federally registered lobbyists. Once appointed, the DFO must also have the members certify annually, via email, that they are not a federally registered lobbyist. Certification emails must be retained and kept with the advisory committee records. If a GSA appointed SGE or RGE member becomes a federally registered lobbyist while serving in their individual capacity, the member is required to resign or be removed immediately from membership by the DFO.

An individual who previously served as a federally registered lobbyist may be may

be appointed or re-appointment in an individual capacity only if the individual has filed a bona fide de-registration or, if the individual has been delisted by their employer as an active lobbyist reflecting the actual cessation of lobbying activities, or if they have not appeared on a quarterly lobbying report for three consecutive quarters as a result of their actual cessation of lobbying activities.

5.8.4. Term lengths

Membership term lengths are determined by the DFO and can be one, two or three years in length. At the establishment of the advisory committee, the DFO should consider staggering the terms of the members to ensure no more than half of the advisory committee members' terms are expiring at any one time. Membership terms must be clearly defined in the appointment letters.

Unless otherwise prescribed by statute or Presidential directive, a member cannot serve for more than six consecutive years.

5.8.5. Compensation

In accordance with 41 CFR 102-3.130, it is GSA's policy that members will not be compensated for performance of their advisory committee duties, unless otherwise required by the authority for the advisory committee. Advisory committee and subcommittee members may be allowed travel expenses, including per diem, in accordance with 5 U.S.C. 5703.

5.8.6. Appointment process

To appoint or reappoint advisory committee and subcommittee members, the DFO will prepare an appointment package for approval by the GSA Administrator, or the Administrator's designee, with assistance and review from the CMO.

The appointment package must include: a decision paper to the Administrator, or the Administrator's designee; the charter; the MBP; the authority; a candidate list; an appointment letter for each member; the resume or CV for each member; and any applicable delegations of authority. If the appointment package is solely to appoint subcommittee members, and the subcommittee members are all appointed members of the parent committee, subcommittee appointment letters and resumes/CVs may not be necessary. The CMO will provide template documents for the candidate list and appointment letters. The decision paper must include:

- The areas of expertise needed on the advisory committee,

- A statement confirming the candidates were cleared by OGC for membership balance and appropriate membership designation, and
- If any of the members are designated as SGEs or RGEs, a discussion of any conflict of interest issues.

The DFO will submit the appointment package to the CMO and OGC for review and approval. Once the CMO and OGC have approved the appointment package, the DFO must work within their Program Office to submit the package for signature. The CMO must be added in CDT as one of the approvers to ensure any changes made during the approval process remain consistent with FACA, the Final Rule, and this Order. After the appointment package is approved and signed, the DFO will provide a copy of the signed package to the CMO. The DFO must email each prospective member a copy of their appointment letter, the charter, a Membership Acceptance Form, and any other required paperwork to be completed and returned by the appointed member. Note: SGEs must complete an Appointment Affidavit ([SF-61](#)) and take the oath of office as part of the on-boarding process. The DFO must provide Human Resources with the list of SGE members so that they can take the necessary action to bring them on board. Members are not considered appointed and may not participate in advisory committee activities until they have completed the required paperwork.

5.8.7. Departing advisory committee members

When advisory committee members' terms expire, the DFO may prepare a letter or certificate of appreciation and recognition for the Administrator's signature.

5.9. Meetings

After an advisory committee has been established and members appointed, the DFO is responsible for organizing, planning, and coordinating all aspects of the advisory committee and subcommittee meetings in compliance with FACA, the Final Rule, and this Order. No GSA advisory committee or subcommittee may conduct a meeting without a Chairperson or Co-Chairperson and the DFO or alternate DFO present.

The DFO is responsible for ensuring the meeting requirements under 41 CFR 102-3.140, 102-3.145, 102-3.150, 102-3.155, 102-3.165 are met. Any questions on whether a gathering of an advisory committee or subcommittee qualifies as a meeting under FACA that is required to be open and noticed to the public or is considered preparatory or administrative work should be addressed to the CMO and OGC.

Before meetings:

- The DFO will determine whether the meeting will be held in person, virtually, or a combination of both. Regardless of the forum, the DFO must ensure the advisory committee and subcommittee meeting requirements under 41 CFR 102-3.120 and 102-3.140 are met. The CMO can provide sample meeting planning checklists to the DFO.
- The DFO should keep the members informed of the meeting plans and provide the agenda and all related meeting materials to members in advance of each meeting to allow for adequate preparation.
- The DFO should send invitations to the presenters and speakers to ensure an organized agenda and the availability of funds to cover any potential travel costs.
- The DFO ensures the meeting materials are posted to the advisory committee website in accordance with 41 CFR 102-3.140.

During meetings:

- The Chairperson, or Co-Chairperson, if applicable, presides at advisory committee and subcommittee meetings and conducts each meeting in accordance with the approved agenda.
- The DFO should provide opening remarks at the start of each advisory committee and subcommittee meeting stating the meeting is subject to the FACA requirements and, for ethics purposes, whether the membership is made up of SGEs, RGEs, Representatives, or a combination of the three, and if the members were reviewed for conflicts of interest. For in-person meetings, the DFO should sit next to the Chairperson/Co-Chairperson, at the table to monitor actions for FACA compliance, confer with the Chairperson/Co-Chairperson, and assist the advisory committee or subcommittee as necessary during the meeting.
- Members are expected to fully engage and participate in discussions and deliberations during meetings. The Chairperson/ Co-Chairperson, along with the DFO, should foster a culture of diversity, equity, and inclusion by encouraging engagement, participation, and expression from all advisory committee and subcommittee members and any members with dissenting opinions, as applicable.
- Any subcommittee work products brought before the advisory committee must be fully deliberated and must not be automatically approved with little or no

discussion by the parent advisory committee. Once a subcommittee work product is voted on and approved by the parent advisory committee it becomes a product of the parent advisory committee, even if the draft originated in a subcommittee.

Between meetings:

- A quorum of advisory committee or subcommittee members should not meet in any way (i.e., in person, virtually, by teleconference, or over email (or other electronic means)), to discuss the work of the advisory committee or subcommittee outside an open public forum. These types of meetings could be considered advisory committee or subcommittee meetings, which would be subject to the openness requirement under FACA, the Final Rule and this Order. This includes exchanging emails on the work of the advisory committee or subcommittee among a quorum of the advisory committee or subcommittee, or the full advisory committee or subcommittee. To monitor these actions, and for record keeping purposes, the DFO should be included in advisory committee and subcommittee gatherings (e.g., in person, virtual, or by phone or other electronic means) and copied on all advisory committee and subcommittee emails and communications. Additionally, members should not “reply all” to emails containing advisory committee or subcommittee work content.

5.9.1. Openness requirements

GSA requires all advisory committee and subcommittee meetings be open to the public unless the Administrator determines, in writing, that the information to be discussed at the meeting falls under one of the exemptions listed in the Government in the Sunshine Act. See 41 CFR 102-105(f) and 102-3.155. OGC must concur on all closed meeting determinations. See 41 CFR 102-3.155(b). Written approval to close a meeting to the public should be obtained by the Administrator at least 30 days in advance.

Advisory committee and subcommittee meetings to conduct preparatory or administrative work are excluded from the openness requirements. Preparatory and administrative meetings must not include deliberation among advisory committee or subcommittee members. See 41 CFR 102-3.160.

Access to advisory committee and subcommittee meetings not subject to the openness requirements (i.e., preparatory and administrative meetings) should be limited to the members, advisory committee staff, and invited speakers, as applicable. The invited speakers should only attend the portion of the meetings during the allotted time of their presentation, to include any subsequent

question-and-answer period. Beyond the need for presentation purposes, attendees who are not members or advisory committee staff are not permitted to attend meetings in any form (i.e., in person, virtual, or by phone or other electronic means) and shall not be on any communications (such as email) related to the work of the advisory committee.

5.9.2. Notification requirements

The DFO must ensure the public is given timely notice (i.e., at least 15 calendar days in advance) of all advisory committee and subcommittee meetings, the *Federal Register* notices contain the required information under 41 CFR 102-3.150(a), and meetings are announced through the additional notification methods under 41 CFR 102-3.150(c). The DFO should begin drafting the *Federal Register* notice as soon as possible and submit the notice to the CMO and OGC for review and approval at least 30 days in advance of the meeting to ensure the notice is cleared by the CMO and OGC, signed by the HSSO/RA, and published on time. Any subsequent changes to the meeting date(s) and/or location(s) will require additional public notification. Other changes should be reviewed by OGC to determine if there is a need for additional public notification.

A failure to meet the 15 calendar day requirement due to inadequate planning may result in the meeting needing to be rescheduled. In exceptional circumstances, such as a national emergency or natural disaster, the DFO may give less than 15 calendar days' notice, provided that the reasons for doing so are approved by the HSSO/RA, in consultation with the CMO and OGC, and are included in the *Federal Register* notice.

Multiple meetings for an advisory committee or subcommittee may be announced in one *Federal Register* notice, as long as the requirements under 41 CFR 102-3.150 are met.

5.9.3. Public comments

Members of the public are permitted to submit written comments to the advisory committee for the life of the committee. The opportunity to provide oral public comments during a public meeting will be determined by the DFO based on the agenda. However, an oral public comment period should be provided on the agenda prior to an advisory committee or subcommittee vote on a report or recommendations.

5.9.4. Meeting minutes

The DFO must ensure meeting minutes are prepared and certified for every advisory committee and subcommittee meeting in accordance with 41 CFR 102-3.165. Minutes must be certified by the advisory committee or subcommittee Chairperson within 90 calendar days of the meeting and posted to the advisory committee website within 14 calendar days after certification.

5.10. Costs

Tracking and documenting the costs associated with the maintenance and operation of an advisory committee and its subcommittees and ensuring the costs are accurately reported in the FACA Database is the responsibility of the DFO throughout the life of the advisory committee. The DFO must ensure advisory committee and subcommittee cost records match the data reported to Congress and the public through the FACA Database.

The CMO may audit the DFO's cost records to ensure compliance with 41 CFR 102-3.125(b) and report the findings to the HSSO/RA responsible for the advisory committee. The DFO is responsible for addressing any corrective actions resulting from a CMO audit.

The types of costs to be tracked and documented include, but are not limited to:

Cost Category	Description and calculation information
Payments to Non-Federal Members	Government funds paid to any advisory committee member who is not a Federal employee and who is not a consultant, where the monies are not reimbursement for travel expenses.
Payments to Federal Members	Government funds paid to any advisory committee member who is a Federal employee. The amount may simply be their salaries (including benefits) for the days they attended advisory committee meetings or otherwise worked on advisory committee activity. To estimate these costs, assume the Federal members are at a GS-15 Step 5 level. Costs for Federal members should always include benefits costs.
Payments to Federal Staff	Government funds paid to any Federal employees who are not advisory committee members but whose work supports the activity of the advisory committee. This includes the DFO. Here's an example of costs attributable to an advisory committee: A GS-11 with a salary level including locality pay of \$53,000 per year is

Cost Category	Description and calculation information
	<p>spending 10% of their duty time working as a staff member for an advisory committee. The total cost of the GS-11 for advisory committee activity is salary plus benefits, multiplied by percent of time working on the advisory committee. To compute benefits, you can multiply the salary by the Government average of 17%. In this case the dollar amount of \$6,201 should be included in Payments to Federal Staff. Costs for Federal staff should always include benefits costs.</p>
Payments to Consultants	<p>Government funds paid to consultants to the advisory committee. These consultants are not appointed members, nor are they Federal employees, and the payments are not reimbursement for travel expenses.</p>
Travel Reimb. For Non-Federal Members	<p>Government funds paid for all travel and per diem costs incurred by advisory committee activity and authorized by 5 U.S.C. 5703 and paid to Non-Federal members.</p>
Travel Reimb. For Federal Members	<p>Government funds paid for all travel and per diem costs incurred by advisory committee activity and authorized by 5 U.S.C. 5703 and paid to Federal Members.</p>
Travel Reimb. For Federal Staff	<p>Government funds paid for all travel and per diem costs incurred by advisory committee activity and authorized by 5 U.S.C. 5703 and paid to Federal Staff.</p>
Travel Reimb. For Consultants	<p>Government funds paid for all travel and per diem costs incurred by advisory committee activity and authorized by 5 U.S.C. 5703 and paid to Consultants.</p>
Other Costs	<p>This field includes all administrative costs not attributable either to personnel payments or to travel and per diem. This may include the costs of meeting rooms, transcripts, maintenance of an advisory committee website, publishing costs for <i>Federal Register</i> notices, contract staff, A/V costs, etc.</p>

Note: In calculating personnel payments and other costs associated with advisory committee activities under FACA, only those discrete costs directly related to the advisory committee's scope and duties should be reported. Generally, DFOs should not include expenses which: (1) are part of ongoing program activities; (2) are incurred as part of efforts not directly related to the advisory committee's functions; or (3) were programmed for other purposes prior to the establishment of the advisory committee. CMO and legal counsel costs should not be included. Each DFO should follow any additional internal guidance developed or derived from either statutory or other

administrative authorities that are relevant to their advisory committee. Any questions concerning advisory committee cost reporting or the guidance provided in these instructions should be directed to the CMO.

5.11. FACA Database

The CMO is responsible for provisioning user accounts for the FACA database. A signed Rules of Behavior Form must be completed for each user in order to gain access to the database. The DFO, and advisory committee staff with user accounts, are responsible for reviewing and understanding the Training Video and DFO User Guide available under the Training Links and Documents tab in the FACA Database. The CMO will provide additional training and or guidance to DFOs and advisory committee staff on an as needed basis.

The DFO is responsible for ensuring the data in the FACA Database for their respective advisory committee(s) is current at all times. DFOs should review their advisory committee data on a monthly basis and each time the advisory committee website is updated to ensure compliance with 41 CFR 102-3.175.

5.12. Records

All documents, reports, or other materials prepared by, or for, the advisory committee are considered property of the Federal Government. If the advisory committee and subcommittee records are subject to the requirements of the Federal Records Act (FRA), 44 U.S.C. 3301, et.seq., they must be handled in accordance with the GRS 6.2. If the records are deemed Presidential, they must be handled in accordance with the Presidential Records Act (PRA). Note: Even if an advisory committee type is Presidential, it does not necessarily mean the records for that advisory committee fall under the PRA. Check with the CMO to verify if the advisory committee will fall under the FRA or PRA. See 41 CFR 102-3.75, 102-3.115, 102-3.120, 102-3.125, 102-3.170, 102-3.175.

5.12.1. Access

The DFO must ensure timely access to advisory committee records is provided per the requirements under 41 CFR 102-3.170. The contemporaneous availability of advisory committee records, when taken in conjunction with the ability to attend advisory committee meetings, provide a meaningful opportunity for the public to fully comprehend the work undertaken by the advisory committee. Although certain advisory committee records may be withheld under an exemption to the Freedom of Information Act (FOIA), GSA cannot require members of the public or other

interested parties to use FOIA procedures in order to obtain records available under sec. 10(b) of FACA (5 U.S.C. 1009(b)).

5.13. Reporting

The reporting requirements relating to GSA advisory committees are:

- **Annual Comprehensive Review (ACR) of advisory committees**

At the end of each fiscal year, the Secretariat, in conjunction with each department/agency with a FACA program, conducts an annual review of the activities of all advisory committees per the requirements under 41 CFR 102-3.175(b). The Secretariat conducts the ACR using the FACA Database, which the DFOs update throughout the year. Once the ACR is initiated by the Secretariat, the CMO will provide instructions and relevant deadlines to the DFOs. The ACR requires the advisory committee data to be reviewed and verified by the DFOs and CMO followed by a high level review by the Secretariat. The CMO and Secretariat reviews may result in comments or questions that will need to be addressed by the DFOs. Once all of GSA's advisory committee data has been reviewed by the Secretariat, the agency data will be closed out and rolled over to the next reporting year, concluding the ACR for that fiscal year. Once advisory committee data has been rolled over it moves to the historical record in the database and cannot be modified. The CMO will maintain copies of GSA's ACR information per the requirements under 41 CFR 102-3.115(b).

- **Filing of advisory committee reports with the Library of Congress**

41 CFR 102-3.175(d) requires that all reports issued by advisory committees be filed with the Library of Congress. The DFO is responsible for emailing a PDF copy of reports and/or recommendations made by the advisory committee to the Library of Congress at faca@loc.gov, copying the CMO for record keeping purposes.

- **Follow-up reports for Presidential advisory committees**

Within one year after a Presidential advisory committee has submitted a public report to the President, a follow-up report to Congress detailing the disposition of the advisory committee's recommendations is required per the requirements under 41 CFR 102-3.175(a). The DFO should consult with the CMO for guidance.

- **Annual report of closed or partially-closed meetings**

If any portion, or the entirety, of an advisory committee or subcommittee meeting is closed to the public per the requirements under 41 CFR 102-3.155, the DFO is responsible for ensuring their advisory committee issues a written annual report setting forth a summary of the closed, or partially closed, meeting activities and

such related matters as would be informative to the public consistent with the policy of 5 U.S.C. 552(b). See 41 CFR 102-3.175(c). Per the requirements under 41 CFR 102-3.175(e), the DFO will email a copy of the report to the Library of Congress at fac@loc.gov, copying the CMO for record keeping purposes.