MESSAGE FROM THE CHIEF OF STAFF

At the Department of Veteran Affairs (VA), the role and functions of our advisory committees continue to render great importance to the Department. VA has witnessed many valuable effects and policy changes from advisory committee recommendations and deliberations that benefit Veterans.

The VA Advisory Committee Management Guide is the principal tool to ensure that VA carries out its committee management responsibilities. This updated Guide offers resources, examples and comprehensive knowledge that will aid our advisory committee managers (Designated Federal Officials (DFO), Alternate DFOs, committee staff support and senior VA officials in addressing committee management and FACA matters. The knowledge captured in this Guide provides our advisory committees with the administrative support they need to address such issues as chartering subcommittees, appointing committee members and preparing for committee meetings. The policies and procedures in this Guide follow the Federal Advisory Committee Act and provide repeatable, predictable and reliable processes.

The work of our advisory committees could not be achieved without the involvement of VA's leadership team. It is the senior officials’ ongoing support in attending meetings, provide guidance and being actively engaged in responding to committee recommendations that moves VA forward. In addition, VA takes full responsibility to ensure that our advisory committees have everything they need to help us carry out the VA mission and that we operate in a culture that celebrates and draws strength from our country's great diversity. Committee managers and their senior leaders must foster a diverse and inclusive environment where every member and interested stakeholder are able to contribute their expertise, experience, talents, ideas and perspectives to the Committee's mission.

Secretary McDonough values the input of VA's advisory committees and is committed to ensuring that their recommendations improve the lives of the Veterans, their families, caregivers or survivors whom we are privileged to serve. With your continuous support and diligent work in advisory committee management, we will achieve our goal.

Tanya J. Bradsher
Department of Veterans Affairs
Chief of Staff
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INTRODUCTION

This publication is the principal tool to ensure Federal Advisory Committees (FAC) of the Department of Veterans Affairs (VA) carry out their responsibilities under the Federal Advisory Committee Act (FACA). The VA FAC Management Guide (Guide) provides guidance and general information on Federal advisory committee management policies and procedures. The Designated Federal Officers (DFO) and Committee Managers appointed to manage the day-to-day operations of VA FAC will find it particularly useful.

This handbook is available on the Advisory Committee Management Office (ACMO) website (http://www.va.gov/advisory). Updates will be posted to the ACMO website as FAC management policies and procedures change. Some information provided in the Guide is also supported and further discussed in detail in the Procedures Manual for Preparing and Processing Advisory Committee Correspondence and the VA Committee Member Handbook on the ACMO website.

If you need advice or clarification on a topic, please contact the ACMO staff at vaadvisorycmte@va.gov. We hope this Guide is a helpful tool that assists you in carrying out your responsibilities for VA FAC.

Advisory Committee Management Office
Background

Throughout the Federal Government, agencies use FAC extensively to obtain objective advice and recommendations regarding their programs and policies.

Thousands of private citizens from every segment of our society serve on FAC throughout the Nation. These citizens willingly offer their expertise to assess government programs and recommend program changes to improve the delivery of benefits and services to the American people. This invaluable advice is provided to the Federal Government at relatively little cost.

VA recognizes the value of FAC and uses them extensively to obtain objective advice and recommendations on matters of importance to VA and the Veterans we serve. VA FAC members include stakeholders (e.g., Veterans and Veterans Service Organizations (VSO)) and subject matter experts in areas ranging from education, homelessness and benefits to readjustment and scientific research.

VA FACs may conduct meetings in the field away from Washington, District of Columbia or the virtual environment. Field visits are also called site visits. Site Visits are a valuable opportunity for the FAC to learn by: meeting local facility leaders, engaging stakeholders, permitting public participation, gathering information from employees and observing real time operations (e.g., Medical Centers, Clinics, Regional Offices and Cemeteries, etc.). Site visits are a known best practice. FACs meet regularly with VA senior leadership, and they receive frequent briefings by program managers in subject areas related to their particularly chartered jurisdictions and duties.

ACMO is responsible for working with each FAC DFO to ensure charters are established and renewed; members are selected in a timely manner; Federal Register notices are prepared to announce meetings; conflict of interest documents are reviewed and filed; FAC reports and recommendations receive a VA response; and other annual and special reports are compiled and forwarded to appropriate officials.

The DFO is responsible for the day-to-day operations of their FAC and oversees meeting planning, reporting and minutes preparation, as well as other committee operations.

ACMO is responsible for the Department’s FAC oversight by developing, disseminating, directing and managing committee policy for VA’s committee members and managers. These policies and procedures guide VA Committee Managers by ensuring applicable laws, regulations and policies are recognized, understood and adhered to (e.g., FAC establishment, renewal; Member nomination and appointment; various statutory reporting duties).
Federal Advisory Committee Act

FACA (5 U.S.C. Ch. 10), was enacted on October 6, 1972, to ensure advice provided to agencies by FAC is objective and accessible to the public. Congress established a legal framework to govern the creation and operation of FAC in the Executive Branch of the Federal Government. Specifically, Congress determined the following:

- The need for many existing FAC had not been reviewed.
- New FAC should be established only when determined to be essential.
- FAC should be terminated when they are no longer needed.
- There should be standard and uniform procedures governing the operation of FAC.
- Congress and the public should be kept informed of the number, purpose, membership activities and costs of FAC.
- The function of FAC should be advisory only.

To accomplish its goals, FACA outlines general responsibilities of Federal officials involved with FAC management and broad guidelines for its operation.

Government in the Sunshine Act

The Government in the Sunshine Act (5 U.S.C. § 552b) was enacted to ensure certain government meetings are open. Subsection (c) includes 10 exemptions that allow an agency to close all or part of an agency's meetings, including FAC meetings. Meetings may be closed in accordance with subsection (c) to protect certain types of information, including trade secrets, commercial or financial information obtained from an individual, or information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (see 5 U.S.C. § 552b(c)(4) and (6)).

Freedom of Information Act

The Freedom of Information Act (FOIA; 5 U.S.C. § 552) was enacted to ensure certain government meetings are open. Subsection (c) sets standards for determining which records held by government agencies must be made available to the public and which records may be withheld. Pursuant to section 10(b) of FACA, the records of FAC generally must be made available for public inspection and copying, and the public does not need to submit a FOIA request to access these records. However, if there is a reasonable expectation that records sought fall within exemptions set forth in 552(b) of FOIA, then they may be withheld.

Privacy Act

Congress found that to protect the privacy of individuals identified in information systems maintained by Federal agencies, it was necessary to regulate the collection, maintenance, use and dissemination of information collected by such agencies. The Privacy Act (5 U.S.C. § 552a) provides safeguards for an individual against an invasion
of personal privacy. FAC member records are subject to the Privacy Act (http://www.justice.gov/opcl/privstat.htm).

**FACA Final Rule**

The FACA Final Rule (Final Rule; 41 C.F.R. Parts 101-6 and 102-3) is an administrative document promulgated by the General Services Administration (GSA) that provides interpretive guidelines for FACA. For example, FACA requires the timely announcement of meetings in the Federal Register. The Final Rule specifies a notice must be published at least 15 days before the meeting.

**Executive Order 12024**

Signed by President Jimmy Carter on December 1, 1977, this executive order (EO) transferred to GSA the authority for administering FACA. The EO delegated the functions vested in the President by FACA to the GSA Administrator.
Purpose of Federal Advisory Committees

FACs are defined as any committee, board, commission, council, conference, panel, task force or other similar group that is established or used by the President, or by an agency official, for obtaining advice or recommendations for the President or on issues or policies within the scope of an agency official's responsibilities.

Types of Members and Their Purpose

Chair. The Committee Chair is a member of the FAC selected by the appointing authority. The Chair presides at all FAC meetings, makes sure the agenda is adhered to as closely as possible, ensures public participation and certifies the accuracy of meeting minutes. The Chair ensures all rules of order and conduct are maintained during each meeting. If the Chair must leave the meeting due to a conflict of interest, then the DFO or an appointed FAC member may preside. If a FAC member cannot participate in the discussions due to a conflict-of-interest situation, then the Chair ensures the FAC member leaves the room if in person or is moved to a breakout session in a virtual meeting platform.

Special Government Employees (SGE). An SGE is an individual appointed based on expertise that will contribute to the FAC's objectives. As defined in 18 U.S.C. § 202, an SGE is an officer or employee who is retained, designated, appointed or employed to perform temporary duties, with or without compensation, for not more than 130 days during any period of 365 consecutive days. Most VA FAC members are SGEs and are subject to the ethical rules and the Standards of Ethical Conduct for Employees of the Executive Branch and required to complete an SGE Self-Certification Statement (see Appendix A on page 39: Ethics Rules for FAC Members who are SGE). However, a member is not an SGE if appointed to the FAC to represent the official views of an outside organization and thus would not be subject to the rules discussed in this section. A member is also not an SGE if they are already a regular employee of another Federal entity, such as an ex-officio member appointed to a FAC. The Standards of Ethical Conduct are outlined in the VA Committee Member Handbook.

Ex-Officio Members. An ex-officio member is a Federal official who represents their agency and possesses expertise in a subject matter related to the FAC's objectives. Ex-officio members have full voting rights unless otherwise stated in the charter or the FAC's authorizing legislation.

Representative. A representative is an individual who serves on a FAC to provide the point of view of a nongovernmental entity. This person can be a non-voting member and represents a special interest group, an organization or an affected population. This designation generally is used only by the VA Voluntary Service National Advisory Committee since they represent various VSOs whose members volunteer at VA facilities.
Regular Government Employee. Full-time employee of the Federal Government who serve as either a regular government employee (RGE) or Ex-officio member:

- If a full-time employee is performing the role as a FAC member, then they must be classified as an RGE and must provide the DFO with an email from their agency supervisor stating they will be allowed to participate, if appointed. VA may pay for the RGE’s travel and per diem; however, the RGE is not allowed to receive a stipend.

- If a RGE is performing an ex-officio role, then they must be classified as an Ex-officio member, and it is assumed their agency will permit them to be on a VA FAC because employee is representing said agency. Their agency pays for travel and per diem.

Without Compensation (WOC). A WOC is a without compensation employee that has all rights and purposes of a RGE except for salary and benefits. A WOC can serve as a FAC member.

Consultants. Consultants are not members of FAC. However, they may be invited to subcommittee or parent FAC meetings. They do not deliberate or vote on FAC recommendations and are not counted toward a quorum.

Subcommittees and Workgroups

If authorized by the FAC charter, a FAC may establish subcommittees or workgroups to gather information, conduct research, draft position papers and analyze relevant issues and facts. Although subcommittees or workgroups are generally not subject to FACA, their activities are covered by the charter of the parent FAC.

Subcommittee or workgroups may not work independently of the parent FAC and must report their recommendations and advice to the full FAC for full deliberation and discussion. A DFO or alternate DFO must be present for all subcommittee activities and take notes. A responsible Federal Government employee must be present for all working group activities and take notes. Notes should summarize the activity, list attendees and provide the date, time and location of the event.

To provide a general example of how a FAC subcommittee should operate, the Department established VA Federal Advisory Committee Subcommittee Operating Instructions (see Appendix B on page 53). This document provides guidance and detailed information on the role and functions of the parent FAC and subcommittees, subcommittee collaboration and the DFO responsibility.

To further assist in the subcommittee establishment process, a template is provided to inform the Secretary of Veterans Affairs (hereinafter Secretary) for situational awareness. Please consult the ACMO Procedures Manual for Preparing and Processing Advisory Committee Correspondence and Packages.

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Committee Management Officer

The Committee Management Officer (CMO) is responsible for the oversight, establishment, control and the procedures and accomplishments of all VA FAC operated under FACA, including:

- Exercising control and supervising the establishment, procedures and accomplishments of FAC established by VA.
- Assembling and maintaining the reports, records and other papers of any VA FAC during its existence.
- Ensuring compliance with FOIA, on behalf of VA, with respect to such reports, records and other papers.
- Preparing various annual and intermittent reports on behalf of VA related to FAC, organization, activities, costs etc. carried out on behalf of the agency, and compliance with the provisions of FOIA with respect to such reports, records and other papers.
- Providing advice and coordinating FACA and other training to the VA committee management community.
- Developing and disseminating VA policy regarding committee management, ensuring consistency in the implementation of committee management policies and procedures and devising internal management controls for committee management.
- Establishing uniform administrative guidelines and management controls for VA Federal advisory committees.
- Developing streamlined procedures for VA committee management functions.
- Overseeing and developing the database of FAC members and committee costs.
- Consulting with the Office of General Counsel (OGC) regarding the interpretation of applicable laws and regulations and disseminating this information for the committee management community.
- Working closely with the GSA Committee Management Secretariat regarding the reporting of the yearly achievements and costs of VA FAC.

In addition, the Secretary has delegated authority to the CMO to issue an agency determination to close all or part of a FAC meeting (see Appendix C on page 52, Delegation of Authority to Issue an Agency Determination to Close all or Part of a Federal Advisory Committee Meeting (dated March 29, 2021)).

Designated Federal Officer

Many of the duties and responsibilities of DFOs are set forth in sections 10(e) and 10(f) of FACA. The DFO must:

- Approve or call the meeting of the FAC.
- Approve the agenda.
Attend all meetings or subcommittee meetings (or make arrangement for an alternate DFO to attend).

Adjourn the meeting when such adjournment is in the public interest or in the best interest of the Government.

Chair the meeting when so directed by the agency head.

In addition to the responsibilities required by FACA, the following are requirements for the DFO:

- Ensure that accurate records are kept of the FAC's deliberations and maintain the records, reports, transcripts, minutes, working papers, drafts, studies, agenda or other documents that are made available to or are prepared for or by a FAC.

- Coordinate with OGC Ethics Specialty Team (EST) for ethics training for those FAC members requiring training or, for other Federal advisory members who desire training. For those FAC members required to file financial disclosure reports, the DFO is responsible for ensuring Federal advisory members submit their reports to the DFO or to the EST at least 2 weeks prior to the first meeting of the calendar year.

- Prepare minutes following the meeting and ensure they are certified (or signed) by the Chairperson within the 90 days of the FAC meeting.

- Send the agenda and copies of all related information to the members before the meeting; make logistical arrangements for the meeting including overnight accommodations for members, when applicable; notify members of these arrangements; and arrange for resource persons, guest speakers and supplementary materials when needed.

- Provide information for or prepare the Federal Register notice; notify individuals or organizations that have requested notification in advance; and use press releases and notices in professional journals, as appropriate.

- Keep all FAC documents which are made available to or prepared by the FAC and adhere to the applicable Records Control Schedules.

- Ensure the timely appointment of new FAC members and the establishment, renewal, amendment or termination of a FAC's charter.

- Maintain communication with the Chairperson during the meeting and make sure the FAC business is conducted according to all applicable regulations, policies and procedures.

- Assist the Chair and committee members with committee management items or duties (i.e., upcoming meetings, scheduling site visits, reporting recommendations and other administrative items).

- Serve as the responsible entity for all fiduciary duties associated with managing an assigned FAC.

- Work closely with the VA ACMO Team to ensure all these tasks are accomplished in a timely manner, in accordance with VA policy and FACA.

- Acquire and annually maintain certification or recertification by the CMO.
Alternate Designated Federal Officer

The primary role of the Alternate Designated Federal Officer (ADFO) is to perform the duties of DFO when absent from the FAC and/or subcommittee meeting, or during the planning phase of the FAC preparation when decisions must be made to commit the agency to specific courses of action. The ADFO also:

- Will perform duties as issued by the DFO, or their agency leadership, to accomplish the mission of the committee.
- Will be fully engaged in the committee management, meeting and support of the DFO.
- Must be initially certified and annually recertified by the CMO.

Dual DFO Committee Assignments

A DFO or ADFO may only be assigned to one FAC (i.e., one at a time) that reports to VA. The DFO or ADFO is certified by the CMO to serve as a unique individual to each VA FAC. Avoiding dual DFO Committee assignments helps to manage committee workload; potential conflicts of interest; and identify a point of failure. It also better enables stakeholder engagement and is supported by the FACA final rule.

Federal Advisory Committee Support Staff

FAC support staff responsibilities reside at several different levels at VA. FAC support staff may perform FACA duties that include the following:

- Provide technical assistance to DFOs to prepare amendments or renewal charter packages for FAC as necessary.
- Provide technical assistance to DFOs to prepare nomination and appointment documents for membership on FAC.
- Submit Federal Register notices for timely notification to the public of FAC meetings.
- Advise VA staff on current policies and procedures.
- Preparing reports on VA FACs.
- Acquire and annually maintain certification or recertification by the CMO.

Committee Management Secretariat, GSA

Section 7 of FACA required the GSA Administrator to establish and maintain a Committee Management Secretariat that is responsible for all matters relating to FACs. The Committee Management Secretariat responsibilities include:

- Prescribing administrative guidelines and management controls applicable to FAC.
- Where applicable, providing advice, assistance and guidance to FACs to improve their performance.
FACs in VA may not be established unless specifically authorized by statute, by the President or by the Secretary. Discretionary (non-statutory) FAC will be established only after the Secretary has determined, after consultation with GSA, the specific functions and duties cannot be adequately performed by existing VA offices; through working relationships within or between Departments or agencies of the Federal Government; or by existing FACs. A FAC may be requested if:

- FAC deliberations will result in the creation or elimination of (or change in) regulations, policies or guidelines affecting agency business.
- FAC recommendations will result in significant improvements in service or reductions in costs.
- FAC recommendations will provide an important additional perspective or viewpoint affecting agency operations.

Which Groups Must be Chartered

All groups that meet the criteria specified in FACA and its implementing regulations must be chartered in accordance with section 9(c). Unless an exception applies, FACA is applicable to “any committee, board, commission, council, conference, panel, task force or other similar group, or any subcommittee or other subgroup thereof, which is established by statute, or established or utilized by the President or by an agency official, for the purpose of obtaining advice or recommendations for the President or on issues or policies within the scope of an agency official’s responsibilities.” (41 C.F.R. § 102-3.25).

Pursuant to 41 C.F.R. § 102-3.40, groups not covered by FACA include the following:

- FAC exempted by statute;
- Groups assembled to obtain individual advice;
- Groups assembled to exchange facts or information;
- Intergovernmental committees;
- Intragovernmental committees;
- Local civic groups;
- Groups established to advise State or local officials; and
- Operational committees.

Establishing a New Federal Advisory Committee

ACMO staff is responsible for handling the establishment of all VA FAC. If a Program Office believes there is a need for a new VA FAC, their leadership must consult with the VA CMO for guidance.

No FAC may meet or take any action until a charter has been filed by the VA CMO in accordance with FACA. The purpose of the FAC charter is to specify the FAC's mission or charge and general operational characteristics (not membership behavior). Requests for establishment of discretionary FACs must include its specific purpose (to make
recommendations, produce a report) and a termination date, when applicable. As shown in the following list, the chart must include all required statutory components and other components recommended by GSA to improve the overall charter and provide valuable additional information for interested parties.

The 15 sections of the charter, in order, are:

- **Federal Advisory Committee Official Designation (Title).** Provide the FAC’s exact legal name.
- **Authority.** Provide the authority for the establishment of the FAC (e.g., cite the statute, Executive Order or note that the FAC is agency authority) and reference that the FAC is being established in accordance with the provisions of FACA.
- **Objectives and Scope of Activities.** Describe the objectives and scope of the FAC’s mission or charge.
- **Description of Duties.** Describe the functions the FAC is expected to perform. In the absence of specific statutory authority or Presidential directive to the contrary, these duties must be advisory only.
- **Agency or Official to Whom the FAC Reports.** Identify the agency or official (by title or position) to whom the FAC provides its advice. Normally, this is the agency head.
- **Support.** Identify the agency (and component/office) responsible for providing necessary support for the FAC.
- **Estimated Annual Operating Costs and Staff Years.** Provide the estimated annual fiscal year costs to operate the FAC in dollars and staff years (in full-time equivalent). The cost expenditure categories used in the Annual Comprehensive Review of FAC must be used to estimate these costs. The cost estimates include the salary cost of FAC staff support with benefits.
- **Designated Federal Officer.** This paragraph must indicate that a full-time or permanent part-time employee, appointed in accordance with agency procedures, will serve as the DFO (or designee). It also must state that the DFO will approve or call the meetings of the FAC and subcommittees, prepare and approve all meeting agendas, attend all FAC and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest and chair meetings when directed to do so by the official to whom the FAC reports.
- **Estimated Number and Frequency of Meetings.** Provide the estimated number of meetings anticipated within a fiscal year and, if known, how frequently (e.g., “approximately every 4 months”) the meetings will occur.
- **Duration.** State the term period anticipated to be necessary for the FAC to carry out its purposes. For a FAC that will exist for a longer period, “continuing” is appropriate.
- **Termination.** Provide the FAC’s termination date, if less than 2 years from the date of its establishment.
- **Membership and Designation.** Provide the estimated number of members, a description of the expertise required and/or groups to be represented to achieve a fair balanced membership and whether the FAC will be composed of SGEs,
representative members, regular Government employees, or members from several categories.

- **Subcommittees.** Provide a statement as to whom (the agency) has the authority to create subcommittees and states that subcommittees must report back to the parent FAC and must not provide advice or work products directly to the agency.

- **Recordkeeping.** State that the records of the FAC, formally and informally established subcommittees, or other subgroups of the FAC, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to FOIA.

- **Filing Date.** This is the date that the charter is filed with Congress.

Charters may contain additional information, such as the roles and responsibilities of members and staff and may define the quorum for meetings. Like other FAC records, charters are public documents.

**Membership Balance Plan**

Section 5(b)(2) of FACA requires a committee to be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Section 102-3.60(b)(3) of the Final Rule requires agencies to develop a Membership Balance Plan to attain fairly balanced FAC membership. Such plan will "ensure that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested and qualified, as appropriate to the nature and functions of the advisory committee" (41 C.F.R. § 102-3.60(b)(3)). Per the Final Rule, "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."

One of the principal objectives of VA for its FACs is to ensure FAC members appropriately reflect the diversity of American society and the Veteran population the FAC was designed to serve in its chartered mission and scope of authority. It is the responsibility of the Committee Managers and their Program Office Leaders to ensure the Committee(s) they oversee meet or exceed their balance plan diversity and inclusion goals. This means Managers and Leaders must use all the recruiting and retention management tools/best practices available to support diversity and inclusion of qualified individuals on the Department’s FACs.

In addition to the selection criteria outlined in the NOMINATION, SELECTIONS AND APPOINTMENTS section of this Guide (found on page 20), each FAC shall represent, to the extent possible, Veterans of diverse generations and branches of military service. The following link: [https://www.gsa.gov/cdnstatic/MembershipBalancePlanGuidance-November 2011.pdf](https://www.gsa.gov/cdnstatic/MembershipBalancePlanGuidance-November 2011.pdf). is a Membership Balance Plan template from GSA found in section 4.b.(2).
During the chartering process, FACs are required to provide a description of their plan to attain a fair balanced membership. Therefore, whenever a charter is submitted for establishment, renewal or reestablishment, a FAC is required to create or update its membership balance plan, as applicable.

Federal Advisory Committee Charter Package

Certain documents are required in a charter package when a FAC is established. All proposed charters for the establishment of a new FAC must be submitted in draft form for review by the CMO prior to submitting a final charter package for formal concurrence. In addition, the CMO will institute a consultation with GSA to ensure the charter meets all legal and regulatory requirements. Below are electronic documents needed for each FAC.

Discretionary FAC:
- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
- Action memorandum to the Secretary to request a FAC be established
- Proposed Charter
- Formal Determination
- Delegation of Authority to Appoint Members (if applicable).
- Operational Plan
- Membership Balance Plan
- Filing letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, Office of Public and Intergovernmental Affairs (OPIA), Office of Congressional and Legislative Affairs (OCLA), Senior Advisor, OGC and ACMO)

Statutory FAC:
- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
- Action memorandum to the Secretary explaining the statutory authority for the FAC
- Proposed Charter
- Delegation of Authority to Appoint Members (if applicable).
- Operational Plan
- Membership Balance Plan
- Legislative Authority
- Filing letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)

Presidential FAC:
- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
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- Action memorandum to the Secretary explaining the authority or requirement for the FAC
- Proposed Charter
- Establishing Authority
- Membership Balance Plan
- Filing letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)

Note: A FAC is not officially established until the following have been completed:
- The Secretary or designated official has signed the charter.
- The initiating organization has made a public announcement of the establishment of a discretionary FAC in the Federal Register not less than 15 calendar days prior to the CMO filing the FAC’s charter.
- The charters are filed with the appropriate Congressional Committees, the Library of Congress and the Committee Management Secretariat at GSA by the CMO, in accordance with FACA.

Renewing a Federal Advisory Committee Charter

Unless otherwise provided by statute, FACs terminate no later than 2 years after their chartering or last renewal by appropriate action prior to the end of that 2-year period. Certain documents are incorporated into a charter package for the renewal request, depending on the FAC type, as follows.

Discretionary FAC:
- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
- Action memorandum to the Secretary to Request Renewal
- Proposed charter
- Delegation of Authority to appoint members (if applicable)
- Formal Determination
- Membership Balance Plan
- Membership Profile Sheet
- Annual Operations Plan
- Annual Assessment of Activities
- Current Charter
- Filing letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)
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Statutory FAC:
- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
- Action memorandum to the Secretary to Request Renewal
- Proposed Charter
- Delegation of Authority to Appoint Members (if applicable)
- Membership Balance Plan
- Membership Profile Sheet
- Legislative Authority
- Annual Operations Plan
- Annual Assessment of Activities
- Current Charter
- Filing Letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)

Presidential FAC:
- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
- Action Memorandum to the Secretary to Request Renewal
- Notice of Renewal
- Proposed Charter
- Authority to Continue
- Membership Balanced Plan
- Membership Profile Sheet
- Current Charter
- Filing Letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)

**Note:** A FAC is not officially renewed until the following steps have been completed:
- The Secretary has approved and signed the charter.
- The charter has been filed with the appropriate Congressional Committees, the Library of Congress and the Committee Management Secretariat of GSA by the CMO, in accordance with FACA.

**Note:** For discretionary FACs, if the charter is not renewed by its two-year date, GSA will require the charter to be reestablished, which will require a longer wait time to resume FAC activities and meetings. A notice to the public in the Federal Register is required when a discretionary FAC is established, renewed or reestablished.
Amending an Existing Charter

Charters of FACs may be amended for a variety of reasons. Most amendments are minor and made to reflect a change in budget, staffing or supporting office.

Required Documents for Charter Amendments:
- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
- Action Memorandum to the Secretary to Request to Amend a Charter
- Amended Section(s) of the Charter
- Legislative Authority or Authority to Continue
- Membership Balance Plan
- Membership Profile Sheet
- Annual Operations Plan
- Annual Assessment of Activities
- Current Charter
- Filing Letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)

The Secretary must approve all charter amendments. Consultation with GSA is required for major charter amendments.

Terminating or Abolishing a Federal Advisory Committee

According to 41 C.F.R. § 102-3.30(b), FACs must be terminated when:
- The stated objectives of the FAC have been accomplished.
- The subject matter or work of the FAC has become obsolete by the passing of time or the assumption of the FAC’s functions by another entity.
- The agency determines the cost of operation is excessive in relation to the benefits accruing to the Federal Government.
- In the case of a discretionary FAC, upon the expiration of a period not to exceed 2 years, unless renewed.
- In the case of a non-discretionary FAC required by Presidential directive, upon the expiration of a period not to exceed 2 years, unless renewed by the authority of the President.
- In the case of a non-discretionary FAC required by statute, upon the expiration of the time explicitly specified in the statute or implied by operation of the statute.

To terminate a statutory FAC for which the statutory authority has not expired, specific legislation is required. A non-statutory FAC is most easily terminated when its renewal is under consideration. In this case, if it is determined the FAC should be terminated, appropriate officials must be notified, and the FAC’s charter may then be allowed to lapse.
Documents Required:

- Termination or abolition of discretionary FACs requires the submission of a request by the program office to the VA CMO for (a) approval to allow a FAC charter to expire or (b) approval to abolish a FAC, which has completed its assigned tasks or whose existence is no longer deemed necessary.
- Termination or abolition of statutory FACs, other than upon expiration of the statutory authority (sunset date), requires a request from the Secretary to the Speaker of the House to repeal the statute. Legislation must be introduced and passed by Congress to eliminate statutory FACs that are no longer needed. If a statutory FAC has a sunset date written into its authorizing legislation, the statutory FAC terminates on that date and no further documentation is required.

Placing a Federal Advisory Committee on Administratively Inactive Status

Under some circumstances, a FAC may be placed on administratively inactive status, such as if a FAC's establishing legislation does not have a sunset clause and VA, in consultation with the VA OGC and GSA, determines the following:

- The FAC has accomplished its goals.
- Another FAC is doing the same work.
- The operational costs of the FAC outweigh its benefits.

Documents required:

- White paper prepared by the FAC DFO and signed by the program office leadership outlining the salient points about placing the FAC on administratively inactive status
- OGC consultation on placing the FAC on administratively inactive status
- Office of Congressional and Legislative Affairs perspective on placing the FAC on administratively inactive status
- GSA consultation on placing the FAC on administratively inactive status
- Annual Comprehensive Review (ACR) for the past year
- Relevant statutes:
  - FACA (5 U.S.C. Ch. 10)
  - Legislation which established the FAC
- Current Charter
- Charter for the FAC that is doing the similar work, if applicable
- Filing Letters to Senate/Congressional Committees and to the Library of Congress Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)

The CMO will prepare the Decision Paper for the Chief of Staff and will ensure it is entered into the Department's electronic tracking system and tracked through until final decision and will then inform the program office and DFO.
Purpose

Persons are nominated, selected and appointed to a VA FAC based on their qualifications and ability to contribute to the accomplishment of the FAC’s objectives. The statutory authority or charter that establishes the FAC often includes specific requirements for FAC membership. Other criteria related to membership are contained in VA policy and FAC membership balance plans.

Selection Criteria

One of the principal objectives of VA in managing its FACs is to ensure FAC members appropriately reflect the diversity of American society and the Veteran population (see https://www.gsa.gov/cdnstatic/FACAFinalRule_R2E-cNZ_0Z5RDZ-i34K-pR.pdf). In the selection of members for discretionary FACs, VA is required to consider a cross-section of those directly affected, interested and qualified, as appropriate to the nature of the FAC. FACs requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed. Each FAC shall represent, to the extent possible, members with diverse professional and personal qualifications and experience, such as in military service, military deployments, working with Veterans, committee subject matter expertise and working in complex organizations.

As a matter of VA policy, FAC size generally is limited to 12 members, unless otherwise specified or required by the FAC’s authorizing statute. Membership above 12 for any existing or future FAC will require specific justification by the DFO, in consultation with the CMO and the affected VA program office. Ex-officio members are not counted when considering the 12-member limit. These policies do not apply to the following VA FACs that engage in scientific peer review of VA research or with scientific research skill sets/experiences that are extremely difficult to recruit/retain members:

- Cooperative Studies Scientific Evaluation Committee
- Health Services Research and Development Service Scientific Merit Review Board
- Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board
- Rehabilitation Research and Development Service Scientific Merit Review Board

These policies also do not apply to the VA Voluntary Service National Advisory Committee, which is composed entirely of representative members appointed by VSOs.
Terms of Appointment

General. One appointment term is 2 years. A FAC member generally may serve no longer than two terms of 2 years unless the FAC’s authorizing legislation or charter states otherwise (e.g., up to 3 years terms for some statutory FACs). All other FAC members whose service exceeds two terms will complete their service at the end of the current term. To the extent possible, terms will be staggered to ensure that the dates for termination of the members’ terms are not all the same. VA term limit policy applies to most Committee Members including the Chair and Vice Chair. It does not apply to Ex-Officio members or Representatives.

Vacancies. Vacancies may occur when a member resigns, dies, their service is terminated for any reason before the scheduled term is completed or the member completes their term of appointment.

Reappointments. It is Departmental policy to avoid excessive individual memberships on FACs. Therefore, restrictions may apply to FAC membership. Absent specific justification, a VA FAC member generally will not:

- Serve continuously as a member of any single VA FAC for more than 4 to 6 years (i.e., two 2-year terms or two 3-year terms) in accordance with the term limits in the FAC’s charter.
- Serve for more than 8 combined years within a period of 12 years on one or more FACs within an agency.
- A one term member may be nominated to the Secretary as Chair or Vice Chair. A two-term member is ineligible as they have reached their term limits. Terms do not reset when a member is appointed Chair or Vice Chair.

Dual Membership

In general, unless specific justification is approved by the Secretary, a FAC member may only serve on one FAC (i.e., one at a time) that reports to VA.

Compensation of Federal Advisory Committee Members

Special Government Employees. The stipend generally paid to FAC members who serve as SGEs is established by the Secretary and will not exceed $300 per day. Unless provided otherwise by a FAC’s authorizing statute, the stipend is only available for the days of the FAC’s meeting and not for work performed outside of the meeting. Exceptions to this policy may be approved by the Chief of Staff for scientists and medical specialists. For assistance with getting members vendorized for stipends or travel reimbursement through the Financial Services Center (FSC), contact the Austin FSC at https://www.fsa.va.gov.

Full-time Federal Employees. Members are not eligible to receive a consultant or stipend fee and must travel under a Federal travel order.
Sources for Obtaining Candidates

Solicitation of names of individuals in each area may come from leaders in pertinent fields, scientific and professional organizations and VA staff. Nominees may also be received from Agency officials, members of Congress, the public or self-referral, current or former FAC members and universities and colleges. VA also uses a Notice of Meeting (NOM) that is published in the Federal Register to seek nominations. These Federal Register Notice of Solicitation for New Member Appointments are posted for a 30-day minimum. The Committee’s DFO is responsible for drafting the notice and leading the Program Support Office’s efforts in conducting a nomination board for openings (e.g., Chair, Vice Chair, Committee Members). Nominations are accepted from multiple sources and stakeholders.

Nomination Procedures

A nomination package must be prepared and sent to the ACMO at least 90 days in advance to ensure continuity of FAC membership and for the Secretary approval. A proposed nomination package will address current or previously appointed members eligible for membership renewal, newly proposed members and/or members’ whose terms expired or resigned. The Secretary will review and consider appointing the nominees.

The DFO will use the following uniform format when submitting nomination packages to the Secretary. NOTE: This process may be a bit different in the case of a FAC with a delegated appointment authority.

- VA Form 0907, Summary and Approval Sheet
- VA Form 4265, Concurrence and Summary Sheet
- Action Memorandum for Recommended Nominees (Memorandum to Secretary)
- Current Charter
- Authorizing Legislation
- Current Membership Roster and Bios
- Membership Balance Plan
- Membership Profile Sheet
- Letters of Appointment, Reappointment and/or Termination / Appreciation
- Certificates of Appointment and/or Appreciation
- Enclosures to the Letters of New Appointments are:
  - Current Charter
  - 14 General Principles of Ethical Conduct
  - Ethics Rules of Committee Members Who Are Special Government Employees
- Filing Letters to Senate/Congressional Committees and to the Library of Congress
- Concurrences (Program Offices, GSA, OPIA, OCLA, Senior Advisor, OGC and ACMO)
Note: When seeking to reappoint a member who has already served two or more terms, the packet must include specific justification by the DFO, in consultation with the CMO and affected VA program office, for the additional term of service.

Orientation of New Members

The DFO provides orientation to the members regarding the purpose and goals of the FAC, including their responsibilities to the FAC, the agency and an ethics overview. This orientation must take place at the new member’s first meeting. Orientation is not complete until the new member has completed the following:

- Online Ethics Training
- Signed the VA Self Certification Form Stating They are not a Lobbyist
- Received the ACMO FACA 101 Briefing
- Completed VA Form 450 (if a member of a filing FAC)
- Reviewed the FAC charter
- Read the VA Committee Member Handbook

Termination of Federal Advisory Committee Members

Expiration of Federal Advisory Committee Membership Terms

When a FAC member’s term expires, they will receive a thank you letter along with a certificate of appreciation. The DFO should prepare the membership termination package. Please follow the instructions provided in the ACMO’s Procedures Manual for Preparing and Processing Advisory Committee Correspondence which can be found at https://www.va.gov/advisory/index.asp.

Resignation of Federal Advisory Committee Member

If a member resigns from the FAC, a notification to the DFO is necessary, preferably by letter, but an email will be accepted. The DFO forwards that information to the CMO. The resigned member remains in the FACA Database if the member served any day during that current fiscal year. The DFO must also prepare the FAC membership termination package. DFOs can follow the instructions provided in the ACMO Procedures Manual for Preparing and Processing Advisory Committee Correspondence and Packages.

Other Types of Federal Advisory Committee Member Termination

In case of a FAC member’s death, the DFO notifies the CMO of the death and updates the database to reflect the end of that FAC member’s term. For ethical conduct violations, see VA Committee Member Handbook.
Letters and Certificates of Appreciation

As a member completes service on a VA FAC or leaves for other reasons, a letter of appreciation will be prepared for the signature of the Secretary as well as a certificate of appreciation, which will be prepared by ACMO and added to the membership package. The letter of appreciation will be part of the membership package the DFO prepares. At the time the FAC membership package is prepared, the DFO will send an email request for a certificate of appointment to ACMO including the member’s name, credentials, term of service and whether the person served as a FAC member or chair of the FAC for processing. The way the FAC member is addressed must be consistent throughout the FAC membership package.
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FEDERAL ADVISORY COMMITTEE MEETINGS

No meeting shall be held in the absence of the DFO or ADFO. VA FAC operate using the principles of a quorum and consensus to the maximum of possible. Unless otherwise established in the FAC's charter or legislation, a quorum shall consist of a majority (more than one half) of the FAC's authorized membership including ex-officio members. In the beginning of the meeting during announcements, the DFO should state if a quorum is present. This means the committee can do business and it's also stated for the record. If a quorum is not present, contact ACMO immediately to discuss options.

Each meeting of a FAC shall be conducted in accordance with an approved agenda. If simultaneous subcommittee meetings are to be held, each subcommittee shall have a full-time Federal employee in attendance serving as the DFO.

There are two meetings that do not require public notice: Administrative Meetings/Calls and Preparatory Work Meetings. Administrative Meetings/Calls allow for such administration work as planning the calendar, discussing travel arrangements, meeting logistics and conducting annual training. Preparatory Work Meetings allow for members to focus on the FAC area of interest, research tasking for subcommittees and field visit sites planning. This information is discussed more in detail in the VA Committee Member Handbook.

All parent FAC members, except for the Scientific Merit Review Board members, annually must receive the ACMO FACA 101 Briefing, copies of the VA Federal Advisory Committee Members Handbook and their respective FAC's charter. The DFO will facilitate this requirement. It is recommended the FACA 101 Briefing be conducted at the first meeting in a new fiscal year, preferably at the start of the meeting.

Federal Register Notices

The Federal Advisory Committee Act requires that:
- Section 10(a)(1): Each FAC meeting shall be open to the public.
- Section 10(a)(2): Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register.

The Federal Register is a legal publication in which the Executive Branch of the U.S. Government publishes regulations, orders and other documents. The Federal Register (https://www.federalregister.gov/) is issued weekdays by the Office of the Federal Register. A Federal Register Notices of Meeting (NOM) must be published in the Federal Register at least 15 calendar days prior to a FAC meeting. Federal Register Notices will include:
- Name of the FAC
- FACA Authority (5. U.S.C. Ch. 10)
- Time, date, place and purpose of the meeting
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- Summary of the agenda and/or topics to be discussed
- Statement whether all or part of the meeting is open to the public or closed; if closed, state the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. § 552(b)(c)) as the basis for closure
- Name, address and telephone number of the FAC's DFO or other official who may be contacted for additional information concerning the meeting

The approved package must be provided to ACMO no later than 30 days before the meeting, especially if a portion or all the meeting is closed to the public. For samples of a NOM that is open to the public with one single meeting date and time, one with multiple meeting dates and times and one for a meeting partially closed to the public, see the Procedures Manual for Preparing and Processing Advisory Committee Correspondence. If the approved package is not received in ACMO as required, the FAC is at risk for meeting cancellation or rescheduling the meeting due to an untimely submission to the Federal Register for publication. Exceptions must be discussed with ACMO.

A cancellation or amended notice of a previously announced meeting must be submitted to the Federal Register at least 15 days in advance of the original meeting date.

Checklist for DFO Planning a Meeting:

Before the meeting, the DFO:

- Approves the plan to hold a FAC meeting.
- If necessary, coordinates with the OGC EST regarding ethics training and submission of financial disclosure reports.
- Ensures all FAC members are properly oriented and trained or will be during the meeting.
- Schedules once-a-year TOP 3 Visit or uses a recorded TOP 3 message.
- Approves the agenda.
- Invites the guest speaker(s) to a FAC meeting, subcommittee meeting or workshop and makes the necessary arrangements for the speaker(s), if applicable.
- Ensures FAC signage is visually placed outside of meeting room and/or in building for members and/or the public.
- Ensures FAC members' tent cards are placed.
- Ensures the agenda includes:
  - Concise descriptions of each major subject or issue listed in the agenda, speaker name and title.
  - Priority and timing of topics.
  - VA Response to Committee Recommendations or Report.
  - Grouping together the open and closed sessions, if any, of the meeting, for the convenience of the public.
- Ensures FAC members receive the agenda and copies of all information relating to the meeting.
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- Arranges for resource persons and supplementary materials to aid the FAC in dealing with agenda items.
- Makes recording arrangements for transcripts, if necessary.
- Ensures logistical arrangements for the meeting including arranging overnight accommodations for FAC members.
- Notifies the public of the meetings and:
  - Maintains a list of persons and organizations who have requested notification of a meeting and notifies them in advance.
  - Ensures that all meeting notices (including cancellation and amendment notices) are published in the Federal Register no later than 15 calendar days prior to the FAC meeting in accordance with Section 10 (a)(1) of FACA.

To close all or part of a FAC meeting, the DFO must:

(a) Obtain prior approval. Submit a request to the agency head, or in the case of an independent Presidential FAC, the Secretariat, citing the specific exemption or exemptions of the Government in the Sunshine Act (5 U.S.C. 552(b)(c)) that justifies the closure. The request must provide the agency head or the Secretariat sufficient time (30 calendar days in advance of meeting date) to review the matter to decide before publication of the meeting notice required by Final Rule Section 102–3.150.

(b) Seek General Counsel review. OGC or, in the case of an independent Presidential FAC, the General Counsel of GSA should review all requests to close meetings. The DFO shall obtain a preliminary review of any request to close a meeting from ACMO before requesting OGC review.

(c) Obtain agency determination. If the agency head, or in the case of an independent Presidential FAC, the Secretariat, finds that the request is consistent with the provisions in the Government in the Sunshine Act and FACA, the appropriate agency official must issue a determination that all or part of the meeting be closed. The Secretary has given authority to the CMO to issue an agency determination to close all or part of a FAC meeting (see APPENDIX C, Delegation of Authority for Agency Determination Closed Meetings).

(d) Ensure public access to determination. The agency head or the chairperson of an independent Presidential FAC must make a copy of the determination available to the public upon request.

Note: Common exemptions cited to legally close FAC meetings include:
- Discussion of classified information.
- Reviews of proprietary data submitted in support of Federal grant applications (i.e., research committees).
- Deliberations involving considerations of personal privacy (i.e., Veterans’ PII, VA Medical Center tours, etc.).
In conclusion, unless an exception applies, closing a FAC to discuss a FAC’s report and/or recommendations would violate FACA. Meetings should remain open to the public for transparency.

The agenda is still arranged so that members of the public are informed about being able to attend the open part(s) of the meeting.

During the meeting, the DFO:
- Confers with the Chair as needed.
- May chair meeting in the Chair’s absence.
- Maintains an attendance log.
- Ensures the FAC conducts business in accordance with all applicable regulations, policies and procedures.
- Ensures accurate records are kept of the FAC’s deliberation.
- Reminds members and other public attendees that advance review materials, meeting reviews, discussions and FAC recommendations on applications are to be treated confidentially.
- Records motions and votes on each item of business and takes notes on discussions and proceedings, as necessary, to prepare the minutes.
- Authorizes the premature adjournment of any FAC meeting if adjournment is in the best interest of the government. Also, authorizes adjournment of any meeting not considered to be in the public interest, such as unwarranted departure from the agenda of the meeting.

Public participants:
- May attend the open portion of the meeting.
- Any member of the public may speak to or otherwise address the FAC when the procedures for doing so are published in the Federal Register notice and with a designated time limit to speak.
- Must be allowed to submit written statements to the DFO as provided for in the Federal Register notice. Public participants will be advised that FAC members are given copies of all written statements submitted by the public and becomes part of the meeting minutes.
- The public comment period will be a minimum of 30 minutes. Individual stakeholders will be afforded three to five minutes to express their comments.
- For the VA Scientific Merit Review Boards parent committee meetings, members of the public are allowed to submit written statements in advance to the DFO since these meetings are close due to the nature of the committee.

After the meeting, the DFO:
- Ensures the Committee Chair certifies and/or signs the minutes within 90 days.
- Ensures that stipends and travel vouchers are processed in a timely manner.
DFO Transition

When a DFO is stepping down from their position, certain actions will be conducted prior to the exit to ensure the FAC’s smooth transition and functioning. (See Appendix D on page 56 for the DFO Transition Checklist). During a DFO transition, the DFO Checklist MUST be signed by both the outgoing and incoming DFO. Email the form directly to the CMO at Jeffrey.Moragne@va.gov.
All records, reports and other documents of each FAC must be available for public inspection and copying pursuant to FACA. DFOs and FAC support staff are required to retain Federal records in accordance with record retention schedules as required by the Federal Records Act, the regulations implemented by the National Archives and Records Administration and VA Directive 6300, Records and Information Management. DFOs and FAC support staff must preserve records containing adequate and proper documentation of the organization, function, policies, decisions, procedures and essential transactions of the FAC. The documents referenced include the records, reports, transcripts, minutes, working papers, drafts, studies, agenda or other documents made available to or prepared for or by each FAC.

Minutes and Transcripts

Detailed minutes are kept by the DFO or designee of each FAC meeting and subcommittee meeting.

By FACA law, the minutes must include the following:
- Time, date and place of the meeting.
- List of the persons who were present at the meeting, including FAC members and staff, agency employees and members of the public who presented oral or written statements.
- Accurate description of each matter discussed and the resolution, if any, made by the FAC regarding such matter.
- Copies of each report or other document received, issued or approved by the FAC.

Minutes must be prepared, reviewed and signed by the Chair within 90 days of the meeting (see the Procedures Manual for Preparing and Processing Advisory Committee Correspondence for a sample of a FAC’s minute format). Immediately after certification by the Chair, the minutes must be added to the GSA FACA database and forwarded to ACMO.

Records Maintenance and Disposal

All FAC records are maintained and disposed of in accordance with the following provisions:
- VA Directive 6300, Records and Information Management (VA Directive 6300); and
- General Records Schedule 6.2.

VA Directive 6300 provides policy for the VA Records Management Program, which includes records management; micrographics management; vital records; the Privacy Act; FOIA; the Computer Matching and Privacy Protection Act; the Health Insurance
Portability and Accountability Act of 1996; and the release of names and addresses. The provisions of VA Directive 6300 are applicable to all elements of VA.

In addition, all FAC records should be maintained and disposed according to the provisions in Part 102-193, Chapter 102 of the Federal Management Regulation (FMR). This part of the FMR prescribes policies and procedures related to GSA’s role to provide guidance on economic and effective records management for the creation, maintenance and use of Federal agencies’ records. Also, see regulations issued by the National Archives and Records Administration (36 C.F.R. Parts 1220, 1222, 1228 and 1234), or the Presidential Records Act (44 U.S.C. Chapter 22).

Public Access to Records

FAC records must be available for inspection and copying at a single location. The DFO or ACMO will make copies of the transcripts of minutes of FAC proceedings or meetings available to any person requesting them at a cost determined in accordance with the appropriate fee schedule.
Currently, there are eight VA FACs where SGE members must file the Office of Government Ethics (OGE) Form 450, Confidential Financial Disclosure Report:

- Advisory Committee on Cemeteries and Memorials.
- Advisory Committee on Disability Compensation.
- Advisory Committee on Prosthetics and Special-Disabilities Programs.
- Advisory Committee on the Structural Safety of Department of Veterans Affairs Facilities.
- Special Medical Advisory Group.
- Veterans and Community Oversight and Engagement Board.
- Advisory Committee on Tribal and Indian Affairs.
- Advisory Committees on US Outlying Areas and Freely Associated States.

The remaining FACs existing are exempt from this requirement.

SGEs are required under the Ethics in Government Act to file financial disclosure reports when first appointed and annually thereafter. However, the VA Designated Agency Ethics Official (DAEO) may exclude FAC members from the filing requirement based on the duties and responsibilities of the FAC. The DFOs of the FACs required to file will notify FAC members before they are appointed and annually prior to the FAC’s first meeting of the calendar year. If an SGE is required to file a financial disclosure report, that FAC member may not participate in a meeting until the report is reviewed and certified by an agency ethics official. The DFO will have an SGE submit their original completed report no later than 2 weeks prior to the first meeting of the year to EST.

The Ethics Rules for SGE’s (found in Appendix A on page 39) also must be given to a potential SGE before their appointment and the SGE submits an acknowledgement form along with the OGE Form 450. A potential SGE may decide not to serve on a filing FAC if the SGE learns that an ethics rule may impact them.

Most VA ethics questions can be answered in a telephone call. More than half of ethics questions are resolved the same day they are raised. Seeking ethics advice from an ethics official before acting and complying with that advice will generally protect an SGE from possible criminal prosecution.

For ethics questions or advice, SGEs may contact the OGC EST at 202-461-7694 or GovernmentEthics@va.gov.
Office of General Counsel

- Provides legal advice and interpretation of FACA as needed.
- Reviews OGE Form 450s submitted by FAC members for those FACs required to submit them; advises each FAC member as to potential conflicts; and certifies those reports which are technically complete and reveal no conflicts of interest.
- Attends FAC meetings as necessary to address questions and issues about compliance with restrictions on participation, financial disclosures and other matters related to laws and standards of conduct.

Federal Advisory Committee Members Appointed as SGEs

Ethics Training

- Conduct online FACA ethics training: VA OGC Ethics Training for Special Government Employees: https://www.va.gov/OGC/docs/SGE/10.html. The FACA ethics training can be found on the ACMO internet website (in the Training, News and Announcements) section. Ethics training and the SGE Self Certification Statement are to be conducted annually.
- Completion of the Annual Government Ethics Training course satisfies the annual Government Ethics Training requirement for the following: (1) all VA employees, as mandated by the VA Chief of Staff on February 15, 2013; (2) Confidential Financial Disclosure form (OGE-450) filers, as required by the Executive Branch Standards of Conduct; and (3) new employees, as required by the Executive Branch Standards of Conduct (see complete description of the law at the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) (5 C.F.R. Part 2635).
- The DFO has the option to conduct Ethics training in a mass briefing forum.
- For additional assistance with Ethics training, contact Ms. Carol Borden/Office of General Council Ethics Specialty Team at Carol.Lane@va.gov.

Financial Disclosure

- For FACs whose members are required to file financial disclosure reports, they must accurately complete and submit OGE Form 450 before accepting an appointment so the EST may review their information to determine if a conflict of interest exists and then certify the form.
- The DFO, prior to submitting the OGE 450 report to the EST, will review the financial disclosure report to check reported financial interests for completeness and identify any that may conflict with the filer’s official FAC duties. Upon completion of their review the DFO will sign the report indicating that they have completed their review. Any identified conflicts must be noted and sent to EST for review prior to certification.
- For FACs whose members are required to file financial disclosure reports, voluntarily and promptly submits an amended OGE Form 450 annually and publicly discloses any qualitative change in financial interests or professional
business relationships that is or might be perceived as a conflict of interest at the beginning of each meeting.

A member must recuse themselves from participating in any meeting or portion of a meeting or other activity where they would give advice or participate in a matter which might have a direct and predictable effect on their financial interests or those of an organization which the member serves as an employee, officer, director, trustee or general partner. However, the member may participate in such matter if the conflicting financial interest arises only because the matter would affect the interests of their outside employer as part of class and would not have a unique impact on their outside employer.
Annual Comprehensive Review of Federal Advisory Committees

ACMO coordinates the Department’s submission of the fiscal year review. GSA will periodically issue instructions regarding requirements and procedures. GSA will use this information to prepare program recommendations and status reports on FAC matters.

As required by section 7(b) of FACA, as amended, GSA’s Committee Management Secretariat must conduct an Annual Comprehensive Review (ACR) of the activities and responsibilities of each FAC to determine whether such FAC:
- Carries out its purpose.
- Is consistent with the provisions of applicable statutes, the responsibilities assigned it should be revised.
- Should be merged with other FACs.
- Should be abolished.

Each year, the program offices begin preparing the individual FAC reports by gathering information on actual costs for the fiscal year and estimating costs for the next fiscal year; all meeting dates; updating FAC member information; and the activities and accomplishments of each FAC. The DFO and/or the FAC support staff are to ensure all required information is uploaded into GSA’s FACA database no later than October 31st of each year. The ACMO staff reviews and verifies the report for completeness and accuracy. After reviewing, the CMO certifies the Department’s reports to GSA. Once GSA is notified the Department’s report has been certified, GSA reviews and finalizes the reports from all Departments and agencies into a single report which also contains statistical data regarding all FACs and makes it available to the public.

VA Annual Reports

Annual Operations Plan

In accordance with VA policy, each FAC shall submit an Annual Operations Plan. The Plan will include specific areas of FAC interest for the upcoming calendar year, the approximate date or dates of any expected recommendations, reports, official communications or other deliverables from the FAC and any proposed engagement with the Secretary, Deputy Secretary, or Chief of Staff. Meeting dates, places, activities and resource allocations must be specifically identified and not stated in general terms.

The Annual Operations Plan will encompass how the FAC aligns itself with the Department’s Strategic Goals. The DFO and Chair are encouraged to involve FAC members’ participation in this planning process. A template is provided in Appendix E on page 58. VA Annual Reports that captures information FACs will provide.

The Annual Operations Plan is due to ACMO no later than December 1 of each year and must be signed by the DFO, Committee Chair and program office. Items to be
considered for inclusion are FAC objectives and expected FAC activities such as briefings and site visits. VA Scientific Merit Review Boards are exempt from submitting an Annual Operations Plan.

Annual Assessment of Federal Advisory Committee Activity Report (Performance Review)

The Annual Assessment of Federal Advisory Committee Activity report describes the quality of FAC recommendations; the usefulness of communications between the affected program office and the FAC; and the actions taken to implement the FAC recommendations conducted in the immediate current calendar year.

The Annual Assessment of Federal Advisory Committee Activity report provides a granular appraisal with actionable results and not a restatement of the meeting minute summaries and will state how the FAC achieved or did not achieve its goals according to the Department's strategic goals and annual operations plan.

The report is due to ACMO by December 1 of each year and must be signed by the DFO, Committee Chair and program office. Appendix E on page 58 is a template that identifies key information for the DFO to complete. The VA Scientific Merit Review Boards are exempt from submitting an Annual Assessment of Federal Advisory Committee Activity Report.
**DEFINITIONS**

*Advisory Committee.* Unless specifically exempted by statute, any FAC, board, commission; council; conference; panel; or task force or other similar group established by statute or established or used by the President or by an agency official for the purpose of obtaining advice or recommendations for the President or on issues or policies within the scope of an agency official’s responsibilities.

*Advisory Committee Management Office (ACMO).* This office formulates and oversees the implementation of Department policies, laws, regulations and procedures governing FAC management activities.

*Advisory Committee Member.* An individual who serves by appointment or invitation on a FAC or subcommittee.

*Alternate Designated Federal Officer (ADFO).* The individual who performs the duties of the DFO in their absence from the FAC and/or subcommittee meeting or during the planning phase of the FAC preparation when decisions must be made to commit the agency to specific courses of action.

*Attendance Log.* A record of all persons who attend all or part of a FAC meeting. This listing will be included in the summary of minutes of the meeting.

*Balanced Membership.* Membership must be balanced in terms of points of view represented and the functions to be performed.

*Chair.* Individual appointed to preside at FAC meetings and ensure all rules of order and conduct are maintained during each session.

*Charter.* Document that details the purpose for the establishment of a FAC; the authority under which the FAC is established; and the function and structure of the FAC. Also provides an estimate of the frequency of meetings, how FAC members will be compensated, the annual cost of operating the FAC, reports due from or about the FAC and the date the FAC will terminate if the charter is not renewed.

*Closed Meeting.* A meeting or portion of a meeting that is no: open to the public. Closure must be consistent with the exemption or exemptions of the Government in the Sunshine Act (5 U.S.C. § 552(b)(c)).

*Committee Management Officer (CMO).* The VA employee designated by the Secretary to implement the provisions of section 8(b) of FACA and any delegated responsibilities of the agency head under FACA.

*Committee Management Secretariat (CMS).* The organization established pursuant to section 7(a) of FACA that is responsible for all matters related to FACs and carries out the responsibilities of the Administrator under FACA.
Committee Meeting. Any gathering of FAC members (whether in person or through electronic means) held with the approval of an agency for deliberating on the substantive matters upon which the FAC provides advice or recommendations.

Consultant. A person who provides expertise to a FAC on an intermittent basis.

Deliberation. The act of the FAC or subcommittee discussing and carefully deciding the recommendations and/or data.

Designated Federal Officer (DFO). The individual designated by the agency head, for each FAC for which the agency head is responsible, to implement the provisions of sections 10(e) and (f) of FACA and any FAC procedures of the agency under the control and supervision of the CMO.

Discretionary Federal Advisory Committee. A FAC established under the authority of an agency head or authorized (but not required) by statute. Its establishment or termination is within the legal discretion of an agency head.

Disqualification. A conflict of interest prohibiting a FAC member from providing advice on matters that have a direct or indirect effect on the member's organizational, institutional or financial interests.

Establishment Date. The date the FAC's charter is filed with the appropriate standing committee of the Senate, House of Representatives and the Library of Congress. It is the same as the date of the transmittal letter and remains the same throughout the FAC's existence. The establishment date also may be referred to as a filing date. The establishment date for FACs established by an executive order is the date the charter is received by the Director, Committee Management Secretariat, and GSA.

Ex-Officio Member. A Federal official who serves as a FAC member and possesses expertise in the subject matter. This FAC member has full voting rights unless prohibited by statute or restricted by the FAC charter.

Expert. A person with excellent qualifications in a professional, scientific, technical or other field, who is regarded as an authority or a practitioner of unusual competence and skill by other persons in the profession, occupation or activity.

Federal Register. The daily publication used to provide the public with information regarding regulations and legal notices issued by Federal agencies.

Federal Register Notice. A specific document published in the Federal Register to inform the public of meetings of FACs, the establishment of new FACs, to request names of potential nominees or provide other information.

Financial Operating Plan. Method of capturing the total costs related to the operation and staff costs of FACs. This information is used when preparing the GSA Report, when
a FAC is being established to estimate the costs it will incur and when a FAC is being renewed to permit cost comparisons of prior and proposed expenditures.

**Form 450 Confidential Financial Disclosure Report.** FAC members use this form to report their employment, investments, other income and assets and their outside activities that may be used to assist in determining whether conflicts of interest exist when a FAC is required to submit financial disclosure reports.

**Guest.** An individual who has been requested by the DFO or other Federal official to share views or knowledge of a subject before the FAC. A guest is not required or expected to perform a service, officially or unofficially. A guest may not attend closed meetings.

**Non-Discretionary Federal Advisory Committee.** Another name for a FAC established by statute (see Statutory Federal Advisory Committee).

**Non-Statutory Federal Advisory Committee.** Another name for a FAC established by discretionary authority (see Discretionary Federal Advisory Committee).

**Office of Government Ethics (OGE).** OGE is a separate executive agency established under the Ethics in Government Act of 1978, as amended (5 U.S.C. § 401, Appendix 4). OGE provides overall direction of executive branch policies in preventing conflicts of interest on the part of officers and employees of all executive agencies.

**Open Meeting.** This meeting is held to review and discuss non-confidential data and documents, approve minutes of the previous meeting, discuss pending matters, make reports and presentations and plan future meeting dates.

**Operational Committee.** An operational committee is established to perform primarily operational as opposed to advisory functions and are specifically authorized by statute or Presidential directive, such as making or implementing Government decisions or policy.

**Partially Closed Meeting.** A FAC meeting that has open and closed sessions.

**Quorum.** A quorum is a majority (one more than half) of the FAC's authorized membership including ex-officio members unless the charter or statutory authority states otherwise.

**Reappointment of Members.** Reappointing a FAC member to the same FAC.

**Renewal of Charter.** The process used to document the continuance of a FAC.

**Representative.** A FAC member who represents a particular stakeholder interest.
Secretary. As used in this Advisory Committee Management Guide, the Secretary of Veterans Affairs.

Special Government Employee (SGE). An officer or employee in the executive branch of the Federal Government who is appointed to perform temporary duties, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days.

Statutory Federal Advisory Committee. A FAC established by Congress or required to be established by Congress. These types of FACs also may be referred to as non-discretionary FACs.

Subcommittee. A subcommittee is defined as a group, generally not subject to FACA, that reports to a FAC and not directly to a Federal officer or agency, whether its members are drawn in whole or in part from the parent FAC. The activities of the subcommittees are covered by the charter of the parent FAC.

Term of Office. This is the period of a FAC member’s service. VA terms are usually 2 years, unless the charter or establishing authority provides otherwise.

Termination Date. The date the FAC ceases to function.

Vacancy. The vacancy that occurs when a FAC member completes their designated term of service or when a FAC member resigns, dies or service is terminated for other reason(s).

Without Compensation (WOC). A WOC is a Without Compensation employee who has all rights and purposes of a Regular Federal Employee except for salary and benefits.
APPENDIX A. ETHICS RULES FOR FEDERAL ADVISORY COMMITTEE MEMBERS WHO ARE SPECIAL GOVERNMENT EMPLOYEES

The purpose of this appendix is to alert special government employees (SGE) to potential ethics issues that may arise in connection with their service on a VA FAC so that they may seek advice from a VA deputy ethics official when advisable. Following such advice provides the SGE with a safe harbor under the Government ethics rules, which is not available if the SGE follow advice from others. Good faith efforts by FAC members to follow VA OGC guidance will not result in prosecution.

Who is an SGE?

SGEs are individuals who have been appointed to perform temporary duties, with or without compensation, for not more than 130 days during any period of 365 consecutive days. Most VA FAC members are SGEs and are subject to the rules discussed in this appendix. However, a person is not an SGE if appointed to the FAC to represent the official views of an outside organization and thus would not be subject to the rules discussed in this appendix. A person also would not be an SGE if that person is already a regular employee of another Federal entity.

Financial Disclosure

SGEs are required under the Ethics in Government Act to file financial disclosure reports when first appointed and annually thereafter. However, the DAEO may exclude FAC members from the filing requirement based on the particular duties and responsibilities of the FAC and has done so with respect to many FACs. Committee Managers who help administer the disclosure program know whether FAC members are required to file. If an SGE is required to file a financial disclosure report, that SGE may not participate in a meeting until their report is reviewed and certified by an agency ethics official. If required to file, the SGE must submit their original completed report no later than 2 weeks prior to the first meeting of the year to the Committee Manager or to the OGC employee identified by the Committee Manager.

For Questions or Ethics Advice

For ethics questions or advice, contact the VA OGC Ethics Specialty Team at 202-461-7694 or GovernmentEthics@va.gov. Most VA ethics questions can be answered in a telephone call. More than half of ethics questions get resolved on the same day they are raised. Seeking ethics advice from an ethics official before acting and complying with that advice will in virtually all cases protect an SGE from criminal prosecution.
Conflicts of Interest

Certain FACs have as part of their mission to recommend that VA act with financial consequences to entities or individuals outside the Department. The main criminal conflict of interest statute in the Federal criminal code prohibits an SGE from participating personally and substantially in any particular matter, such as a grant review, that directly and predictably affects the financial interests of the SGE; their spouse or minor child; general partner; an organization in which the SGE serves as an officer, director, trustee, general partner, or employee; or an organization with which the SGE is negotiating, or with which the SGE has an arrangement, for prospective employment. (See 18 U.S.C. § 208.)

A particular matter is a matter that is narrowly focused upon the financial interests of specific persons, or a discrete and identifiable class of persons. By way of illustration, a grant review process and a decision to award a contract are particular matters, but the process of selecting among broad policy options directed to the interests of a large and diverse group of persons is not a particular matter.

Examples of some actions an SGE would be prohibited from taking under this statute are:

- Reviewing a grant application submitted by a university that employs them. Consistent with the well-established practice in the scientific community, the statute would require that the SGE “recuse” or disqualify themselves from participation in the review.

- Participating in a decision to award a contract to a firm in which the SGE or the SGE’s spouse or minor child or children hold publicly issued stock worth more than $15,000.

Acting on Someone Else’s Behalf Before the Government

This law prohibits an SGE from representing a party, with or without compensation, before VA or another Federal agency or other specified entity (such as a court or commission) in any particular matter involving a specific party in which the United States is a party or has a direct and substantial interest that the SGE participated in personally and substantially as a government employee. For example, if an SGE participated in reviewing a proposal for a VA grant to support a certain study, they would be prohibited under this provision from sending a personal letter to VA advocating for an increase in the grant that resulted from the review. (See 18 U.S.C. § 205.)

Compensation for Representational Services

18 U.S.C. § 203. This law prohibits an SGE from receiving compensation for representational services rendered by the employee or another person before VA or another Federal agency or other specified entity (such as a court or commission) in any...
particular matter involving a specific party in which the SGE has participated personally and substantially as a government employee. By their nature, policy matters generally do not involve specific parties. Representational services are communications with the intent to influence or persuade the government. For example, an SGE is employed with a law firm that is lobbying the VA on behalf of a Veterans organization against a particular proposal to remove inpatient treatment affecting 15 Veterans. If the SGE participated in any deliberations or made any recommendations regarding this proposal as a government employee, the SGE should structure their compensation with the law firm so that they do not share in revenues derived from the lobbying before VA.

**Post-Government Employment Restrictions**

The "post-Government employment" statute imposes a lifetime ban on a former SGE from representing another person or entity to VA or another Federal agency or other specified entity (such as a court or commission) in any particular matter involving a specific party in which the former SGE participated personally and substantially while serving in the government. (See 18 U.S.C. § 207.)

**Bribery**

The bribery statute prohibits Federal employees, including SGEs, from seeking, accepting or agreeing to receive anything of value in return for being influenced in the performance of an official act. (See 8 U.S.C. § 201.)

**Foreign Agents**

An SGE is prohibited from acting as an agent of a foreign principal registered under the Foreign Agents Registration Act unless the head of the agency certifies that employment of the SGE is in the national interest. (18 U.S.C. § 219.)
The Appearance of a Conflict of Interest

There may be circumstances in which an SGE’s participation in FAC business would raise a question regarding the SGE’s impartiality. (See 5 C.F.R. § 2635.502.)

For example, if an SGE is asked to review a grant application submitted by the SGE’s mentor or someone with whom the SGE has a close personal or professional relationship, the situation may raise a concern about the SGE’s impartiality in the review. In such circumstances, the SGE should discuss the relationship with the DAEO before participating.

Gifts

A gift given to an SGE because of their service on a VA FAC or given by a prohibited source, which includes an entity whose interests are affected financially by agency decisions, would obviously raise concerns. Please consult with a deputy ethics official should this situation arise. Gifts given to the SGE because of their private sector position or achievements generally are not problematic. (See 5 C.F.R. § 2635.202).

Please note that the Standards of Conduct requires an SGE who is offered a gift that may otherwise be accepted under an exception must first consider whether they should accept the gift. Specifically, the SGE is asked to consider whether a reasonable person with knowledge of all the relevant facts would question their impartiality or integrity, or the integrity of the agency’s program and operations, because of their accepting the gift. As noted in the Standards of Conduct, even though acceptance of a gift may be permitted by an exception to the gift rules, it is never inappropriate and frequently prudent for SGE to decline a gift if acceptance would cause a reasonable person to question the SGE’s integrity or impartiality.

An exception often applicable to allow SGEs to accept gifts is as follows: An SGE may accept meals, lodgings, transportation and other benefits resulting from their outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of their official status.

For example, an SGE member of the Capital Asset Realignment for Enhanced Services Advisory Committee has a consulting business. They may accept an invitation to a $50 dinner from their client, a Veterans Service Organization, unless the invitation was extended to discuss the activities of the FAC.
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Charitable Fundraising

An SGE may engage in fundraising in a personal capacity (not using or permitting others to use their FAC membership), if they do not personally solicit from anyone known to have interests that may be substantially affected by their FAC duties. If they have questions concerning specific fundraising events or activities, please consult with a deputy ethics official. (See 5 C.F.R. § 2635.808.)

Teaching, Speaking and Writing

There are some circumstances where SGEs may not receive compensation for teaching or for certain speaking and writing. For most non-curriculum teaching and most speaking and writing, SGEs may not be paid if the activity “relates to the employee’s official duties.” The “relatedness” test is met for such activities if the invitation was extended to the SGE either primarily because of the member’s FAC position rather than their expertise or by someone whose interests may be affected substantially by the member’s Government duties, or if the information conveyed draws substantially on ideas not publicly available. (See 5 C.F.R. § 2635.807.)

In addition, any SGE expected to work no more than 60 days a year is prohibited from accepting compensation if the subject matter deals significantly with any specific party matter to which the SGE is assigned or was assigned within the past year of their current SGE appointment. If the SGE is to work more than 60 days a year, they are prohibited from accepting compensation if the subject deals significantly with any particular matter to which the SGE is assigned or was assigned within the past year of their current SGE appointment.

For example, an SGE serves on a FAC concerned with moving and closing medical clinics. Because the SGE’s service under that appointment is not expected to exceed 60 days, the SGE may accept compensation for an article about the hardships a community may endure with the loss of VA clinics even though the SGE is reviewing proposals to move clinics. The proposals that are the focus of the FAC deliberations are not particular matters involving specific parties.

Expert Testimony

Pursuant to 5 C.F.R. § 2635.805., an SGE may not serve as an expert witness, except for the United States, in any proceeding in which the United States is a party or has a direct and substantial interest, if: (1) the SGE has participated as an employee or SGE in the particular subject matter of the proceeding, or (2) the SGE’s employing agency is a party or has a direct and substantial interest and the SGE (a) is appointed by the President, (b) serves on a commission established by statute or (c) served or is expected to serve for more than 60 days in a period of 365 consecutive days.
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OTHER PROHIBITIONS

Foreign Gifts

Pursuant to 5 U.S.C. § 7342, SGEs are limited in the gifts they can accept from foreign governments and international organizations to $480 in value. A prohibited gift even includes travel expenses exceeding $375 in value unless the travel takes place entirely outside the United States. The restriction extends to the spouse and dependents of the SGE. SGEs can accept travel and related expenses from a foreign government as part of U.S. Government duties.

Hatch Act

The Hatch Act rules limiting the political activities apply to SGEs only while they are conducting Government business. Details are available from a deputy ethics official. (See 5 U.S.C. § 7321-7326),
FOURTEEN GENERAL PRINCIPLES OF ETHICAL CONDUCT
(Principles of Ethical Conduct, 5 C.F.R. § 2635.101(b))

The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law, or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.
Department of Veterans Affairs
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HOW TO GET ETHICS ADVICE

Call, write or email:

Office of the General Counsel (02EST)
VA Central Office
810 Vermont Avenue, NW
Washington, DC 20420
Telephone: 202-461-7694
Telephone: 202-461-6000
Facsimile: 202-273-6403
Email: GovernmentEthics@va.gov
ETHICS REVIEW

I certify that I have completed my review of or received training on “Ethics Rules for Federal Advisory Committee Members Who are Special Government Employees (SGE).”

SPECIAL GOVERNMENT EMPLOYEE:

_________________________________________  ________________
Signature                                      Date

_________________________________________
PRINT NAME

Federal Advisory Committee Name (Print Full Name of Federal Advisory Committee)

UPON COMPLETING REVIEW, PLEASE EMAIL, MAIL, OR FAX THIS PAGE TO:

OFFICE OF THE GENERAL COUNSEL (023C)
DEPARTMENT OF VETERANS AFFAIRS
810 VERMONT AVENUE, NW
WASHINGTON, DC 20420
PHONE 202-461-7694
FAX 202-273-6403
governmentethics@va.gov
VA FEDERAL ADVISORY COMMITTEE SELF-CERTIFICATION STATEMENT
FOR SPECIAL GOVERNMENT EMPLOYEES

Name [Last, First]:

(Please print)

Name of VA Federal Advisory Committee:

(Please print)

I certify that I am not a Federally registered lobbyist, or I have ceased active lobbying as reflected in a filed bona fide de-registration, or I have been de-listed by my employer, or I have been absent from a quarterly lobbying report for three consecutive quarters.

I understand that I am obligated to notify the Designated Federal Officer of the Federal advisory committee to which I have been appointed to serve on and the Ethics Specialty Team immediately of any addition or change in status that would make the above certification inaccurate.

I also certify that I have read the attached “14 General Principles of Ethical Conduct” (5 C.F.R. § 2635.101(b), Principles of Ethical Conduct).

Signature:_____________________________ Date: ____________________

Attachment
APPENDIX B. VA SUBCOMMITTEE OPERATING INSTRUCTIONS

PURPOSE

To provide rules of engagement to the Department of Veteran Affairs (VA) Federal Advisory Committee Designated Federal Officer (DFO) duties and responsibilities regarding subcommittee operations.

BACKGROUND

This information is pertinent to the VA Federal Advisory Committee Managers, Committee Chairs, Designated Federal Officers (DFOs) and committee members and was based on guidance from the VA General Council Office (OGC).

When authorized by the Federal advisory committee charter, a Federal advisory committee may form subcommittees to gather information, conduct research, draft position papers and analyze relevant issues and facts in support of the Federal advisory committee’s (FACs) chartered mission.

In accordance with the subcommittee establishment memorandum sent to the Secretary by the parent FACs DFO, the subcommittee must abide by the operating instructions described in this document.

GUIDANCE

Based on a Federal advisory committee’s charter, a FAC may establish subcommittees with the DFO approval to perform specific projects or assignments as necessary and consistent with its mission. The Committee Chair shall notify the Secretary, through the DFO, of the establishment of any subcommittee, including its function, membership and estimated duration.

While subcommittees are generally not subject to the Federal Advisory Committee Act (FACA), their activities are covered by the charter of the parent Federal advisory committee. A parent FAC is the overarching statutory or discretionary FAC that the subcommittee serves under.

Subcommittees do not advise the Secretary. Subcommittees do not work independently of the parent Federal advisory committee. Subcommittees must report their recommendations and advice to the full Federal advisory committee for full deliberation and discussion. Exception: In accordance with the statute authorizing the Geriatrics, Epilepsy, Multiple Sclerosis and Parkinson’s Centers of Excellence local Federal advisory groups, these specific subcommittees are exempt from having their recommendations and advice deliberated and/or discussed by the parent FAC. They must provide input in the form of meeting minutes or parent FAC DFO standardized report in a timely fashion (i.e., less than 90 days after a meeting or the advice is provided to their respective local Center of Excellence).
VA policy requires if subcommittees are established, the following will occur:

1. The parent FACs balance plan and subcommittee appointments are subject to their program office charge and oversight.
2. The parent FACs balance plan will describe how it is different, not including the recruitment of subcommittee members.
3. If the authority to appoint subcommittee members is delegated by the program office, the subcommittee is required to submit information, similar to that developed for parent FAC members, to the Secretary (i.e., through the parent FAC DFO for awareness).

Pursuant to OGC Ethics Specialty Team (EST), subcommittee members will be designated as special Government employee (SGEs), regular Government employee (RGEs) or representatives, as appropriate.

Note: SGEs may be exempted from the OGE Form 450 filing requirement by the VA Assistant General Counsel Designated Agency Ethics Official. Existing exemptions also would cover subcommittee members. To determine if 450 filing is warranted, the subcommittee DFO can contact EST.

Like FAC members, subcommittee members may be reimbursed for travel or other expenses pursuant to the Federal travel regulations and VA Financial Policy Volume XIV. The FACA regulations defines “committee member” as an individual who services by appointment or invitation on a FAC or subcommittee. The regulations also denote:

(k) Travel expenses. Advisory committee members and staff, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, for persons employed intermittently in the Government service.

Subcommittee members must act in accordance with VA guidance captured in the VA Committee Members Handbook (September 2023).

**SUBCOMMITTEE CROSS COMMITTEE COLLABORATION**

- A parent FAC DFO and Chair must formally establish a subcommittee to collaborate with another parent FACs subcommittee.

- A subcommittee must be established in accordance with the charter, Membership Balance Plan and an OGC-approved DFO memorandum to the Secretary covering the subcommittee's scope, duration, size and budget (contact ACMO for assistance).
After collaborating with other subcommittees, the subcommittee must report their results and recommendations to their parent FAC for further action.

Subcommittees may have non-parent FAC members as identified by the program office (i.e., Senior Executive Leadership).

**UNIQUE SUBCOMMITTEE DFO RESPONSIBILITIES**

- The subcommittee DFO is a Federally mandated management position that may take approximately 10 to 20 hours a year to accomplish.

- The subcommittee DFO must complete mandatory DFO initial training (2 hours) and annual training (1 hour).

- The subcommittee DFO must support the subcommittee in its efforts to achieve its goals and objectives as prescribed in the statutes authorizing these groups formation by the parent FAC.

- The subcommittee DFO must support the subcommittee Chair in executing meeting agendas.

- The subcommittee DFO must provide the logistical foundation for the subcommittee to include meeting space, support equipment, support personnel and related tasks such as take summary meeting minutes or to ensure all logistics are accomplished.

- In the absence of the subcommittee Chair, the subcommittee DFO or alternate DFO will lead the meeting.

- The subcommittee DFO must provide timely feedback to the parent Federal advisory committee DFO (i.e., subcommittee summary meeting minutes within 30 days of the meeting and annual FACA database inputs as required for the parent FAC).

- The subcommittee DFO should have knowledge of the assigned Center of Excellence subcommittee membership recruiting and selection process but has no role in that process.

- The subcommittee DFO must act in accordance with FACA and VA Policy as directed in the Advisory Committee Management Guide (September 2023).

**NOTE:** Per the FACA, subcommittee meetings do not require a Federal Register Notice of Meeting. Meetings are normally closed to the public with discussion of subcommittee work at a parent FAC meeting. A subcommittee may invite guests to participate.
Department of Veterans Affairs
Advisory Committee Management Guide

APPENDIX C. EXAMPLE OF DELEGATION OF AUTHORITY TO ISSUE AN AGENCY DETERMINATION TO CLOSE ALL OR PART OF A FEDERAL ADVISORY COMMITTEE MEETING

Memorandum

Date: February 17, 2021
From: Director, Advisory Committee Management Office (00AC)
Subj: Delegation of Authority to Issue an Agency Determination to Close All or Part of an Advisory Committee Meeting (VIEWS 4556743)
To: Secretary (00)

1. The purpose of this memorandum is for the Department of Veterans Affairs (VA) Secretary to delegate his authority to issue an agency determination to the Advisory Committee Management Office (ACMO) current Committee Management Officer (CMO), Jeffrey A. Moragne.

2. Jeffrey A. Moragne was appointed to serve as VA’s CMO in January 2014.

3. The Federal Advisory Committee Act’s (FACA) Final Rule 2001, §102-3.155 requires a Designated Federal Officer (DFO) to do the following to close all or part of an advisory committee meeting:

   a) Obtain prior approval. Submit a request to the agency head citing the specific exemption(s) of the Government in the Sunshine Act, 5 U.S.C. 552b(c), that justifies closures. The request must provide the agency head or the Secretariat sufficient time (generally 30 calendar days) to review the matter in order to make a determination before publication of the meeting notice required by the Final Rule Section 102-3.150.

   b) Seek General Counsel review. Office of General Counsel (OGC) review all requests to close meetings. The DFO shall obtain a preliminary review of any request to close a meeting from ACMO before requesting OGC review.

   c) Obtain agency determination. If the agency head finds that the request is consistent with the provisions in the Government in the Sunshine Act and FACA, the appropriate agency official must issue a determination that all or part of the meeting be closed.

   d) Ensure public access to determination. The agency head must make a copy of the determination available to the public upon request.

4. The CMO is responsible for the oversight of all VA advisory committees established and operated under FACA which includes:
   - Exercising control and supervising the establishment, procedures, and accomplishments of advisory committees established by VA;
Subj: Delegation of Authority to Issue an Agency Determination to Close All or Part of an Advisory Committee Meeting (VIEWS 4556743)

- Assembling and maintaining the reports, records, and other papers of any VA advisory committee during its existence;
- Ensuring compliance with the Freedom of Information Act (FOIA), on behalf of VA, with respect to such reports, records, and other papers;
- Preparing various annual and intermittent reports on behalf of VA related to advisory committees, organization, activities, costs, etc. carried out on behalf of the agency, and compliance with the provisions of FOIA with respect to such reports, records, and other papers;
- Providing advice and training to the VA committee management community;
- Developing and disseminating VA policy regarding committee management, ensuring consistency in the implementation of committee management policies and procedures, and devising internal management controls for committee management;
- Establishing uniform administrative guidelines and management controls for VA advisory committees;
- Developing streamlined procedures for VA committee management functions;
- Overseeing and developing the database of committees, members, and committee costs;
- Consulting with the Office of General Counsel regarding the interpretation of applicable laws and regulations and disseminating this information for the committee management community;
- Working closely with the General Services Administration’s (GSA) Committee Management Secretariat regarding the reporting of the yearly achievements and costs of VA’s advisory committees; and
- Coordinating FACIA training for VA staff.

5. The delegation of authority to the CMO to make agency determinations, will significantly ease the burden of DFOs preparing multiple and ongoing documentation packages, as it relates to closed or partially closed meetings; decrease the number of potentially hundreds of meeting packages which by regulation will have to go to the Secretary for review and agency determination; and alleviate potential risks of planned advisory committee meetings getting cancelled due to delays in the VA concurrence process.
Page 3.

Subj: Delegation of Authority to Issue an Agency Determination to Close All or Part of an Advisory Committee Meeting (VIEWS 4556743)

6. I recommend you sign the delegation of authority to issue an agency determination to close all or part of an advisory committee meeting.

Jeffrey A. Moragne

APPROVED

Denis McDonough

3/29/21

Date

Comments:
MEMORANDUM FOR THE COMMITTEE MANAGEMENT OFFICER

SUBJECT: Delegation of Authority to Issue an Agency Determination to Close All or Part of an Advisory Committee Meeting (VIEWS 4556743)

1. DELEGATION. Pursuant to The Federal Advisory Committee Act (FACA) Final Rule, I hereby delegate authority to issue an Agency Determination to close all or part of an Advisory Committee meeting and perform duties as prescribed below to the Committee Management Officer.


3. RESTRICTIONS. This authority must be carried out in accordance with statutory, regulatory and VA policy requirements. Further, this delegation does not restrict the Secretary from carrying out, modifying or otherwise delegating the authority delegated.

4. REDELEGATION. This authority may not be redelegated.

5. EFFECTIVE DATE. This delegation of authority is effective upon my signature and will remain in effect for four years. I waive the two-year expiration of this delegation as prescribed in VA Directive 0000, Delegation of Authority.

Denis McDonough
DESIGNATED FEDERAL OFFICER (DFO) TRANSITION CHECKLIST

Before a DFO steps down from their position, the following actions must be done to ensure a smooth transition and efficiency of the Federal advisory committee. [NOTE: If a replacement is known, have the replacement shadow the outgoing DFO on Federal advisory committee meetings, if possible.]

**Notification**
- Notify your Advisory Committee Management Office (ACMO) Program Specialist.
- Submit an appointment memorandum to ACMO from your program office stating the new DFO and when the appointment will begin.

**Committee Documents**
Review the following required GSA and VA Federal advisory committee documents and reports:
- Charter (identify when last renewed)
- Committee Reports/Recommendation
- GSA Annual Comprehensive Review
- VA Annual Assessment Report
- VA Annual Comprehensive Plan
- Committee Minutes (Last minutes)

**Membership**
- Discuss membership balance plan and profile sheet.
- Identify when members’ term will expire.
- Discuss recruitment strategies for members (i.e., Solicitation for membership through the Federal Register, etc.).

**Correspondence Packages**
- Discuss ACMO’s procedures for charters, membership nominations or reports.
- Communicate internal VIEWS procedures.

**Budget**
- Review and discuss budget.
- Determine from the program office if any modifications are needed.

**Committee Meetings and Records**
- Discuss tasks in conducting Federal advisory committee meetings (before, during and after).
- Ensure Federal advisory committee’s record management is in VA and GSA compliance.
[Reference: ACMO Guide and the Procedures Manual for Preparing and Processing Advisory Committee Correspondence]

Current/Outgoing DFO Signature

Date

New DFO Signature

Date
**Committee Name:** Insert the official Federal advisory committee’s name and abbreviation.

**Projected Calendar Year XXXX Committee Goals:** Identify no more than five specific, measurable, actionable, realistic and time-phased goals for the Federal advisory committee.

**VA Strategic Goals:** Identify priorities alignment to Federal advisory committee.

**Committee Meetings:** Identify the expected number of meetings, meeting timeframe (month), meeting location (must include city and no more than three potential locations).

**Committee Activities:** Summarize the planned Federal advisory committee activities to include reports, site visits, recruiting, cross committee collaboration, efficiencies (teleconferencing, scheduling, use of Government facilities, etc.).

**Senior VA leadership Participation:** Identify if the Federal advisory committee will request a visit from SECVA/DEPSECVA/COSVA in the coming year; during which meeting.

**General Comments:** Identify known management challenges to the Federal advisory committee accomplishing its mission (for example, leadership, resources, processes, etc.).
Signatures:

DFO Signature

Chair Signature

Program Office Signature (SES or SES Equivalent)

Date

Date

Date
### Committee Name
Insert the official Federal advisory committee’s name and abbreviation.

### Calendar Year XXXX Committee Goals
State whether the goals were fully met, partial met or not met and provide measurable results for every goal the Federal advisory committee management identified for calendar year.

### VA Strategic Goals
Identify priorities alignment to Federal advisory committee.

### Committee Activities
State if the executed Federal advisory committee activities fully supported, partially supported or didn’t support the Federal advisory committee accomplishing its mission. Activities include reports, site visits, recruiting, cross committee collaboration and efficiencies (teleconferencing, scheduling, use of Government facilities, etc.). Identify any innovations, prototypes or process improvements that occurred during the year that resulted in positive or negative results. Provide highlights (brief summaries) of each Federal advisory committee meeting.

### Reports and Recommendations
List by name current open reports and recommendations from the Federal advisory committee to the Secretary. For each listed, identify current status (in progress or late).

### Senior VA leadership Participation
Identify Senior Executive Leadership involvement with Federal advisory committee (e.g., SECVA, DEPSECVA, COSVA, Under Secretary and Assistant Secretary).

### Program Office Assessment
State the program office assessment of the Federal advisory committee’s work. [Limit to two paragraphs.]

### General Comments
Signatures:

DFO Signature       Date

Chair Signature     Date

Program Office Signature (SES or SES Equivalent)   Date
APPENDIX F. WHITE PAPER ON HOW TO CALCULATE REGULAR GOVERNMENT EMPLOYEE PARTICIPATION

WHITE PAPER: How to Estimate Full time Federal Officials and Ex-Officio Federal Advisory Committee Member Participation Costs for the General Services Administration Annual Comprehensive Review

Background: Per Federal Advisory Committee Act (FACA), as amended, 5 U.S.C app. II § 7(b)-7(e), et seq., the Administrator shall institute a comprehensive review of the activities and responsibilities of each Federal advisory committee; shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs and consultants of Federal advisory committees; and shall include in budget recommendations a summary of the amounts they deems necessary for the expenses of Federal advisory committees.

To conduct an annual comprehensive review of each Federal advisory committee as specified in section 7(b) of FACA, GSA requires Federal agencies to report information on each Federal advisory committee for which a charter has been filed in accordance with 41 C.F.R. § 102-3.70, and which is in existence during any part of a Federal fiscal year. The General Services Administration has provided specific FACA guidance to Agencies in their Final Rule at 41 C.F.R. § 102-3 regarding policies applicable to the appointment and compensation or reimbursement of Federal advisory committee members, staff, experts and consultants (41 C.F.R. §§ 102-3.130(b), (d), (f) and (h); 41 C.F.R. § 102-3.175(b)).

Full-time Federal officials (regular Government employees (RGEs)) are individuals who are not participating in phased retirement and ex-officio members1 are Federal officials who represent their agency and possesses expertise in a subject matter related to the Federal advisory committee's objectives must be accounted for in the Designated Federal Officer's Annual Comprehensive Review (ACR) reports2 (reflected in Payments to Federal Government Employees and Estimated Payments to Federal Government Employees in the ACR). After consultation with the GSA Committee Management Secretariat and the VA Office of Management Financial Services, ACMO recommends using a GS-15/Step 1 (average Federal advisory committee member grade and hourly rate as determined by ACMO) to estimate figures along with the following formula: the number of hours3 the RGE/ex-officio members participated/will participate on a Federal advisory committee in that year multiplied by the hourly rate.

Note: These estimates are used to support our commitment to transparency and displayed in the General Services Administration FACA Database ACR. They are not used or included in charter budgets. If in doubt, contact the VA Committee Management Officer before entering your ACR data.

1 Regular Government employee and ex-officio members are defined by the Office of Personnel Management and are discussed in the ACMO Guide 2019.
3 Use aggregate number of participation hours for all RGE/ex-officio members on the Federal advisory committee.
Recommended Full time Federal Government Employee (RGE) and Ex-Officio Federal Advisory Committee Member Participation Costs Calculation

STEP 1: Calculate the **Total Number** of ex-officio and RGE committee members; this data point gives the perspective for STEP 2.

STEP 2: **Estimate the Total Committee Participation Hours** of the combined group (i.e., all ex-officio and RGE committee members)

STEP 3: Multiply the **Estimated Total Committee Participation Hours by the Recommended Estimated Hourly Rate**

STEP 4: The **resulting dollar figure** will be the Annual Comprehensive Review Participation Cost Estimate data field for Payments to Federal Government Employees (previous fiscal) and possibly for Estimated Payments to Federal Government Employees (future fiscal year)

STEP 5: **Note:** if the number of ex-officio and/or RGE Total Committee Participation Hours change in the future fiscal year **recalculate** the dollar figure for ACR data field Estimated Payments to Federal Government Employees (future fiscal year) using STEP 3.

  o **Example A:** 1-ex-officio member = 1 committee member
    - 1 total committee participation hour (x) $51.08/hour = $51.08 (ACR estimate for data field for Payments to Federal Government Employees (previous fiscal) and possibly for Estimated Payments to Federal Government Employees (future fiscal year)

  o **Example B:** 10 ex-officio + 10 RGE = 20 committee members
    - 100 total committee participation hours (x) $51.08/hour = $5,108 (ACR estimate for data field for Payments to Federal Government Employees (previous fiscal) and possibly for Estimated Payments to Federal Government Employees (future fiscal year)

  o **Example C:** 57 RGEs = 57 committee members
    - 328 total committee participation hours (x) $51.08/hour = $16,754.24 (ACR estimate for data field for Payments to Federal Government Employees (previous fiscal) and possibly for Estimated Payments to Federal Government Employees (future fiscal year)
APPENDIX G. WHITE PAPER: TIPS ON CONDUCTING A VIRTUAL FEDERAL ADVISORY COMMITTEE MEETING

White Paper: Tips on Conducting a Virtual Federal Advisory Committee Meeting

PURPOSE: To provide proven tips on how to conduct a virtual Federal advisory committee meeting.

BACKGROUND: Virtual Federal advisory committee meetings must follow the Federal Advisory Committee Act (FACA) and Departmental policy rules. By following these rules, Committee Managers and Federal advisory committee members ensure transparency and accountability.

Virtual meetings can have the following traits:

<table>
<thead>
<tr>
<th>Pros of Virtual Meetings</th>
<th>Cons of Virtual Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Cost Savings</td>
<td>• Less Interaction</td>
</tr>
<tr>
<td>• Less Planning</td>
<td>• Less Spontaneity</td>
</tr>
<tr>
<td>• Easy to Record and Store Meeting</td>
<td>• Difficult to Accommodate Interactions</td>
</tr>
<tr>
<td>• Increased Participation from Members, Doesn’t Require Travel</td>
<td>Between Committee</td>
</tr>
<tr>
<td>• Increases Members Confidence</td>
<td>• Less Body Language Cues</td>
</tr>
<tr>
<td></td>
<td>• Potential for Technical Problems</td>
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</tbody>
</table>

BEST PRACTICES DISCUSSION: The following actions embody proven tips for conducting a successful virtual meeting:

• Work closely with the Office of Information Technology to research all the virtual meeting software available to you; currently WebEx, Microsoft Teams, Adobe Connect and Skype for Business work well inside and outside of the Department.

• Once an IT platform is selected, perform a DRY RUN with Federal advisory committee management staff to master its functionality.

• Develop an agenda that is concise and focused on the mission.

• Limit daily sessions to 3 or 4 hours and incorporate reasonable breaks.

• Select a meeting start time that enhances Federal advisory committee members participation.

• Develop Rules of Engagement for the virtual meeting such as:
  ✓ Mute phone line and silence cell phones.
  ✓ Mute speakers on desktop platform (e.g., Adobe Connect, Webex, etc.).
  ✓ Allow the Designated Federal Officer (DFO) to yield the floor prior to speaking.
  ✓ Ensure speaker identifies self-prior to speaking.
  ✓ Minimize background noise while speaking.
  ✓ Use the “raise hand” icon feature to be recognized for questions during the training.
  ✓ Send questions after the training to the XXXX Mailbox.
  ✓ Note: this session is being recorded.

• Email members and attendees the “rules of engagement” prior to the meeting.
The DFO and Chair should meet prior to the meeting to discuss meeting flow.
If having a guest speakers or presenters, inform them of the meeting structure and presenter timeframe.
Test slides if applicable.
Determine if there will be one host or co-hosts for screen sharing purposes.
At the beginning of the meeting, a Committee Manager will review the “rules of engagement” and provide an overview of the features of the virtual platform.
If available, record the meeting and inform meeting participants that the meeting is being recorded.
Allow participants to “enter” the meeting at least 15 minutes prior to the official start time.
Enable a system of registration that allows the DFO to generate a list of public attendees, their emails and the organizations they represent. This system will allow for better minutes, notes and record of attendees.

CONCLUSION: By following these proven virtual meeting tips, a Committee Manager will improve the meeting experience and help ensure the Federal advisory committee is pursuing its core mission.
1. **Purpose Statement for Committee Member Demographics Survey**: It has been recognized that Federal data is often not available by race, ethnicity, sexual orientation and gender identity, disability, income, region, veteran status, or other crucial demographic variables making it difficult to ensure equity is a central component of the decision-making processes Government-wide. 41 C.F.R. Part 102-3.30 requires Federal departments and agencies in establishing and operating advisory committees consistent with the Federal Advisory Committee Act have balanced membership of their committees. The committees must be fairly balanced in terms of the points of view represented and the functions to be performed. Accordingly, we are requesting that members, or potential members, voluntarily provide some demographic information that may assist in promoting balance and equity representative of the diverse populations served by the Department of Veterans Affairs. The data collected is protected from further disclosure. No adverse inferences may be drawn if a member, or potential member, elects to not voluntarily provide responses to demographic questions.

2. **Racial and ethnic demographic questions**: OMB standards guide collection of information of this type and race and ethnicity should be thought of in terms of social and cultural characteristics as well as ancestry.

   a. **Please select from the follow categories**:  
      - Native American/Alaskan Native  
      - Asian  
      - Black or African American  
      - Hispanic or Latino  
      - Native Hawaiian or Pacific Islander  
      - White  
      - None of the above

   b. **Please select from the following categories**:  
      - Male  
      - Female  
      - All Other

3. **Conclusion**: Collection of demographic data advances the priorities of the Administration and the Agency; however, members and applicants are reminded that no adverse inferences will be taken regarding such information and that furnishing such information is strictly voluntary.
Memorandum

Department of Veterans Affairs

Date: April 19, 2022

From: Chief of Staff (00A)

To: Department of Veterans Affairs’ Timely Response to VA Federal Advisory Committee’s Reports and Recommendations (VIEWS 7281104)

Deputy Under Secretary for Health Performing the Delegable Duties of the Under Secretary for Health (10)
Director, Northeast District, Performing the Delegable Duties of the Under Secretary for Benefits (20)
Under Secretary for Memorial Affairs (40)
Assistant Secretary, Office of Public and Intergovernmental Affairs (002)
Executive Director, Center for Women Veterans (00W)
Executive Director, Center for Minority Veterans (00M)
Executive Director, Veterans Experience Office (30)
Principal Executive Director, Office of Acquisition, Logistics and Construction (003)

1. This memo is a reminder that all Department of Veterans Affairs (VA) Advisory Committee deliverables (charters, nominations, reports, responses, etc.) are actions that must be planned and executed in accordance with Advisory Committee Management Guide standards (see Appendix A). The Secretary expects these tasks be accomplished in a timely manner. Unfortunately, there are far too many examples of our Department taking 12 months to vet a committee’s report including recommendations, and I know we are better than that practice.

2. Senior Executive Leaders of an Administration or Staff Office (Under Secretary, Assistant Secretary or Executive Director) providing oversight of a VA Federal Advisory Committee are responsible for the timely vetting and delivery of their committee’s reports (see Appendix A to identify responsible official). All committee reports requiring the Secretary’s review will be vetted and delivered in fewer than 120 calendar days. The 120 calendar days are measured from the committee’s release to its arrival in the Office of the Executive Secretary. If the Senior Executive leader providing oversight of a VA Federal Advisory Committee cannot meet the 120 days vetting suspense, they must include a memo to me in the package justifying why the suspense date was exceeded.

3. The VA Deputy Chief of Staff will oversee suspense compliance, and the Advisory Committee Management Office (ACMO) will assist by actively monitoring committee report progress and committee management staff actions to meet the intent of this memo.

4. As Senior Leaders, your help in improving the timeliness, review and quality of products is greatly appreciated so that we can focus on the outcomes and follow-on actions as a result of the committee’s positive work.
Subj: Department of Veterans Affairs’ Timely Response to VA Federal Advisory Committee’s Reports and Recommendations (VIEWS 7281104)

5. VA Federal Advisory Committees are strategic partners. As such, we must ensure the valuable work they accomplish will improve the lives of the Veterans, their families, caregivers and survivors whom we are all privileged to serve.

6. This policy will be incorporated into the ACMO Guide. Should you have any additional questions regarding this matter, please contact Jeffrey Moragne, VA Advisory Committee Management Officer, at 202-714-1578 or by email at Jeffrey.Moragne@va.gov.

Tanya J. Bradsher

Attachment