



VA Committee Member Handbook



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INTRODUCTION

This publication is designed to assist Committee Members in understanding their roles and responsibilities while serving on a VA advisory committee governed by the Federal Advisory Committee Act (FACA), 5 U.S.C. Ch. 10.

This Handbook serves as a tool and is **key** to assist you in carrying out your committee responsibilities. Understanding your committee role and responsibilities will enable the committee to effectively and efficiently carry out its mission. Your committee's Designated Federal Officer (DFO) is responsible for providing orientation to new members regarding the purpose and goals of their committee.

The General Services Administration (GSA) is responsible for conducting annual reviews of advisory committee accomplishments; responding to inquiries from Federal agencies on establishing new advisory committees or the renewal of existing groups; and maintaining a FACA database on the internet from which advisory committee information may be obtained. Together, GSA and the Federal community work to eliminate the overlap or duplication of advisory bodies, terminate unnecessary or inactive committees, and develop committee management regulations, guidelines, and training in response to requirements of the Executive Branch and Congress.

For additional information concerning VA advisory committees, you may also contact the Advisory Committee Management Office mailbox at: vaadvisorycmte@va.gov.

Advisory Committee Management Office

ABOUT THE DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs (VA) was established as an independent agency under the President by Executive Order 5398 on July 21, 1930, and was elevated to Cabinet level on March 15, 1989 pursuant to the Department of Veterans Affairs Act, P.L. No. 100-527, 102 Stat. 2635 (1988).

The Department's mission is to serve America's Veterans and their families with dignity and compassion, and to be their principal advocate in ensuring that they receive medical care, benefits, social support and lasting memorials promoting the health, welfare, and dignity of all Veterans in recognition of their service to this Nation.

VA is the second largest Federal department and has over 340,000 employees. Among the many professions represented in the vast VA workforce are physicians, nurses, benefit counselors, statisticians, architects, computer specialists, and attorneys. As advocates for Veterans and their families, the VA community is committed to providing the very best care and services with an attitude of caring and courtesy.

VA comprises a Central Office, which is located in Washington, District of Columbia, and field facilities throughout the Nation. There are three major administrations: Veterans Health Administration, Veterans Benefits Administration and National Cemetery Administration.

Veterans Health Administration's mission is to develop, maintain and operate a national health care delivery system for eligible Veterans; administer a program of education and training for health care personnel; conduct health care research; and provide contingency support for the Department of Defense and Department of Health and Human Services during times of war or national emergency. Furthermore, the mission is to honor America's Veterans by providing exceptional health care that improves their health and well-being.

Veterans Benefits Administration's mission is to provide benefits and services to Veterans, their families and survivors in a responsive, timely and compassionate manner in recognition of their service to the Nation. These benefits and services include compensation, pension, fiduciary services, educational opportunities, vocational rehabilitation and employment services, home ownership and insurance.

National Cemetery Administration's mission is to honor Veterans and their families with final resting places in national shrines, and with lasting tributes that commemorate their service and sacrifice to our Nation.

Overall, services and benefits are provided through a nationwide network of 1,255 healthcare facilities, 300 Veteran Centers, 56 Regional Offices, and 240 National, State or Tribal Cemeteries.

STRUCTURE OF ADVISORY COMMITTEES

Purpose of Federal Advisory Committees: FACA was enacted in 1972 to ensure that the work of Federal advisory committees (FACs) is objective, transparent, and cost effective. FACA and its implementing regulations set forth the processes for establishing, for establishing, managing and FACs.

The FACA regulations define a FAC as “any committee, board, commission, council, conference, panel, task force or other similar group, which is established or utilized by the President or by an agency official, for the purpose of obtaining advice or recommendations for the President or Agency Head on issues or policies within the scope of an agency official’s responsibilities.” 41 C.F.R. § 102-3.25.

Advisory Committee Members: FAC members are drawn from nearly every occupational and industry group and geographical section of the United States and its territories. FACA requires that committee membership be “fairly balanced in terms of the points of view represented and the functions to be performed.” 5 U.S.C. Ch. 10. In addition, some committees’ authorizing statutes include specific requirements for members, such as prior military experience or expertise in a particular subject area.

As a result, Committee members generally have personal and professional experiences that match the program responsibilities of their sponsoring agencies and the specific scope of the committee on which they serve. In balancing committee memberships, agencies are expected to assure representation of diverse and sometimes opposing viewpoints, to provide a foundation for developing advice and recommendations that are fair and comprehensive. Moreover, the balance membership encompasses the skill set, experience, and demographics of the constituency it was formed to serve.

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 is recused from joining in the Committee 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 Employee (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: 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.

Ex-officio Member: 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 (RGE): 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.

Membership Limits: As a matter of VA policy, Committee size generally is limited to 12 members, unless otherwise specified or required by the Committee's authorizing statute. Membership above 12 for any existing or future FAC will require specific justification by the DFO, consultation with the Committee Management Officer and the

affect VA program office. Ex officio members are not counted when considering the 12-member limit.

Committee Meetings: No meeting shall be held in the absence of the DFO. VA FACA Committees operate on the principle of a quorum and consensus to the maximum number of members present as possible. Unless otherwise provided in the charter of the Committee or legislation, a quorum shall consist of a majority (more than one half) of the Committee's authorized membership, including ex-officio members. If a **quorum is not present, the DFO should contact ACOMO immediately** to discuss other meeting options.

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.

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 ACOMO FACA 101 Briefing.
- Completed VA Form 450 (if a member of a filing FAC)
- Reviewed the FAC charter
- Read the VA Committee Member Handbook

Terms of Appointment: One appointment term is two years, unless otherwise stated in a Committee's authorizing statute. For example, a Committee's authorizing statute may provide that members serve terms of three years. A Committee member generally may serve **no longer than two terms years**, unless the Committee's authorizing legislation states otherwise. All Committee members whose service has exceeded two terms will complete their service at the end of their 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.

As a Committee member, we will ask you for recommendations for other qualified

individuals who could serve on the Committee when your term or terms end.

Expiration of Committee Members: When you have completed your appointed term(s) on the Committee, you will simply rotate off.

Committee Member's Resignation: If you decide to resign from the Committee, a notification must be sent to your respective Committee's DFO, preferably by letter.

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

Termination of Committee Member: Just as a Committee member is appointed to serve on a VA FAC by the Secretary, based on their qualifications and ability to contribute to the accomplishment of the Committee's objectives, a member can also be terminated by the Secretary. Committee members can be terminated for any number of reasons to include ethical conduct violations, violation of laws and regulations, threatening or dangerous behavior, poor performance as a member (i.e., excessive absences at scheduled meetings, etc.), failure to properly self-report background information, financial information or personal activities (i.e., lobbyist), etc.

Compensation of Federal Advisory Committee Members:

SGEs and Representatives: The stipend generally paid to Committee members who serve as an SGE or representative is established by the Secretary and will not exceed \$300 per day. Unless provided otherwise by a Committee's authorizing statute, the stipend payment is **only** available for the days of the Committee's meeting and not for work performed outside of the meeting. Exceptions to this policy for scientists and medical specialists may be approved by the Chief of Staff. SGE and representative members generally are also eligible to receive travel and per diem. Some Committees handle this differently. The DFO and Committee staff will discuss these payments with you in more detail, including any exceptions that may apply to your Committee, and are responsible for coordinating your travel.

RGEs: RGE members are not eligible to receive stipend and must travel under a Federal travel order.

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>.

LAWS AND REGULATIONS

Federal Advisory Committee Act (FACA) (5 U.S.C. Ch. 10): FACA 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. Records of members of FAC 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 meetings be announced timely 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 to the Administrator of GSA the functions vested in the President by FACA.

FACA – BACK TO THE BASICS

What is FACA? FACA is a Federal statute that governs the establishment, termination and management of FACs. FACA was also enacted to promote openness and transparency and to regulate the number and duration of FACs.

When does FACA apply? FACA applies to all groups with at least one non-Federal employee established or utilized by an agency to obtain advice or recommendations, unless an exception applies.

What are the requirements for a FAC?

- Must have a signed and filed Charter
- Must have a DFO (note: VA policy further assigns an Alternate DFO)
- Must conduct public meetings in accordance with an agenda that has been announced and published in the Federal Register not less than 15 days before the meeting, with an opportunity for public to submit written comments
- Must have a balanced membership

What constitutes a FAC meeting? FACA applies to all gatherings where substantive matters upon which the committee provides advice or recommendations are discussed. This includes “virtual” gatherings, such as tele- and video-conferences.

What is a DFO?

- VA employee who manages day-to-day FAC operations
- Must be initially certified and annually recertified by the VA Committee Management Officer
- Must approve or call FAC meetings
- Must attend all Committee and subcommittee (or workgroups) meetings
- Must approve meeting agenda
- Must ensure meeting minutes are certified by VA Committee Chair within 90 days after the FAC meeting
- Must ensure records are maintained and available for public inspection
- Must be responsible for all fiduciary duties associated with managing their assigned Committee

What is an Alternate DFO?

- VA employee who performs the duties of the DFO in his or her absence from the Committee or subcommittee meetings

- Must be initially certified and annually recertified by the VA Committee Management Officer
- Perform duties as issued by the DFO and/or his or her agency leadership to accomplish the mission of the Committee
- Designated by the agency program office to provide direct support to the Committee, as provided in the charter
- Provided assistance during the planning phase of the Committee preparation when a decision must be made to commit the agency to specific courses of action

Are FACs ever allowed to meet privately? FACs may convene to perform two types of work *without* a public meeting:

- *Preparatory work.* a meeting of two or more FAC or subcommittee members convened solely to gather information, conduct research, analyze relevant issues and facts in preparation for a FAC meeting or to draft papers for deliberation by a FAC.
- *Administrative work.* a meeting of two or more FAC or subcommittee members convened solely to discuss administrative matters of the FAC or to receive administrative information from a Federal office or agency.

As discussed above, FAC meetings may also be closed in whole or in part under limited circumstances, such as when discussing trade secrets, personal information, scientific review of research award applications and criminal matters. OGC must review and concur in such a closure.

Are Committee members allowed to testify before a congressional committee or speak with congressional staff about FAC matters? As a Committee member, if you are asked to testify, you may speak about FAC matters *only* in your personal capacity. As a Committee member you do not have authority to testify on behalf of the FAC and do not speak for VA. Your testimony should clarify that you are providing your personal opinion and are not speaking on behalf of VA or the FAC.

Because you are acting in your personal capacity if you testify, VA *cannot* reimburse you for expenses or pay a stipend. As a courtesy, please inform your respective Committee's DFO if you are going to testify.

ETHICS – GETTING STARTED

The purpose of this section is to alert FAC staff of potential issues that may arise for SGEs in connection with their service on a VA FAC so that they may seek advice from a VA Deputy Ethics Officer in OGC, when advisable. Obtaining ethics advice -- in writing, in advance, and based on a complete disclosure of all relevant facts -- from a VA Deputy Ethics Official will provide safe harbor under the government ethics rules.

Why should a member get advice? Seeking advice from an agency ethics official in advance of taking action and complying with that advice will protect an SGE from criminal prosecution or other administrative action in virtually all cases. It is best to obtain such advice in writing.

When do the Ethics Rules apply?

- Ethics rules apply even if an SGE serves without compensation.
- Ethics rules apply even on days when an SGE is not directly performing Government services.
- SGEs are Government employees for ethics purposes but are subject to less restrictive conflict of interest requirements and ethics rules.

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 U.S. 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 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 450 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.

FAC 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 (1) all VA employees, as mandated by the VA Chief of Staff on February 15, 2013, (2) Confidential Financial Disclosure (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 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.

CATEGORIES OF ETHICS LAW

Bribery – 18 U.S.C. § 201. This law 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.

Compensation for Representation 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. Representational services are communications with the intent to influence or persuade the government.

Acting on Someone Else’s Behalf Before the Government – 18 U.S.C. § 205. 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 participate in personally and substantially as a government employee.

Conflicts of Interest - 18 U.S.C. § 208. In particular, it is a crime for you to participate *personally and substantially* as a Government officer or employee in a *particular matter* which will *directly and predictably* affect your financial interest or a financial interest imputed to you. Persons whose financial interests are imputed to you is a spouse, minor child, general partner or employee, or an organization in which SGE serves as officer, director, trustee, general partner or organization with which the SGE has an arrangement for prospective employment.

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. For instance, deliberations, decisions, actions focused on interest of specific parties (e.g., a contract, grant, or case in litigation) **OR** general applicability (focused on a discrete and identifiable class such as an industry), but NOT broad policy directed at a large and diverse group.

Salary of Government Officials and Employees Payable Only by United States – 18 U.S.C. § 209. This statute prohibits employees from being paid by someone other than the United States for doing their official Government duties. For example, a highly paid executive of a corporation, upon entering Government service, could not accept an offer from her former employer to make up the difference between her Government salary and the compensation she received from her former employer. The prohibition does not apply to:

- SGE and employees serving without compensation
- Funds contributed out of the treasury of any State, county, or municipality
- continued participation in a bona fide pension, retirement, group life, health or

accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer

- Payments for travel, subsistence and other expenses made to an employee by a tax-exempt nonprofit organization incurred in connection with training
- Moving expenses incurred in connection with participation in an executive exchange or fellowship program in an executive agency

STANDARDS OF ETHICAL CONDUCT

Appearance Personal and Business Relationships – 5 C.F.R. § 2635.502. There may be circumstances in which an SGE's participation in Committee business would raise a question regarding the SGE's impartiality such as:

- An SGE cannot participate in specific party matters where a person with whom you have a "covered relationship" is, or represents, a party
- You have a "covered relationship" with all persons whose interests are yours under criminal conflict law, plus others
- Bottom line---would a reasonable person with knowledge of all the relevant facts question your impartiality in the matter

Gifts – 5 C.F.R. § 2635.202. A gift given to an SGE because of his or her service on a VA FAC or given by a prohibited source, which includes an entity whose interests are affected financially by agency decision, would obviously raise concerns. A prohibited source includes: an entity seeking official action by VA; an entity doing/seeking business with VA; an entity that could be substantially affected by Committee decisions; or an entity of which a majority of members are prohibited sources. An exception is that an SGE may accept meals, lodging, transportation and other benefits arising from outside employment when such benefits are not offered due to the individual's status as Federal employee. Other minor exceptions exist (e.g., \$20 per occasion, \$50 during calendar year from the same source), however, it is recommended you—consult an ethics official if you intend to rely on such exceptions.

Please note that the Standards of Conduct requires that an SGE who is offered a gift which may otherwise be accepted under an exception, must first consider whether he s/he 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, as a result 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.

Charitable Fundraising – 5 C.F.R. § 2635.807. An SGE may engage in fundraising in a personal capacity as long as he or she does not personally solicit funds or support from a person whose interests may be substantially affected by the performance or nonperformance of the SGE's official duties.

Teaching, Speaking, and Writing – 5 C.F.R. § 2635.807. There are some circumstances where SGEs may not receive compensation for teaching, speaking or writing that relates to official duties. SGEs may not be paid if the activity "relates to official duties" such as:

- Undertaken as part of official duties
- Invitation extended primarily because of official position
- Invitation from someone whose interests may be substantially affected by

- member's Government duties
- Information conveyed draws substantially on non-public information
 - Subject matter deals significantly with any specific party matter to which the SGE is assigned, or to which he or she was assigned within past year of his or her current SGE appointment

Hatch Act – 5 U.S.C. §§ 7321 – 7326. The Hatch Act rules limiting political activities apply to SGEs only while they are conducting government business. For instance, an SGE should not engage in partisan political activity while on duty, on Government property, or while using a Government vehicle. An SGE should not solicit or receive political contributions while on duty. An SGE may be a candidate for public office in a partisan election but cannot campaign while on duty. Partisan political activity is activity directed at the success or failure of a political party, or a candidate, in a partisan political election.

**VA ADVISORY COMMITTEE SELF-CERTIFICATION
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: _____

14 General Principles of Ethical Conduct

5 C.F.R. § 2635.101(b) - Principles of Ethical Conduct

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.

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.

Appendix A: Department of Veterans Affairs Advisory Committees

The following list of 27 VA advisory committees includes 18 that have been established by statute (with an asterisk *) and 9 non-statutory committees designed to provide advice on selected VA programs and policies. The advisory committees listed below are arranged alphabetically according to key words (**bold print**) in their titles. Immediately following the list of committees are summaries of the committees' objectives. This list is:

1)	VA National Academic Affiliations Council
*2)	Advisory Committee on Cemeteries and Memorials
3)	Cooperative Studies Scientific Evaluation Committee
*4)	Advisory Committee on Disability Compensation
*5)	Veterans' Advisory Committee on Education
*6)	Veterans' Advisory Committee on Environmental Hazards (<i>Administratively Inactive</i>)
*7)	Advisory Committee on U.S. Outlying Areas and <i>Freely Associated States</i>
*8)	Advisory Committee on Former Prisoners of War
*9)	Geriatrics and Gerontology Advisory Committee
*10)	Research Advisory Committee on Gulf War Veterans' Illnesses
11)	Health Services Research and Development Service Merit Review Board
*12)	Advisory Committee on Homeless Veterans
13)	Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board
*14)	Advisory Committee on Minority Veterans
15)	National Research Advisory Council
*16)	Advisory Committee on Prosthetics and Special Disabilities Programs
*17)	Advisory Committee on the Readjustment of Veterans
*18)	Veterans' Advisory Committee on Rehabilitation
19)	Rehabilitation Research and Development Service Scientific Merit Review Board
20)	Veterans' Rural Health Advisory Committee
*21)	Special Medical Advisory Group
*22)	Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities
*23)	Advisory Committee on Tribal and Indian Affairs
24)	Veterans' Family, Caregiver, and Survivor Advisory Committee
*25)	Veterans and Community Oversight and Engagement Board
26)	Department of Veterans Affairs Voluntary Service National Advisory Committee
*27)	Advisory Committee on Women Veterans

Appendix B: Department of Veterans Affairs (VA) Advisory Committee Objectives

VA National **Academic Affiliations** Council

Provides advice to the Secretary of Veterans Affairs on matters affecting partnerships between VA and its academic affiliates.

Advisory Committee on **Cemeteries** and Memorials (Statutory)

Provides advice to the Secretary of Veterans Affairs on the administration of VA national cemeteries, Soldiers' lots and plots, the selection of cemetery sites, the erection of appropriate memorials and the adequacy of Federal burial benefits.

Cooperative Studies Scientific Evaluation Committee

Provides advice on VA cooperative studies, multi-site clinical research activities, and policies related to conducting and managing these efforts and ensures that new and ongoing projects maintain high quality, are based upon scientific merit, mission relevance, and quality and are conducted efficiently, safely and economically conducted.

Advisory Committee on **Disability Compensation** (Statutory)

Provides advice to the Secretary of Veterans Affairs on establishing and supervising a schedule to conduct periodic reviews of VA's Schedule for Rating Disabilities.

Veterans' Advisory Committee on **Education** (Statutory)

Provides advice to the Secretary of Veterans Affairs on the administration of education and training programs for Veterans and Servicepersons, Reservists, Guard personnel, and for dependents of Veterans, including programs under chapters 30, 32, 35, and 36 of title 38, and Chapter 1606 of title 10, U.S.C.

Veterans' Advisory Committee on **Environmental Hazards** (Statutory) –
Administratively Inactive

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Provides advice to the Secretary of Veterans Affairs on adverse health effects that may be associated with exposure to ionizing radiation and makes recommendations on proposed standards and guidelines regarding VA benefit claims based upon exposure to ionizing radiation.

Advisory Committee on U.S. Outlying Areas and ***Freely Associated States*** (Statutory)

Provides advice to the Secretary on matter relating to covered Veterans residing in American Samoa, Guam, Puerto Rico, The Commonwealth of the Northern Mariana Islands, The Virgin Islands of the United States, The Federated States of Micronesia, The Republic of the Marshall Islands and The Republic of Palau.

Advisory Committee on **Former Prisoners of War** (Statutory)

Provides advice to the Secretary on the administration of benefits for Veterans who are former prisoners of war and the needs of these Veterans, in the areas compensation, health care and rehabilitation.

Geriatrics and Gerontology Advisory Committee (Statutory)

Provides advice to the Secretary of Veterans Affairs on all matters pertaining to geriatrics and gerontology.

Research Advisory Committee on **Gulf War** Veterans' Illnesses (Statutory)

Provides advice to the Secretary of Veterans Affairs on proposed research studies, plans, and strategies related understanding and treating the health consequences of military service in the Southwest Asia theater of operations during the 1990-1991 Gulf War (Operations Desert Shield and Desert Storm).

Health Services Research and Development Service Merit Review Board

Provides advice on the fair and equitable selection of the most meritorious research projects for support by VA research funds and to offer advice for research program

officials on program priorities and policies; ensures the high quality and mission

VA Committee Member Handbook

relevance of VA's legislatively mandated research and development program; and advises on the scientific and technical merit, the mission relevance and the protection of human and animal subjects proposals.

Advisory Committee on **Homeless Veterans** (Statutory)

Provides advice to the Secretary of Veterans Affairs on benefits and services to Veterans experiencing homelessness.

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board

Provides advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration and to offer advice for research program officials on program priorities and policies. The applications to be reviewed may address research questions within the general area of biomedical and behavioral research or clinical science research. The Board does not consider grants, contracts or other forms of extramural research.

Advisory Committee on **Minority Veterans** (Statutory)

Provides advice to the Secretary on the administration of VA benefits for Veterans who are minority group members, by reviewing reports and studies on compensation, health care, rehabilitation, outreach, and other benefits and services administered by the Department.

National Research Advisory Council

Provides advice to the Secretary of Veterans Affairs on the nature and scope of research and development sponsored and/or conducted by the Veterans Health Administration, to include policies and programs of the Office of Research and Development.

Advisory Committee on **Prosthetics and Special Disabilities** Programs (Statutory)
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Provides advice to the Secretary of Veterans Affairs on administration of VA prosthetics and special-disabilities programs; coordination of VA and non-VA programs to develop and test prosthetic devices; and coordination of the informational exchange regarding development and testing of prosthetic devices.

Advisory Committee on the **Readjustment** of Veterans (Statutory)

Provides advice to the Secretary of Veterans Affairs on policies, organizational structures, and the provision and coordination of services to address Veterans' post-war readjustment to civilian life, with particular emphasis on post-traumatic stress disorder, alcoholism, other substance abuse, post-war employment, and family adjustment.

Veterans' Advisory Committee on **Rehabilitation** (Statutory)

Provides advice to the Secretary of Veterans Affairs on the administration of Veterans' rehabilitation programs under title 38, U.S.C.

Rehabilitation Research and Development Service Scientific Merit Review Board

Provides advice on the fair and equitable selection of the most meritorious research projects for support by VA research funds; provides advice for research program officials on program priorities and policies; and ensures that the VA Rehabilitation Research and Development program promotes functional independence and improves the quality of life for impaired and disabled Veterans.

Veterans' **Rural Health** Advisory Committee

Provides advice to the Secretary of Veterans Affairs on health care issues that affect Veterans residing in rural areas.

Special Medical Advisory Group (Statutory)

Provides advice to the Secretary and the Under Secretary for Health on the care and treatment of enrolled Veterans and other matters pertinent to the operations of

the Veterans Health Administration.

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Advisory Committee on **Structural Safety of VA Facilities** (Statutory)

Provides advice to the Secretary of Veterans Affairs on all matters of structural safety in the construction and remodeling of VA facilities and recommends standards for use by VA in the construction and alteration of facilities.

Advisory Committee on **Tribal and Indian Affairs** (Statutory)

Provides advice and guidance to the Secretary of Veterans Affairs relating to Indian tribes, tribal organizations, Native Hawaiian organizations and Native American Veterans.

Veterans' Family, Caregiver, and Survivor Advisory Committee

Provides advice to the Secretary of Veterans Affairs, through the Chief Veterans Experience Officer, related to Veterans' families, caregivers, and survivors across all generations, relationships, and Veteran status; the use of VA care and benefits services by Veterans' families, caregivers, and survivors, and possible expansion of such care and benefits services; Veterans' family, caregiver, and survivor experiences; VA policies, regulations, and administrative requirements related to the transition of Servicemembers from the DoD to enrollment in VA that impact Veterans' families, caregivers, and survivors; and factors that influence access to, quality of, and accountability for services and benefits for Veterans' families, caregivers, and survivors.

Veterans and Community Oversight and Engagement Board (Statutory)

Coordinates locally with VA to identify the goals of the community and Veteran partnership; provides advice and recommendations to the Secretary of Veterans Affairs, to improve services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and provides advice and recommendations on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any other successor master plans.

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VA **Voluntary Service** National Advisory Committee

Provides advice to the Secretary of Veterans Affairs and the Under Secretary for Health on the coordination and promotion of volunteer activities within VA health care facilities, and on other matters relating to volunteerism.

Advisory Committee on **Women Veterans** (Statutory)

Provides advice to the Secretary of Veterans Affairs on the administration of benefits for women Veterans; reports and studies pertaining to women Veterans; and the needs of women Veterans with respect to health care, rehabilitation benefits, compensation, outreach, and other relevant programs administered by VA.

ACMO CONTACT INFORMATION:

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Appendix C: SMART Recommendations Template

Using the SMART Recommendations template may help improve results. The template clarifies exactly what is expected and the measures used to determine if the recommendation is successfully implemented and end-state achieved.

The template uses the acronym S.M.A.R.T. meaning:

Specific (and strategic): Linked to the Department's mission, position summary, strategic plan or Committee charter. Answers the question—Who? and What?

Measurable: Can the success toward accomplishing the recommendation be measured? Answers the question—How?

Actionable: Can the recommendation be achieved through reasonable action and investment of resources?

Realistic (results oriented): Is the recommendations within scope or can it be aligned with current mission tasks, projects or initiatives; does it focus in a defined area; and does the recommendation include a desirable result or end state.

Time framed: Does the recommendation have a clearly defined timeframe; a target or deadline?

Examples are shown below:

A poorly written SMART recommendation:

VA should improve employee communication skills.

Does not identify a specific measurement, time frame, nor identify why the improvement is needed or how it will be used.

A better written SMART recommendation:

The Department should work to rapidly deploy outreach multipliers/enablers such as, 1) expand the number of full trained public affairs officers; 2) deploy them more frequently; 3) allot more individual employee public engagement skills training hours to maximize one on one Veteran knowledge provider opportunities; dedicate more VA Senior Leaders to conduct public outreach / issues interviews (i.e., TV, Radio, Print); and 4) expand the functionality of enterprise web pages to better reach and inform stakeholder audiences. VA should complete these recommendations by June 30, XXXX and annually publish the results by September of each year between 20XX-20XX.

Appendix D: VA Committee Report / Recommendations Flow Chart (concurrent process)

