



Federal Advisory Committee Act 101

- **What is FACA?**

- The Federal Advisory Committee Act is a Federal statute that governs the **establishment, termination and management** of Federal advisory committees (FAC). 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?**

- signed/filed Charter;
- Designated Federal Officer (DFO);
- public meetings with agenda announced in Federal Register 15 days in advance and an opportunity for public to submit written comments;
- balanced membership;
- records maintained and available for public inspection.



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- **What constitutes a 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 Designated Federal Officer?**
 - VA employee who manages day-to-day FAC operations;
 - Must approve/call meetings, attend all meetings, and approve meeting agenda;
 - Must ensure meeting minutes are certified by FAC Chair within 90 days.



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- **May FACs ever meet privately?**
 - FACs may convene to perform two types of work without a public meeting:
 - 1) Preparatory work.** A meeting convened solely to gather information, conduct research , analyze relevant issues, facts in preparation for a FAC meeting or to draft papers for deliberation by FAC;
 - and**
 - 2) Administrative work.** A meeting convened solely to discuss administrative matters of the FAC or receive administrative information from agency.
 - FAC meetings may also be closed in whole or in part under limited circumstances, such as when discussing trade secrets, personal information, and criminal matters. OGC must concur in the closure.



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- **May I testify before a congressional committee or speak with congressional staff about FAC matters?**
 - If asked to testify, you may speak about FAC matters only in your personal capacity. FAC members 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 honoraria.
 - As a courtesy, we appreciate you informing the FAC's DFO if you are going to testify.