

**5 U.S.C. Chapter 10 (FACA) (eff. 12/27/22)**  
**[Public Law No: 117-286]**

**CHAPTER 10—FEDERAL ADVISORY COMMITTEES**

**SEC. 1001. DEFINITIONS.**

In this chapter:

(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of General Services.

(2) **ADVISORY COMMITTEE.**—

(A) **IN GENERAL.**—The term ‘advisory committee’ means a committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as ‘committee’) that is established or utilized to obtain advice or recommendations for the President or one or more agencies or officers of the Federal Government and that is—

- (i) established by statute or reorganization plan;
- (ii) established or utilized by the President; or
- (iii) established or utilized by one or more agencies.

(B) **EXCLUSIONS.**—The term ‘advisory committee’ excludes—

- (i) a committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government; and
- (ii) a committee that is created by the National Academy of Sciences or the National Academy of Public Administration.

(3) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 551 of this title.

(4) **PRESIDENTIAL ADVISORY COMMITTEE.**—The term ‘Presidential advisory committee’ means an advisory committee that advises the President.

**SEC. 1002. FINDINGS AND DECLARATIONS.**

(a) **FINDINGS.**—Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) FINDINGS AND DECLARATIONS.—Congress further finds and declares that—

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

#### **SEC. 1003. APPLICABILITY.**

(a) IN GENERAL.—This chapter, and any rule, order, or regulation promulgated under this chapter, shall apply to each advisory committee except to the extent that the Act establishing the advisory committee specifically provides otherwise.

(b) EXEMPTIONS RELATING TO CERTAIN FEDERAL ENTITIES.—Nothing in this chapter shall be construed to apply to an advisory committee established or utilized by—

(1) the Central Intelligence Agency;

(2) the Federal Reserve System; or

(3) the Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security the advisory committee cannot comply with the requirements of this chapter.

(c) EXEMPTIONS RELATING TO CERTAIN LOCAL AND STATE ENTITIES.—Nothing in this chapter shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

#### **SEC. 1004. RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES.**

(a) REVIEW OF ACTIVITIES.—In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether

such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) **CONSIDERATION OF LEGISLATION.**—In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 1009 of this chapter to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) **ADHERENCE TO GUIDELINES.**—To the extent they are applicable, the guidelines set out in subsection (b) shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

## **SEC. 1005. RESPONSIBILITIES OF THE PRESIDENT.**

(a) **DELEGATION.**—The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to the President by Presidential advisory committees.

(b) **REPORT ON RESPONSE TO RECOMMENDATIONS.**—Within 1 year after a Presidential advisory committee submits a public report to the President, the President or the President's delegate shall submit to Congress a report stating either proposals for action or reasons for inaction, with respect to the recommendations contained in the public report.

## **SEC. 1006. RESPONSIBILITIES OF THE ADMINISTRATOR.**

(a) COMMITTEE MANAGEMENT SECRETARIAT.—The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) ANNUAL REVIEWS.—

(1) IN GENERAL.—Each year, the Administrator shall conduct a comprehensive review of the activities and responsibilities of each advisory committee to determine—

(A) whether the committee is carrying out its purpose;

(B) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised;

(C) whether the committee should be merged with other advisory committees; or

(D) whether the committee should be abolished.

(2) OBTAINING INFORMATION.—The Administrator may from time to time request such information as the Administrator deems necessary to carry out functions under this subsection. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(3) RECOMMENDATIONS.—Upon completion of the review, the Administrator shall make recommendations to the President and to either the agency head or Congress with respect to action the Administrator believes should be taken.

(c) ADMINISTRATIVE GUIDELINES AND MANAGEMENT CONTROLS.—The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out functions under this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to the agency.

(d) GUIDELINES FOR UNIFORM FAIR PAY RATES.—

(1) IN GENERAL.—The Administrator, after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner that gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. The guidelines shall provide that—

(A) a member of an advisory committee or of the staff of an advisory committee shall not receive compensation at a rate in excess of the maximum rate payable under section 5376 of this title;

(B) members of advisory committees, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of this title for persons employed intermittently in the Government service; and

(C) members of advisory committees may be provided services pursuant to section 3102 of this title while in performance of their advisory committee duties if the members—

(i) are blind or deaf or otherwise qualify as individuals with disabilities (within the meaning of section 501 of the Rehabilitation Act of 1973 ([29 U.S.C. 791](#))); and

(ii) do not otherwise qualify for assistance under section 3102 of this title by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of this title).

(2) **PAY FOR FULL-TIME EMPLOYEES.**—Nothing in this subsection shall prevent an individual from receiving compensation at the rate at which the individual would otherwise be compensated (or was compensated) as a full-time employee of the United States if the individual—

(A) is a full-time employee of the United States without regard to service with an advisory committee; or

(B) was a full-time employee of the United States immediately before service with an advisory committee.

(e) **BUDGET RECOMMENDATIONS.**—The Administrator shall include in budget recommendations a summary of the amounts the Administrator considers necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

## **SEC. 1007. RESPONSIBILITIES OF AGENCY HEADS.**

(a) **ADMINISTRATIVE GUIDELINES AND MANAGEMENT CONTROLS.**—Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under sections 1006 and 1009 of this title. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) **ADVISORY COMMITTEE MANAGEMENT OFFICER.**—The head of each agency that has an advisory committee shall designate an Advisory Committee Management Officer who shall—

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by the agency;

(2) assemble and maintain the reports, records, and other papers of any advisory committee established by the agency during the advisory committee's existence; and

(3) carry out, on behalf of the agency, the provisions of section 552 of this title with respect to such reports, records, and other papers.

#### **SEC. 1008. ESTABLISHMENT AND PURPOSE OF ADVISORY COMMITTEES.**

(a) **ESTABLISHMENT.**—An advisory committee shall not be established unless establishment is—

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) **PURPOSE OF ADVISORY COMMITTEES.**—Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) **ADVISORY COMMITTEE CHARTERS.**—

(1) **GENERAL REQUIREMENT.**—An advisory committee shall not meet or take any action until an advisory committee charter has been filed—

(A) with the Administrator in the case of Presidential advisory committees; or

(B) with—

(i) the head of the agency to whom the advisory committee reports; and

(ii) the standing committees of the Senate and House of Representatives having legislative jurisdiction over the agency to which the advisory committee reports.

(2) **CONTENTS OF CHARTER.**—The advisory committee charter shall contain—

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if the duties are not solely advisory, a specification of the authority for the duties;

(G) the estimated annual operating costs for the committee in dollars and person-years;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than 2 years from the date of the committee's establishment; and

(J) the date the charter is filed.

(3) COPY OF CHARTER TO LIBRARY OF CONGRESS.—A copy of the advisory committee charter shall be furnished to the Library of Congress.

#### **SEC. 1009. ADVISORY COMMITTEE PROCEDURES.**

(a) COMMITTEE MEETINGS.—

(1) OPEN TO PUBLIC.—Each advisory committee meeting shall be open to the public.

(2) NOTICE OF MEETINGS.—Except when the President determines otherwise for reasons of national security, timely notice of each meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of each meeting in advance.

(3) PARTICIPATION.—Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) PUBLIC INSPECTION AND COPYING OF RECORDS.—Subject to section 552 of this title, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) MINUTES.—Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified by the chairman of the advisory committee.

(d) CLOSED SESSIONS.—Paragraphs (1) and (3) of subsection (a) shall not apply to any portion of an advisory committee meeting for which the President, or the head of the agency to which the advisory committee reports, determines that such portion of the meeting may be closed to the public in accordance with section 552b(c) of this title. Any such determination shall be in writing and shall contain the reasons for the determination. If such a determination is made, the advisory committee shall issue a report, at least annually, setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of this title.

(e) DESIGNATED OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever the officer or employee determines it to be in the public interest, to adjourn any such meeting. An advisory committee shall not conduct any meeting in the absence of that designated officer or employee of the Federal Government.

(f) CALL FOR MEETING OR ADVANCE APPROVAL.—Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

#### **SEC. 1010. AVAILABILITY OF TRANSCRIPTS.**

(a) DEFINITION OF AGENCY PROCEEDING.—In this section, the term ‘agency proceeding’ has the meaning given the term in section 551 of this title.

(b) AVAILABILITY.—Agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of any agency proceeding or advisory committee meeting.

#### **SEC. 1011. FISCAL AND ADMINISTRATIVE PROVISIONS.**

(a) RECORDS.—Each agency shall keep records that fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any authorized representative of the Comptroller General, shall have access to the records for the purpose of audit and examination.

(b) SUPPORT SERVICES.—Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. If an advisory committee reports to more than one agency, only one agency at a time shall be responsible for support services. In the case of Presidential advisory committees, support services may be provided by the General Services Administration.

#### **SEC. 1012. RESPONSIBILITIES OF LIBRARY OF CONGRESS.**

Subject to section 552 of this title, the Administrator shall provide for the filing with the Library of Congress of at least 8 copies of each report made by each advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for the reports and papers and make them available for public inspection and use.

#### **SEC. 1013. TERMINATION OF ADVISORY COMMITTEES.**

(a) IN GENERAL.—



(1) **ADVISORY COMMITTEES IN EXISTENCE ON JANUARY 5, 1973.**—Each advisory committee that is in existence on January 5, 1973, shall terminate not later than the expiration of the 2-year period following that date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such 2-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) **ADVISORY COMMITTEES ESTABLISHED AFTER JANUARY 5, 1973.**—Each advisory committee established after January 5, 1973, shall terminate not later than the expiration of the 2-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b) **CHARTERS.**—

(1) **UPON RENEWAL.**—Upon the renewal of an advisory committee, the advisory committee shall file a charter in accordance with section 1008(c) of this title.

(2) **UPON EXPIRATION OF SUCCESSIVE 2-YEAR PERIODS.**—An advisory committee established by an Act of Congress shall file a charter in accordance with section 1008(c) of this title upon the expiration of each successive 2-year period following the date of enactment of the Act establishing the advisory committee.

(3) **PROHIBITION ON ACTION PRIOR TO FILING CHARTER.**—An advisory committee required to file a charter under this subsection shall not take any action (other than preparation and filing of the charter) prior to the date on which the charter is filed.

(c) **SUCCESSIVE TWO-YEAR PERIODS.**—An advisory committee that is renewed by the President or an officer of the Federal Government may be continued only for successive 2-year periods by appropriate action taken by the President or the officer prior to the date on which the advisory committee would otherwise terminate.

## **SEC. 1014. REQUIREMENTS RELATING TO NATIONAL ACADEMY OF SCIENCES AND NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.**

(a) **IN GENERAL.**—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

(2) in the case of a committee created after December 17, 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

(3) in developing the advice or recommendation, the academy complied with—

(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

(1) PUBLIC NOTICE REGARDING APPOINTEES.—The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on appointments before they are made or, if the Academy determines prior comment is not practicable, in the period immediately following the appointments. The Academy shall require that any individual the Academy appoints (or intends to appoint) to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed. The Academy shall make its best efforts to ensure that—

(A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable;

(B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed; and

(C) the final report of the Academy will be the result of the Academy's independent judgment.

(2) PUBLIC NOTICE OF COMMITTEE MEETINGS.—The Academy shall determine and provide public notice of committee meetings that will be open to the public.

(3) DATA-GATHERING MEETINGS.—The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of this title. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in section 552(b) of this title.

(4) OTHER MEETINGS.—The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data-gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of this title. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and other matters the Academy determines should be included.

(5) FINAL REPORT.—The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of this title. If the Academy determines that the report would disclose matters described in section 552(b) of this title, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

(6) REVIEWERS OF REPORT.—After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section.

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