



Federal Advisory Committee Management Office (CMO)

DFO MANUAL

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Homeland
Security

Welcome Note from the Committee Management Office Team

Welcome to your new role as a part of the Department's Federal Advisory Committees! You have joined an organization with a rich history and an exciting future. We are glad you have chosen to become a part of our FACA team, and hope that you find this organization to be a place for both professional and personal growth.

The Department of Homeland Security, along with agencies across the federal government have managed thousands of the nation's Federal Advisory Committees. These committees have played an important role in shaping programs and policies of the federal government. Pursuant to statute, the General Services Administration (GSA) maintains and administers management guidelines for federal advisory committees. Currently, the Department maintains 30 advisory committees (and counting), within several program offices including, CBP, CISA, FEMA, Headquarters, I&A, Privacy, Science and Technology Directorate, TSA, U.S. Coast Guard, and U.S. Secret Service.

Our focus within the Committee Management Office (CMO), is to maintain oversight and management of these committees by providing exceptional service to your committees. Our team consistently strives to create strategic improvements that promote engagement and strengthen resources that are helpful to you in your new role.

This handbook is intended to provide you with a general understanding of FACA policies and procedures for the management of your committees. This handbook should not be misconstrued as a contract or an agreement. The information we have included in this handbook is necessarily detailed and may be subject to change; however, all laws, rules, and U.S. General Services Administration (GSA) resolutions from which this handbook is derived can be found on the GSA website. If any information contained in this handbook conflicts with any of the above, those laws, rules and policies take precedence over the information provided in this handbook.

We wish you success in your new role and thank you for joining the FACA team! At DHS, every position is important. We hope you will immediately connect with our core values of people, learning, partnerships, relationships, sustainability, and stewardship. Your commitment to these values is critical for our mutual success of advisory committee quality and success, research and innovation, and community and economic development.

Signed

DHS Committee Management Team

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Additional Resources:

General Services Administration:

www.gsa.gov/faca

FACA Database:

<https://www.facadatabase.gov/>

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ESTABLISHING A FEDERAL ADVISORY COMMITTEE IN DHS

ESTABLISHMENT AUTHORITY

The Secretary is the approving authority for the establishment of all advisory committees within DHS. There are three ways to establish a FACA committee: by Executive Order (referred to as presidential), by statute (referred to as statutory), or via the Secretary's authority within the Homeland Security Act, 6 U.S.C. 451 (referred to as discretionary).

1. *Presidential authority.* By Executive order of the President or other Presidential directive (non-discretionary);
2. *Statutory, required by statute.* By law where the Congress establishes an advisory committee, or specifically directs the President or an agency to establish it (non-discretionary);
3. *Discretionary.* By an agency under general authority in Title 5 of the United States Code or under other general agency-authorizing statutes (discretionary).

**Exempt – Committees exempted from FACA openness and transparency requirements. Any committee specifically exempted from FACA by law or by a Secretarial determination that the committee intends to discuss information far too sensitive for public consumption that a threat to public safety would likely occur.*

Typically, the establishment of a FACA committee takes between 3-4 months, depending on how quickly documents move through the approval process. The CMO is responsible for handling the establishment of all DHS Federal advisory committees. If a program office believes there is a need for a new advisory committee, their leadership should consult with DHS CMO for guidance.

HOW TO CREATE AN ADVISORY COMMITTEE PACKAGE

The CMO receives, reviews, concurs, and tracks all the Department's Federal Advisory Committee packages. Prior to submitting through Exec Sec, program offices must ensure all comments, edits, or corrections have been made and all required offices have concurred as such. When submitting a committee package, the program office must also ensure to include documents with tracked changes, if applicable.

ESTABLISHMENTS occur after consultation with CMO, your Office of General Counsel, GSA's Committee Management Secretariat, and any other program office with equities in the establishment of said committee. The program office must submit an establishment package to CMO for review. The package must include a memo, charter, bylaws, and membership balance plan. After receiving approval from the final approving authority, CMO will consult with GSA and file the final charter with Congress. ([Appendix C. I. Establish, Renew & Make Amendments to A Federal Advisory Committee Charter](#)).

AMENDMENTS may also be made at any time during the life of the committee and will require consultation with CMO before submitting a package. The program office must consult with CMO and submit an amendment package including a memo, and the amended charter. The program office must also ensure the bylaws and membership balance plan are updated for consistency with the amendment and included in the package. Amendments may be either minor or major. Note **§ 102–3.80 and § 102–3.85** of the FACA Final Rule for information on how to accomplish amendments. The procedures for making changes and filing amended charters will depend upon the authority basis for the advisory committee. Amending any existing advisory committee charter does not constitute renewal of the advisory committee as noted in **§ 102–3.60** of the Final Rule ([Appendix C. I. Establish, Renew & Make Amendments to A Federal Advisory Committee Charter](#)).

RENEWALS must be submitted by the program office for approval 3 months prior to the committee expiry date. The expiry date is typically two years after the date of filing and may also be found in the FACA Database. The package must include a memo, charter, bylaws, and membership balance plan. ([Appendix C. I. Establish, Renew & Make Amendments to A Federal Advisory Committee Charter](#)).

***DISCRETIONARY COMMITTEES** or committees established under agency authority are required to submit an explanation of need, proof of lack of duplication of resources, and an explanation of how membership will be fairly balanced prior to establishment. Note **§ 102–3.60** of the FACA

Final Rule. After receiving concurrence on the submission of this requirement from the appropriate offices, the program office must submit an establishment package including a memo, charter, bylaws, membership balance plan and a federal register notice. The Federal Register Notice (FRN) must be posted in the Federal Register 15 calendar days before the CMO can file the charter with Congress. Please note, the 15-day FRN requirement also applies to re-establishments, amendments, and meetings. Discretionary committees, that are not renewed before their expiry date will need to file a re-establishment package and must cease operations until a re-establishment is filed with Congress.

Package content requirements will vary for discretionary, statutory, and Presidential committees. Consult with CMO to confirm your committee's requirements.

No advisory committee may meet or take any action until a charter has been filed by the Department's CMO in accordance with FACA. The renewal process must start at least 90 days in advance of the charter's termination date to give sufficient time for program and staff offices to review and concur. ([Appendix C. I. Establish, Renew & Make Amendments to A Federal Advisory Committee Charter](#)).

ADVISORY COMMITTEE PACKAGES

DESIGNATIONS

The Designated Federal Officer (DFO) is the DHS official designated with the responsibility to approve or call meetings, approve agendas, attend meetings, and adjourn meetings when doing so is in the public interest. The DFO implements the provisions of sections 10(e) and (f) of FACA. CMO recommends reviewing the establishment authority to verify language on the selection of the DFO. If there are no requirements in the language, the program office must select this individual. Once a determination has been made the program office must submit a designation package, including a memo and a filed-out designation form. ([Appendix D. VII DHS Management Directive 2300](#) & [Appendix B. VI/VII Designation Memo/Template](#)). This also applies to the designation of Alternate Designated Federal Officials (ADFO). Final approving authority is the committee's authorizing official.

MEMBERSHIP – *Diversity, Solicitation, Vetting, Appointments, Membership Removal*

When making committee decisions such as determining who will be comprised of your advisory committee, it is essential to review the FACA Final Rule and your committee documents (Establishment Authority, Charter, Bylaws, & MBP).

Section 5(b)(2) of FACA requires an advisory 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 committee 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 CFR § 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.”

The program office is responsible, under appropriate statutory mandates and personnel rules, for determining the designation of members who will serve on their Federal advisory committees. This will typically occur during the committee establishment process. Members normally come under one of the following designation categories:

Regular Government Employee (RGE) Member:

Generally, an individual employed within the meaning of 5 U.S.C. 2105, or a Federal officer as defined in 5 U.S.C. 2104.

Special Government Employee (SGE) Member:

An officer or employee of the executive or legislative branch who is retained, designated, appointed, or employed to perform temporary duties (either on a full-time or intermittent basis) for not to exceed 130 days during any period of 365 consecutive days (see 18 U.S.C. 202(a)). In general, SGEs provide Federal advisory committees with their own best independent judgment based on their individual expertise.

Representative Member:

An individual who is not a Federal employee (or a Federal employee who is attending in a personal capacity), who is selected for membership on a Federal advisory committee for the purpose of obtaining the point of view or perspective of an outside interest group or stakeholder interest.

Ex Officio Member:

An individual who serves on a Federal advisory committee strictly by virtue of holding a particular governmental or organizational office, title, or other specified position.

Experts and Consultants:

Expert is defined as a person who is specially qualified by education and experience to perform difficult and challenging tasks in a particular field beyond the usual range of achievement of competent persons in that field and is regarded by others in the field as an authority or practitioner of unusual competence and skill in a professional, scientific, technical or other activity. An expert position is one that requires the services of a specialist with skills superior to others in the same profession, occupation or activity to perform work on a temporary and/or intermittent basis. Consultant is defined as a person who can provide valuable and pertinent

advice generally drawn from a high degree of broad administrative, professional, or technical knowledge or experience. A consultant position is one which primarily requires providing advice, views, opinions, alternatives, or recommendations on a temporary and/or intermittent basis.

There may be restrictions on membership type by the authority, the program office will need to make an informed decision about how to balance the membership that will make up the committee. The CMO recommends consultation with the component's ethics and legal offices.

DIVERSITY

On June 25, 2021, President Biden signed Executive Order (EO) 14035 on *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (hereinafter referenced as DEIA). ([Appendix A. I. – Executive Order \(EO\) 14035 - Diversity, Equity, Inclusion, and Accessibility \(DEIA\) in the Federal Workforce](#)). Now more than ever, the Department continues to strengthen its ability to recruit, hire, develop, promote, and retain our Nation's talent while removing barriers for equal opportunity. As responsible stewards in safeguarding the American people, our homeland, and our values, we must seize every opportunity to improve diversity, equity, inclusion, and accessibility throughout the Department.

In collaboration with the Office of Civil Rights and Civil Liberties (CRCL) and the Office of General Counsel (OGC), CMO has developed approved standardized DEIA language to ensure compliance with EO 14035, for the Department's advisory committees.

As a requirement, the language below must be included in all Charters, Bylaws, and MBPs as they are being renewed. This language must also be included when soliciting for membership via the Federal Register.

*“In order for DHS to fully leverage broad-ranging experience and education, the (**Committee Name**) must be diverse with regard to professional and technical expertise. DHS is committed to pursuing opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the nation's people.”*

SOLICITATION

The program office may solicit members by nomination or through the Federal Register. Individuals are selected and appointed to a DHS Federal advisory committee based on their

qualifications and ability to contribute to the accomplishment of the committee's objectives. The statutory authority or charter that establishes the committee often includes specific requirements for committee membership.

One of the Department's principal objectives in managing its advisory committees is to ensure that committee members appropriately reflect the diversity of American society. In the selection of members for discretionary committees, DHS is required to consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature of the advisory committee. Committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed. Each committee shall represent, to the extent possible, members with diverse professional and personal qualifications and experience. ([Appendix A. I. – Executive Order \(EO\) 14035 - Diversity, Equity, Inclusion, and Accessibility \(DEIA\) in the Federal Workforce](#)).

The Federal Register has provided an example of how your solicitation for nomination should look. Please use this resource below as a guide when completing this step.

<https://www.federalregister.gov/documents/2019/07/01/2019-14015/solicitation-of-nomination-for-appointment-to-the-advisory-committee-on-women-veterans>

VETTING

After selections have been made, the program office must submit a vetting package to CMO for clearance by the White House Liaisons Office. Program offices must submit a vetting package for any individual that holds a membership on the committee. This package requires a vetting slate detailing the specifics of each candidates, bios, and confirmation of a lobbyist check. CMO will review the package and submit to the White House Liaison's Office. Once this has been cleared by the WHLO, CMO will return to the program office. If an individual is not cleared for any reason, CMO will make the DFO aware. ([Appendix B. XVII/XVIII. – Vetting Bios/ Slate Template Appendix C. III – Vetting Process for Membership SOP](#)).

APPOINTMENTS

Following WHLO vetting clearance, the DFO will need to submit an appointment package to CMO. Depending on the establishing authority, this may not be a requirement. However, CMO will be

available to review if the DFO has any concerns. The package should consist of an appointment memo and an appointment letter for each candidate. Once the package has been approved the appointment memo and letters are sent to the component head or DHS Secretary for signature. An appointment is not valid until the appointment letters are signed by the component head or DHS Secretary. Once signed, the appointment letters are mailed to the selected members. ([Appendix C – Membership Appointments & Appendix B. II/III – Appointment Memo & Letter Templates](#)).

TERMINATION

An advisory committee should terminate as soon as it has completed its mission, become obsolete in the time that has passed since it was established, no longer undertaking the purpose for which it was originally formed, or the Department determines that it is no longer needed. If this determination is made prior to the charter’s expiration, the charter will simply not be renewed, and the Component head will advise the Secretary via an information memorandum. When termination of an advisory committee is appropriate prior to the charter expiration date, the Component head will recommend termination to the Secretary via an action memorandum. If a legislative change is required to terminate a non-discretionary advisory committee, the CMO will note this action in the FACA database, and the committee will be listed as “Administratively inactive” pending legislative action. ([Appendix C. II - How to Terminate a Federal Advisory Committee SOP](#)). Please also note § 102–3.30 of the FACA Final Rule, for additional guidance on terminations.

FEDERAL REGISTER NOTICES or FRNs,

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 is issued weekdays by the Office of the Federal Register. (<https://www.federalregister.gov/>)

The Federal Advisory Committee Act requires that:

- Section 10(a)(1) - Each advisory committee 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.

DFO's are required to post a notice to the Federal Register for the:

- Establishment/Reestablishment of a Committee
- Solicitation of Membership
- Announcement of a Meeting
- Correction to a Previous Notice

The Federal Register provides guidance on how to prepare a draft notice in their handbook. ([Appendix B. X – Federal Register Notice Template](#) & [Appendix D. IV – Federal Register Handbook](#)). CMO also recommends reaching out to an OFR via OGCFedReg@hq.dhs.gov to assist in the drafting and submission of notices. For more information on FRN's please review the following appendix. ([Appendix C. VI. – Posting a Federal Register Notice](#), [Appendix D. II - E-signature, OFR Submissions and Common Errors to Avoid](#) & [Appendix D. V. – How to Obtain a Docket Number](#)).

HOW TO OPERATE YOUR ADVISORY COMMITTEE

SUPPORT STAFF

Advisory committee support staff must be assembled quickly if the entity is to complete its mission in the time allotted. As defined by the FACA Final Rule, the committee staff includes any Federal employee, private individual, or other party (whether under contract or not) who is not a committee member, and who serves in a support capacity to an advisory committee or subcommittee. (§ 102–3.25). Most committees include a DFO/ADFO or Executive Director, and administrative staff members. The DFO, is defined as the individual designated by the agency head, for each advisory committee for which the agency head is responsible, to implement the provisions of sections 10(e) and (f) of the Act and any advisory committee procedures of the agency under the control and supervision of the CMO. (§ 102–3.120). For more information on how to manage your advisory committee, you may reference Subpart C—*How Are Advisory Committees Managed?* of the FACA final Rule.

When selecting the individual who will be the DFO/ADFO or Executive Director, the program office must review the establishing authority for any requirements. If the establishing authority does not have any specific details on the selection of the DFO/ADFO or Executive Director, CMO recommends consulting with the approving authority to make the best selection for the committee. After a selection has been made the program office must formally designate the DFO/ADFO to the advisory committee. For Designation guidance, you may reference the MD 2300 ([Appendix D. VII DHS Management Directive 2300 & Appendix B. VI/VII Designation Memo/Template](#)).

TRAINING

The General Services Administration (GSA) offers FACA 101 and 201 training. It is recommended that advisory committee support staff complete this training prior to beginning any FACA related processes. FACA 101 is a preliminary training, administered online through the GSA Training Portal, while FACA 201 is a bit more comprehensive and is administered through GSA staff over the course of 3 days.

For further information on the training and to register, individuals may access the GSA FACA Training Portal below:

<https://www.gsa.gov/about-us/events-and-training/gsa-training-programs/training-for-federal-employees/gsa-portal-faca-training-registration>

GSA also provides additional advice and guidance on federal advisory committees here:

<https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/advice-and-guidance>

and an informal (FACA) Database Training video, here:

<https://www.youtube.com/watch?v=5f0muCOmLrl>

If you or your staff require any additional assistance or training, CMO is available for scheduling, by contacting our group mailbox at dhsfaca@hq.dhs.gov.

*See further details under *How to Maintain FACA Records*, on **page 17**.

ANNUAL MEMBERSHIP TRAINING

Following the appointment of committee members, the DFO is required to provide membership training. A representative from the CMO will administer the membership briefing, providing guidance on their membership and FACAs. The program office may also consult with CMO to administer this guidance. Following this, an ethics official from the programs' office should review the ethical requirements for members for the life of their membership. Committees who have SGE members, are also required to track the annual submission of OGE 450 forms ([Appendix B. X. II – OGE 450 Form](#)).

It is best practice to hold membership training during an administrative meeting. This will allow members to get acclimated with their roles on the committee and will provide for a smooth transition to their first official meeting.

MEETINGS

Advisory committee meetings must be held based on what has been specified in the committee's establishing authority and/or charter. Following the Federal Register Notice guidance, the DFO must post an official meeting notice 15 calendar days prior to the meeting date. CMO recommends preparing for an advisory committee meeting at least 30-60 days prior

to the meeting date. Preparations should include selecting an appropriate date, time, and location.

No meeting shall be held in the absence of the DFO or ADFO. DHS Federal advisory committees operate using the principles of a quorum and consensus to the maximum of possible. Unless otherwise established in the committee's charter 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, contact the CMO immediately** to discuss options. Each meeting of a committee shall be conducted in accordance with an approved agenda.

For more information on advisory committee meetings, please review § 102–3.140 of the FACA of the FACA final rule and ([Appendix A. \(EO\) 14043 - Requiring Coronavirus Disease 2019 Vaccination for Federal Employees](#), [Appendix B. I – Agenda Sample](#), [Appendix B. XI – Meeting Minutes Sample](#), [Appendix B. XIV – Script Sample](#), [Appendix C. V. – Operate a Meeting & Virtual Meeting Guidance](#), & [Appendix D. VII – Roberts Rules of Order Guidance](#)).

Government in the Sunshine Act

Advisory committee meetings may be closed or partially closed to the public based upon provisions of the Government in the Sunshine Act of 1976 (Public Law 94-409). Examples of meetings that may be closed under the FACA are:

- Those including discussions of classified information.
- Reviews of proprietary data submitted in support of federal grant applications; and
- Deliberations involving considerations of personnel privacy.

For more information on Government in the Sunshine Act access PDF here:

https://www.gsa.gov/cdnstatic/SunshineAct_R2B-x3-g_OZ5RDZ-i34K-pR.pdf

Closure must be consistent with the exemption(s) of the Government in the Sunshine Act, 5 U.S.C. 552b(c).

TO CLOSE ALL OR PART OF AN ADVISORY COMMITTEE MEETING, THE DFO MUST:

(a) **Obtain prior approval.** Submit a request to the agency head, or in the case of an independent Presidential advisory committee, the Secretary, citing the specific exemption(s) of the Government in the Sunshine Act, 5 U.S.C. 552b(c), that justifies the closure. The request must provide the agency head or the Secretary sufficient time (generally 30 calendar days) to

review the matter in order to make a determination 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 advisory committee, 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 the CMO before requesting OGC review.

(c) **Obtain agency determination.** If the agency head, or in the case of an independent Presidential advisory committee, the Secretary 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 an advisory committee meeting.

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

USE OF ORR FUNDS FOR MEALS OR GIFTS

ORR funds are available for “official agency events, typically characterized by a mixed ceremonial, social and/or business purpose, and hosted in a formal sense by high level agency officials” that relate to a function of the agency.

ORR funds are specifically available to provide official entertainment, including meals and light refreshments, at events where the Department’s programs and priorities will be represented to others by high-ranking Department officials.

As a general matter, the Department has wide discretion in the use of its ORR funds, and the use of the funds in connection with official events, hosted in a formal sense by high level Department officials and relating to functions of the Department will not be questioned.

The use of ORR funds is an exception to the general rule that appropriated funds are not available to provide food, including light refreshments, absent specific statutory authority.

The Department’s policy specifically permits the use of ORR to provide refreshments for official receptions, so long as the reception complies with the attendance ratios established by the

policy. If the DFO plans on providing meals and/or gifts, please consult with CMO and the appropriate legal offices.

See Decision Concerning Use of Office of the United States Trade Representative Reception and Representation Funds, B-223678 (Comp. Gen. Jun. 5, 1989).

See e.g., Trade and Development Program – Use of Representation Funds to Pay for Meals, B-250988 (Comp. Gen. Sep. 2, 1993).

See e.g., United States Trade Representative – Use of Reception and Representation Funds, B-223678 (Comp. Gen. Jun. 5, 1989).

See e.g., Meal Expenses for CIA Security Detail, B-272985 (Comp. Gen. Dec. 30, 1996).

See Section 2.9 of the Department’s Financial Management Policy Manual.

ESTABLISHING SUBCOMMITTEES

If authorized by the committee charter, a committee may establish subcommittees or workgroups to gather information, conduct research, draft position papers, and analyze relevant issues and facts. Subcommittees can be named anything and can be labelled as a task force, work group, group, etc. While subcommittees are generally not subject to FACA, their activities are covered by the charter of the parent committee. Subcommittees may not work independently of the parent committee and must report their recommendations and advice to the full committee for full deliberation and discussion.

With respect to the authority of the committee, Congress, the Secretary, or the component head will provide the advisory committee with taskings. These taskings should be reviewed by the committee members for them to establish subcommittees. Members from the parent committee may volunteer to be a part of the subcommittee or selected to take part by the chair/vice chair. Prior to subcommittee participation, all individuals identified to serve must be vetted and cleared by the DHS WHLO. ([Appendix C. III – Vetting Process for Membership SOP](#)).

WEBSITE STANDARDIZATION REQUIREMENTS

The Federal Advisory Committee Act of 1972 (Public Law 92-463) created a structured process for creating, operating, and terminating Federal advisory committees that provide advice to the Executive Branch of government. This law also stipulated requirements for:

- public notification of the creation and operation of Federal advisory committees;
- public input; and
- data collection and reporting of Federal advisory committee activities.

Between 1972 and 1997 an annual comprehensive review of agency Federal advisory committees was reported to the President and Congress through an annual hard copy report. Since 1998, comprehensive information on Federal advisory committees has been collected by a specialized, Federal government, Interagency, information-sharing database that collects data on Federal advisory committee activities government-wide and is publicly available on the web.

While the FACA Database is available to the public it was built as a data collection and reporting tool, and not a public communication tool. The database may not be intuitive to navigate if someone is not well versed on the Federal Advisory Committee Act.

Consistent with the Open Government Directive, the purpose of this website is to make it easier for the public to understand the Federal Advisory Committee Act. For compliance with the Act, it's in the best interest of the Administration, the Department requires that its FACAs utilize FRNs, website communications, and any other approved public facing communications that increase each committee's transparency with the public.

To meet web standardization requirements, committee websites **must** include:

- A copy of the current charter
- A list of the most current membership, including reference to Chair and Vice Chair members
- A list of current subcommittee taskings and subcommittee membership
- Meeting Minutes from past meetings
- Agenda for upcoming and past meetings
- Final Reports
- DFO Contact information

CMO will conduct monthly checks of all Department FACA websites. DFOs must ensure they are meeting these requirements and updating as changes occur with the committee, accordingly.

HOW TO MAINTAIN YOUR ADVISORY COMMITTEE RECORDS

ADVISORY COMMITTEE RECORDS

All records, reports, and other documents of each advisory committee must be available for public inspection and copying pursuant to FACA. DFOs and advisory committee support staff are required to retain Federal records in accordance with record retention schedules as required by the Federal Records Act and regulations implemented by the National Archives and Records Administration, ([see § 102–3.175 of the FACA Final Rule](#)) DFOs and advisory committee support staff must preserve records containing adequate and proper documentation of the organization, function, policies, decisions, procedures, and essential transactions of the advisory committee. The documents referred to include the records, reports, transcripts, minutes, working papers, drafts, studies, agenda, or other documents made available to or prepared for or by each advisory committee.

Detailed minutes are kept by the DFO or designee, of each advisory committee meeting and subcommittee meeting. By FACA law, the minutes must include the following:

- The time, date, and place of the meeting.
- A list of the persons who were present at the meeting, including advisory committee members and staff, agency employees, and members of the public who presented oral or written statements.
- An accurate description of each matter discussed and the resolution, if any, made by the committee regarding such matter.
- Copies of each report or other document received, issued, or approved by the committee.

You may also review [Appendix B. XI – Meeting Minutes Sample](#).

General Records Schedule 6.2 ([Appendix D. V. – General Records Schedule 6.2 Guidance](#)), covers Federal records created or received by Federal advisory committees and their subgroups pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and records related to the management of these committees by their sponsoring agencies or departments.

Following the approval of FACA packages, the DFO must submit a copy to CMO. This includes signed DFO/ADFO designations, Action Memorandums, Appointment Letters, and Charters. Bylaws and MBPs should also be included if any changes occur throughout the life of the committee.

FACA DATABASE

The Federal Advisory Committee Act (FACA) database is used by Federal agencies to continuously manage an average of 1,000 advisory committees' government wide. This database is also used by the Congress to perform oversight of related Executive Branch programs and by the public, the media, and others, to stay abreast of important developments resulting from advisory committee activities.

Although centrally supported by the General Services Administration's Committee Management Secretariat, the database represents a true "shared system" wherein each participating agency and individual committee manager has responsibility for providing accurate and timely information that may be used to assure that the system's wide array of users has access to data required by FACA.

In order to gain access to the database the DFO, ADFO and support staff, will need to submit a signed Rules of Behavior form and their FACA 101 certificate of completion to the CMO. ([Appendix B. XIII – Rules of Behavior \(ROB\) Form](#)).

TRAINING

GSA's Committee Management Secretariat offers two Federal Advisory Committee (FACA) training courses: (1) an online FACA Fundamentals course (FACA 101); and (2) an Instructor-Led FACA Management Training course (FACA 201).

GSA FACA FUNDAMENTALS ONLINE COURSE

The FACA 101 course is a fundamental course that can be taken by anyone with a .gov or .mil e-mail address and is highly recommended for Federal officials who need a basic understanding of FACA or are interested in learning more about FACA. Successful completion of the FACA 101 course is a pre-requisite for enrolling in the FACA 201 course.

GSA TWO DAY VIRTUAL (IN-PERSON) TRAINING

The FACA 201 course is intended for Federal officials directly involved in managing Federal advisory committees, FACA and ethics legal staff, FACA support staff, and managers and decision makers involved in advisory committee management and/or operations. Enrollment in both courses is managed through GSA's online registration portal.

COMMITTEE ANNUAL ETHICS TRAINING

The Committee is required to conduct annual ethics training for new committee members and annually for current members. This training is conducted by a representative of the component's Office of Government Ethics (OGE) and organized by the DFO. It is strongly

suggested that this training be provided in conjunction with an administrative meeting session so that all training needed for the members can be included. Also, of importance, a Form 450 must be completed and provided to the OGE for each Special Government Employee (SGE) annually before membership can be permitted or continued for any committee member.

ANNUAL COMPREHENSIVE REVIEW

As required by section 7(b) of FACA, as amended, GSA's Committee Management Secretariat (Secretariat) must conduct an Annual Comprehensive Review (ACR) of the activities and responsibilities of each Federal advisory committee to determine:

- Whether each committee is carrying out its purpose.
- Whether, consistent with the provisions of applicable statutes, the responsibilities assigned to a given committee should be revised.
- Whether responsibilities of specific committees should be merged with those assigned to other committees; or
- Whether certain committees should be recommended for termination.

The Secretariat initiates this review close to the end of the fiscal year, provides guidance to the departments and agencies on how the review will be conducted, outlines the deadlines for each part of the review, and closes out the ACR when all reviews have been completed.

Section 7 (b) of FACA, as amended, directs the agencies to provide assistance to GSA in conducting the ACR. Agency staff is responsible for entering Federal advisory committee data into the GSA FACA database throughout the year, and for reviewing the data during the ACR to ensure it is complete, up to date, and accurate. The Secretariat relies on agency staff to be diligent in entering and verifying the data in each data field of the FACA database and works closely with agency Committee Management Officers from ACR initiation through closeout of the review.

When data in the FACA database are incomplete, out of date, or inaccurate, you and your agency/department might be subject to audits and/or requests for testimony before Congressional oversight committees. We recommend users complete their ACR in advance of the deadlines.

The DFO and/or Committee Support Staff are to ensure that all required information is uploaded into GSA's FACA database no later than **October 31st** of each year. The CMO 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 that the Department's report has been certified, GSA reviews and finalizes all Departments and agencies reports into a single report. Agencies/departments are "rolled over" when the CMS/CMO coordination is complete. All agency/committee data is verified for the FY ACR and is made available in the "Data from Previous Years" section of the Committee Detail page.

COMMITTEE REPORTS

Section 13 of the *Federal Advisory Committee Act* (FACA) (5 U.S.C. Appendix), 5 U.S.C. 552, requires that Agencies supply copies of each Federal Advisory Committee report to the Library of Congress for recordkeeping.

A "report" is defined as any recommendation the committee voted on and passed. A "report" may be:

1. A piece of paper with the recommendations typed on it. In this case, a separate document is needed for each meeting date recommendations were issued.
2. A formal recommendations report document with a title page and appendices.
3. An unedited subcommittee report approved by the committee in its entirety.
4. ***A "report" is not the same as meeting minutes. Do not submit those.

As a reminder, the final draft report from a subcommittee will be the only document submitted to the parent committee for deliberation. While committee staff may draft most of what will become a committee's final report, committee members approve the final product. If changes are required after submission of the committee's annual report, the DFO is required to update the report in the FACA database and submit to CMO to update Library of Congress records.

ANNUAL OGE SURVEY REPORTING

Executive branch agencies are required to submit an annual report to the United States Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402(e)(1) of the Ethics in Government Act of 1978, as amended). Your response to OGE's Annual Ethics Program Questionnaire (the questionnaire) serves as your annual report.

OGE uses the data collected through the questionnaire in many ways, including sharing information about the entire executive branch ethics program with the public, Congress, and the ethics community. OGE also uses the information to carry out its oversight role, to gain knowledge about individual programs, as well as the overall ethics program, and to make informed decisions about resource allocations and priorities. OGE posts a summary of questionnaire responses and each agency's unedited responses on OGE's website. Therefore, please ensure your responses are suitable for publication.

OGE encourages each agency to use the annual exercise of completing the questionnaire as an opportunity to evaluate your ethics program. CMO will send out a questionnaire at the end of the year for your committee's responses. Your responses to the questionnaire should reflect the calendar year (i.e., 1/1/20XX through 12/31/20XX).

DHS FEDERAL ADVISORY COMMITTEES

The Department has thirty (30) Federal advisory committees: two (2) are presidential, sixteen (16) are statutory, four (4) are discretionary, and seven (7) are exempt. The Committee Management Office is the entity within the Office of Partnership and Engagement (OPE) that oversees all thirty (30) DHS advisory committees. Below you will find the names of each committee in alphabetical order by component. You may also find more information on the CMO webpage:

U.S. CUSTOMS AND BORDER PROTECTION (CBP) – TWO (2) COMMITTEES

- COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE (COAC) – STATUTORY
- USER FEE ADVISORY COMMITTEE (UFAC) – STATUTORY

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA) – FIVE (5) COMMITTEES

- PRESIDENT’S NATIONAL INFRASTRUCTURE ADVISORY COUNCIL (NIAC) – PRESIDENTIAL
- PRESIDENT’S NATIONAL SECURITY TELECOMMUNICATIONS ADVISORY COMMITTEE (NSTAC) – PRESIDENTIAL
- CYBERSECURITY ADVISORY COMMITTEE (CSAC) – STATUTORY
- CRITICAL INFRASTRUCTURE PARTNERSHIP ADVISORY COUNCIL (CIPAC) – EXEMPT BY SECRETARIAL AUTHORITY
- CYBER SAFETY REVIEW BOARD (CSRB) – EXEMPT BY SECRETARIAL AUTHORITY

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – THREE (3) COMMITTEES

- BOARD OF VISITORS NATIONAL FIRE ACADEMY (BOVNFA) – STATUTORY
- FEMA NATIONAL ADVISORY COUNCIL (NAC) – STATUTORY
- TECHNICAL MAPPING ADVISORY COUNCIL (TMAC) – STATUTORY

OFFICE OF INTELLIGENCE AND ANALYSIS (I&A) – ONE (1) COMMITTEE

- PUBLIC-PRIVATE ANALYTIC EXCHANGE PROGRAM (AEP) – EXEMPT BY SECRETARIAL AUTHORITY

OFFICE OF PARTNERSHIP AND ENGAGEMENT (OPE) – THREE (3) COMMITTEES

- FAITH-BASED SECURITY ADVISORY COUNCIL (FBSAC) – DISCRETIONARY
- HOMELAND SECURITY ACADEMIC ADVISORY COUNCIL (HSAAC) – DISCRETIONARY
- HOMELAND SECURITY ADVISORY COUNCIL (HSAC) – DISCRETIONARY

OFFICE OF PRIVACY (PRIV) – ONE (1) COMMITTEE

- DATA PRIVACY AND INTEGRITY ADVISORY COMMITTEE (DPIAC) – DISCRETIONARY

OFFICE OF STRATEGY, POLICY, AND PLANS (PLCY) – ONE (1) COMMITTEE

- TRANSATLANTIC AVIATION INDUSTRY ROUNDTABLE (TAIR) – EXEMPT BY SECRETARIAL AUTHORITY

SCIENCE AND TECHNOLOGY DIRECTORATE (S &T) – ONE (1) COMMITTEE

- HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE (HSSTAC) – DISCRETIONARY

TRANSPORTATION SECURITY ADMINISTRATION (TSA) – TWO (2) COMMITTEE

- AVIATION SECURITY ADVISORY COMMITTEE (ASAC) – EXEMPT BY STATUTE
- SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE (STSAC) – EXEMPT BY STATUTE

U.S. COAST GUARD (USCG) – TEN (10) COMMITTEES

- GREAT LAKES PILOTAGE ADVISORY COMMITTEE (GLPAC) – STATUTORY
- NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE (N-MERPAC) – STATUTORY
- NATIONAL MERCHANT MARINER MEDICAL ADVISORY COMMITTEE (N-MEDMAC) – STATUTORY
- NATIONAL BOATING SAFETY ADVISORY COMMITTEE (NBSAC) – STATUTORY
- NATIONAL CHEMICAL TRANSPORTATION SECURITY ADVISORY COMMITTEE (N-CTSAC) – STATUTORY

- NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE (NCFSAC) – STATUTORY
- NATIONAL MARITIME SECURITY ADVISORY COMMITTEE (NMSAC) – STATUTORY
- NATIONAL NAVIGATION SAFETY ADVISORY COMMITTEE (NAVSAC) – STATUTORY
- NATIONAL OFFSHORE SAFETY ADVISORY COMMITTEE (NOSAC) – STATUTORY
- NATIONAL TOWING SAFETY ADVISORY COMMITTEE (NTSAC) – STATUTORY

U.S. SECRET SERVICE (USSS) – ONE (1) COMMITTEE

- CYBER INVESTIGATIONS ADVISORY BOARD (CIAC) – EXEMPT BY SECRETARIAL AUTHORITY

COMMITTEE MANAGEMENT TEAM

STAFF

Mike Miron, Committee Management Officer

Mike Miron is the Director of the Committee Management Office and the Deputy Executive Director of the Homeland Security Advisory Council (HSAC), both are within the Office of Partnership and Engagement at the U.S. Department of Homeland Security. In these roles, Mr. Miron advises the Executive Director Jason Mayer and Secretary Mayorkas on membership and Council taskings. As the Director of the Committee Management Office (CMO) he works closely with the CMO team that oversees the Department's 30 federal advisory committees.

Julia Hanson-Takyi, Associate Director

Julia Hanson-Takyi is an Associate Director with the Committee Management Office housed within the Office of Partnership & Engagement. Julia began her federal career with FEMA in 2018 as an Emergency Management Specialist and transitioned to Headquarters as a Management & Program Analyst within the Office of the Chief Financial Officer soon after. As the Associate Director she works with the Committee Management Team to oversee the department's Federal Advisory committees.

Sarahjane Call, Associate Director

Sarahjane Call is an Associate Director for the Committee Management Office housed within the Office of Partnership and Engagement. In this role, she processes review requests as they come through, review FACA Database requests from DFOs, answer any questions DFOs may have regarding timelines, etc. and, assist the CMO Team with the creation of helpful resources for the DFOs. Sarahjane has been in this position since August of 2021.

Suheiry Pereyra, Contractor Support

Suheiry Pereyra is the Contractor Support for the Committee Management Office. In this role, she shall perform the day-to-day administrative and executive secretariat activities of OPE. This includes performing duties that require knowledge of an office routine and understanding of the organization's programs and procedures related to the administrative OPE work

environment, as well as supporting the principals in preparation for engagement with stakeholders. Ms. Pereyra has been in this position since June of 2021.

Seasonal Intern

The Office of Partnership and Engagement retains internship candidates from The Washington Center yearly. Each intern receives college credit for a seasonal internship of about 3-4 months. The intern supports several different offices within OPE, including the Committee Management Office.

STAKEHOLDERS

General Services Administration,

- Committee Management Secretariat
- General Services Administration, Desk Officer
- General Services Administration, FACA Database Helpdesk Support

Departmental Federal Advisory Committee Management Office

- Director
- Lead Management Analyst
- Management Analyst
- Intern

Departmental Office of General Counsel, Administrative Law Division

- Assistant General Counsel
- Attorney-Advisor

Departmental Office of General Counsel, Ethics Division

- Deputy Assistant General Counsel
- Attorney-Advisor

White House Liaison's Office

- White House Liaison
- Deputy White House Liaison

Departmental Executive Secretariat

- Associate Executive Secretary
- Director

Office of the Federal Registrar

- Legal Administrative Specialist of Regulations
- Management and Program Analyst of Regulations

WHAT ELSE WE DO

Beyond what the Committee Management Office Team does daily, we must also ensure that FACA Exempt Committees are being created properly. The Management Directive 2300 states that, “committees exempted from the Federal Advisory Committee Act (FACA) shall provide the CMO with information on the committee including, but not limited to: the committee’s activities, accomplishments, costs, membership, and meetings.” Beyond that, the exempt committee is not governed by the rules of the Federal Advisory Committee Act and may conduct meetings at their leisure.

FAQS

Q: May a Foreign National serve on an Advisory Committee?

A: Yes, a foreign national may serve on an advisory committee. The DFO must ensure that the individual is vetted through the WHLO by submitting through the CMO.

Q: How should we solicit for members?

A: First the CMO suggests reviewing the committee authority for any guidance on candidate specification. Should that not answer all your questions, you should consult the committee’s authorizing official for further guidance.

Q: What should my support staff look like?

A: The CMO can provide advice should you have any specific questions when it comes to creating your support staff, but furthermore it is up to you on how to shape your staff.

Q: What is expected of us after receiving subcommittee taskings?

A: The CMO expects that all subcommittee taskings will be posted to your committee website, and that they are coming directly from the committee’s authorizing official.

Q: Committee meetings require transparency. To accomplish this, should I write meeting minutes or a meeting summary?

A: Both options are good, just do one or the other.

Q: What do the committee meeting minutes require?

A: The minutes must contain enough information to ascertain who participated, where it was and what was discussed.

Q: What does the idea of “public inspection” entail?

A: The idea of “public inspection” is the ability for the public to scrutinize committee minutes and committee business. While required by the FACA Final Rule, public inspection is usually accomplished by simply posting the minutes or summary on the committee’s webpage.

Q: Can a committee meeting be completely closed to the public?

A: Yes, but there needs to be enough justification to accomplish this. The material needs to be of either a sensitive nature either via security clearances or could have a serious effect on DHS business if the public knows. The DHS FACA director will decide whether the justification is enough based on the information provided.

Q: What is the estimated time for appointment reviews?

A: Max of 5 days review time for CMO and OGC

Q: What comes after the appointment reviews?

A: Review of apt memo and letters by CMO, then S1 to signs each, and then Exec Sec will mail/email for you or send the signed copies back to PRIV to mail/email

Q: Is there a timeline or checklist that I could consult to make sure I’m working through all requirements?

A: There are no more requirements other than FRNs and CMO maintains a DFO tip list to remember for meeting days.

Q: Should we plan for an administrative meeting with just the new members to conduct necessary training?

A: There is no training for members other than Ethics and FACA briefing prior to their first meeting.

Q: How long does it typically take to get new members onboarded?

A: The onboard is on your own timeline once you receive AS1’s signature on the appointment letters.

APPENDIX

APPENDIX A – EXECUTIVE ORDERS

- I. Executive Order (EO) 14035 - *Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce*
- II. Executive Order (EO) 14043 - *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*

APPENDIX B – FORMS & TEMPLATES

- I. Agenda Sample
- II. Appointment Memo
- III. Appointment Letter
- IV. Bylaws Sample
- V. Charter Sample
 - a. Presidential
 - b. Statutory
 - c. Discretionary
- VI. Designation Memo
- VII. Designation Template
- VIII. Establishment/Reestablishment/Renewal Memo Sample
- IX. FACA Exempt Determination Memo
- X. Federal Register Notice Template
- XI. Meeting Minutes Sample
- XII. OGE 450 Form
- XIII. Rules of Behavior (ROB)
- XIV. Script Sample
- XV. Termination Memo

- XVI. Thank You for Your Service Letters
- XVII. Vetting Bios Template
- XVIII. Vetting Slate Template

APPENDIX C – SOP GUIDANCE

- I. Establish, Renew & Make Amendments to A Federal Advisory Committee Charter
- II. How to Terminate a Federal Advisory Committee
- III. Vetting Process for Membership
- IV. Membership Appointments
- V. Operate a Meeting & Virtual Meeting Guidance
- VI. Federal Register Notices

APPENDIX D – ADDITIONAL GUIDANCE

- I. COVID-19 Meeting Guidance
- II. E-signature, OFR Submissions and Common Errors to Avoid
- III. FACA Final Rule
- IV. [Federal Register Guidance](#)
- V. General Records Schedule 6.2 Guidance
- VI. How to Obtain a Docket Number
- VII. DHS Management Directive 2300
- VIII. OCHCO Expert and Consultant Appointment Process
- IX. Roberts Rules of Order