



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON

SEP 10 2021

MESSAGE FROM THE CHIEF OF STAFF

Federal advisory committees continue to serve an important role at the Department of Veterans Affairs (VA), and have provided valuable insight on VA policy through recommendations and deliberations that benefit Veterans.

The VA Advisory Committee Management Guide (Guide) is the principal tool to ensure VA carries out its Federal advisory committee management responsibilities to the Federal advisory committees we manage. This updated Guide offers resources, examples and comprehensive knowledge that will aid our Federal advisory committee managers community (Designated Federal Officials (DFO), alternate DFOs and Federal advisory committee support staff) and senior VA officials in addressing committee management and Federal Advisory Committee Act (FACA) matters.

The knowledge captured in this Guide provides our Federal advisory committees with the administrative support they need to address such issues as chartering subcommittees, appointing Federal advisory committee members and preparing for Federal advisory committee meetings. The policies and procedures in this Guide are in compliance with FACA and provide repeatable, predictable and reliable processes.

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

The Secretary values the input of VA's Federal advisory committees and is committed to ensuring their recommendations improve the lives of the Veterans and their families or survivors who we are privileged to serve. With your continuous support and diligent work in Federal advisory committee management we help us achieve our overall goal of serving Veterans.

A handwritten signature in black ink, reading "Tanya J. Bradsher".

Tanya J. Bradsher
Chief of Staff

DEPARTMENT OF VETERANS AFFAIRS



Federal Advisory Committee Management

GUIDE

SEPTEMBER 2021

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INTRODUCTION

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

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

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

Advisory Committee Management Office

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Background

VA and agencies throughout the Federal Government advisory use committees extensively to obtain objective advice and recommendations regarding Agency programs and policies.

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

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

While most VA Federal advisory committees hold their meetings in Washington, DC, some conduct site visits as appropriate and hold town hall meetings at VA field facilities (e.g., Veterans Benefits Administration regional offices, Veterans Affairs medical centers and National Cemetery Administration national cemeteries). Federal advisory committees meet regularly with VA senior leadership and they receive frequent briefings by program managers in subject areas related to their particularly chartered jurisdictions and duties.

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

The DFO is responsible for the day-to-day operations of his or her Federal advisory committee and oversees meeting planning, report and minutes preparation, and other Federal advisory committee operations.

ACMO is responsible for the oversight of all VA Federal advisory committees by directing and managing all phases of Federal advisory committee management policy and developing and disseminating policy to VA Federal advisory committee support staff and members. These policies and procedures guide DFOs and Federal advisory committee support staff to ensure applicable laws, regulations and policies are understood and adhered to in the establishment and renewal of Federal advisory

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committees, the nomination and appointment of all Federal advisory committee members and the various reporting duties required by law.

Federal Advisory Committee Act

The Federal Advisory Committee Act (FACA; 5 U.S.C. App. 2), was enacted on October 6, 1972, to ensure advice provided to agencies by Federal advisory committees is objective and accessible to the public. Congress established a legal framework to govern the creation and operation of Federal advisory committees in the Executive Branch of the Federal Government. Specifically, Congress determined the following: The need for many existing Federal advisory committees had not been reviewed.

- New Federal advisory committees should be established only when determined to be essential.
- Federal advisory committees should be terminated when they are no longer needed.
- There should be standard and uniform procedures governing the operation of Federal advisory committees.
- Congress and the public should be kept informed of the number, purpose, membership activities and costs of Federal advisory committees.
- The function of Federal advisory committees should be advisory only.

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

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 Federal advisory committee 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 Federal advisory committees generally must be made available for public inspection and copying, and the public does not need to submit a FOIA request to access these

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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 Federal advisory committees 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.

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STRUCTURE OF FEDERAL ADVISORY COMMITTEES

Purpose of Federal Advisory Committees

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

Types of Members and Their Purpose

Chair. The Committee Chair is a member of the Federal advisory committee selected by the appointing authority. The Chair of a Federal advisory committee presides at all meetings of the Federal advisory committee, 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, that individual appoints another Federal advisory committee member/DFO to preside. When a Federal advisory committee member or members may not participate in Federal advisory committee discussions due to a conflict of interest situation, the Chair ensures the Federal advisory committee member or members do not participate and physically leave the room.

Special Government Employees (SGEs). An SGE is an individual appointed based on expertise that will contribute to the Federal advisory committee'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 Federal advisory committee 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 Attachment D). However, a member is not an SGE if appointed to the Federal advisory committee 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 he or she is already a regular employee of another Federal entity, such as an ex-officio member appointed to a Federal advisory committee. The Standards of Ethical Conduct are outlined in the VA Committee Member Handbook.

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

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Representative. A representative is an individual who serves on a Federal advisory committee to provide it with the point of view of a nongovernmental entity. This person can be a non-voting member and represents a special interest group, an organization or an affected population. This designation generally is used only by the VA Voluntary Service National Advisory Committee since they represent various VSOs whose members volunteer at VA facilities.

Regular Government Employee. Full-time employee of the Federal Government who serve as either a regular Government employee (RGE) or ex-officio:

- If an full-time employee is performing the role as a Federal advisory committee member, then he or she must be classified as an RGE and must provide the DFO with an email from his or her agency supervisor stating he or she 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 or honorarium.
- If an RGE is performing an ex-officio role, then he or she must be classified as an ex-officio and it is assumed his or her agency will permit him or her to be on a VA Federal advisory committee because employee is representing said agency. His or her agency pays for travel and per diem.

Consultants. Consultants are not members of Federal advisory committees but may be invited to subcommittee or parent Federal advisory committee meetings. They do not deliberate, vote on Federal advisory committee recommendations or count toward a quorum.

Subcommittees and Workgroups

If authorized by the Federal advisory committee charter, a Federal advisory committee 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 Federal advisory committee.

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

To provide a general example of how a Federal advisory committee subcommittee should operate, the Department established VA Federal Advisory Committee Subcommittee Operating Instructions (see Attachment A). This document provides

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guidance and detailed information on the role and functions of the parent Federal advisory committee and subcommittees, subcommittee collaboration and the DFO responsibility.

To further assist in the subcommittee establishment process, a template is provided to inform the Secretary of Veterans Affairs (hereinafter Secretary) for situational awareness (see Attachment B, Establishment Subcommittee Secretary Memorandum Template).

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ROLES AND RESPONSIBILITIES

Committee Management Officer

The Committee Management Officer (CMO) is responsible for the oversight of all VA Federal advisory committees established and operated under FACA, including:

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

In addition, the Secretary has delegated authority to the CMO to issue an agency determination to close all or part of a Federal advisory committee meeting (see Attachment C, Delegation of Authority to Issue an Agency Determination to Close all or Part of a Federal Advisory Committee Meeting (dated March 25, 2019)).

Designated Federal Officer

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

- Approve or call the meeting of the Federal advisory committee.

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- Approve the agenda.
- Attend all meetings or subcommittee meetings (or make arrangement for an alternate DFO to attend).
- Adjourn the meeting when such adjournment is in the public interest or in the best interest of the Government.
- Chair the meeting when so directed by the agency head.

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

- Ensure that accurate records are kept of the Federal advisory committee's deliberations and maintain the records, reports, transcripts, minutes, working papers, drafts, studies, agenda or other documents that are made available to or are prepared for or by a Federal advisory committee.
- Coordinate with OGC Ethics Specialty Team (EST) for ethics training for those Federal advisory committees requiring training or, for other Federal advisory committees, the Federal advisory members who desire training. For those Federal advisory committees required to file financial disclosure reports, the DFO is responsible for ensuring Federal advisory members submit their reports to the DFO or to the EST at least 2 weeks prior to the first meeting of the calendar year.
- Prepare minutes following the meeting and ensure they are certified (or signed) by the Chair within the 90 days of the Federal advisory committee meeting.
- Send the agenda and copies of all related information to the members before the meeting; make logistical arrangements for the meeting including overnight accommodations for members, when applicable, and notify members of these arrangements; and arrange for resource persons, guest speakers and supplementary materials when needed.
- Provide information for or prepare the Federal Register notice; notify individuals or organizations that have requested notification in advance; and use press releases and notices in professional journals, as appropriate.
- Keep all Federal advisory committee documents which are made available to or prepared by the Federal advisory committee and adhere to the applicable Records Control Schedules.
- Ensure timely appointing of new Federal advisory committee members, and establishing, renewing, amending or terminating a Federal advisory committee's charter.
- Maintain communication with the Chair during the meeting and make sure the Federal advisory committee business is conducted according to all applicable regulations, policies and procedures.
- Assist Chair and committee members with committee management items or duties (i.e., upcoming meetings, scheduling site visits, reporting recommendations and other administrative items).
- Be responsible for all fiduciary duties associated with managing their assigned Federal advisory committee.

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- Work closely with the VA CMO to ensure all these tasks are accomplished in a timely manner, in accordance with VA policy and FACA.
- Must be initially certified and annually recertified by the CMO.

Alternate Designated Federal Officer

The primary role of the alternate Designated Federal Officer (alternate DFO) is to perform the duties of the DFO in their absence from the Federal advisory committee and/or subcommittee meeting or during the planning phase of the Federal advisory committee preparation when decisions must be made to commit the agency to specific courses of action.

The alternate DFO also:

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

Federal Advisory Committee Support Staff

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

- Providing technical assistance to DFOs to prepare amendments or renewal charter packages for Federal advisory committees as necessary.
- Providing technical assistance to DFOs to prepare nomination and appointment documents for membership on Federal advisory committees.
- Submitting Federal Register notices for timely notification to the public of Federal advisory committee meetings.
- Advising VA staff on current policies and procedures.
- Preparing reports on VA Federal advisory committees.
- Must be initially certified and annually recertified by the CMO.

Committee Management Secretariat, GSA

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

- Prescribing administrative guidelines and management controls applicable to Federal advisory committees.
- Where applicable, providing advice, assistance and guidance to Federal advisory committees to improve their performance.

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CHARTERING FEDERAL ADVISORY COMMITTEES

Federal advisory committees in VA may not be established unless such establishment is specifically authorized by statute, by the President or by the Secretary. Discretionary (non-statutory) Federal advisory committees will be established only after the Secretary has determined, after consultation with GSA, the specific functions and duties cannot be adequately performed by existing VA offices, by working relationships within or between departments or agencies of the Federal Government, or by existing Federal advisory committees. A Federal advisory committee may be requested if:

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

Which Groups Must be Chartered:

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

Pursuant to 41 C.F.R. § 103-3.40, groups not covered by FACA include:

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

Establishing a New Federal Advisory Committee

ACMO staff is responsible for handling the establishment of all VA Federal advisory committees. If a program office believes there is a need for a new VA Federal advisory committee, their leadership must consult with the VA CMO for guidance.

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

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

- Federal Advisory Committee's Official Designation (Title). Provide the Federal advisory committee's exact legal name.
- *Authority. Provide the authority for the establishment of the Federal advisory committee (e.g., cite the statute, Executive Order or note that the Federal advisory committee is agency authority) and reference that the Federal advisory committee is being established in accordance with the provisions of FACA.
- Objectives and Scope of Activities. Describe the objectives and scope of the Federal advisory committee's mission or charge.
- Description of Duties. Describe the functions the Federal advisory committee is expected to perform. In the absence of specific statutory authority or Presidential directive to the contrary, these duties must be advisory only.
- Agency or Official to Whom the Federal Advisory Committee Reports. Identify the agency or official (by title or position) to whom the Federal advisory committee provides its advice. Normally, this is the agency head.
- Support. Identify the agency (and component/office) responsible for providing necessary support for the Federal advisory committee.
- Estimated Annual Operating Costs and Staff Years. Provide the estimated annual fiscal year costs to operate the Federal advisory committee in dollars and staff years (in full-time equivalent). The cost expenditure categories used in the Annual Comprehensive Review of Federal advisory committees must be used to estimate these costs. The cost estimates include the salary cost of Federal advisory committee staff support with benefits.
- *DFO. This paragraph must indicate that a full-time or permanent part-time employee, appointed in accordance with agency procedures, will serve as the DFO (or designee). It also must state that the DFO will approve or call the meetings of the Federal advisory committee and subcommittees, prepare and approve all meeting agendas, attend all Federal advisory committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest and chair meetings when directed to do so by the official to whom the Federal advisory committee reports.

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- **Estimated Number and Frequency of Meetings.** Provide the estimated number of meetings anticipated within a fiscal year and, if known, how frequently (e.g., “approximately every 4 months”) the meetings will occur.
- **Duration.** State the term period anticipated to be necessary for the Federal advisory committee to carry out its purposes. For a Federal advisory committee that will exist for a longer period, “continuing” is appropriate.
- **Termination.** Provide the Federal advisory committee’s termination date, if less than 2 years from the date of its establishment.
- ***Membership and Designation.** Provide the estimated number of members, a description of the expertise required and/or groups to be represented to achieve a fairly balanced membership and whether the Federal advisory committee will be composed of SGEs, representative members, regular Government employees, or members from several categories.
- ***Subcommittees.** Provide a statement as to whom (the agency) has the authority to create subcommittees and states that subcommittees must report back to the parent Federal advisory committee and must not provide advice or work products directly to the agency.
- ***Recordkeeping.** State that the records of the Federal advisory committee, formally and informally established subcommittees, or other subgroups of the Federal advisory committee, shall be handled in accordance with General Records Schedule 6.2, Item 2, or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to FOIA.
- **Filing Date.** This is the date that the charter is filed with Congress.

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

Membership Balance Plan

Section 5(b)(2) of FACA requires a Federal 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 Federal advisory 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 C.F.R. § 102-3.60(b)(3)). Per the Final Rule, “Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.”

One of the principle objectives of VA for its Federal advisory committees is to ensure Federal advisory committee members appropriately reflect the diversity of American society and the Veteran population the Federal advisory committee was designed to

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serve in its chartered mission and scope of authority. ***It is the responsible of the Committee Managers and their Program Office Leaders to ensure the Committee(s) they oversee met or exceed their balance plan diversity and inclusion goals.*** This means Managers and Leaders must use all the recruiting and retention management tools/best practices available to support diversity and inclusion of qualified individuals on the Department's Federal Advisory Committees.

In addition to the selection criteria outlined in the following NOMINATIONS, SELECTIONS AND APPOINTMENTS section of this Guide, each Federal advisory committee shall represent, to the extent possible, Veterans of diverse generations and branches of military service. The link at [FACAFinalRule_R2E-cNZ_0Z5RDZ-i34K-pR.pdf](#) (gsa.gov) is a Membership Balance Plan template from GSA found in section 4.b.(2).

During the chartering process, Federal advisory committees are required to provide a description of their plan to attain a fairly balanced membership. Therefore, whenever a charter is submitted for *establishment, renewal* or *reestablishment*, a Federal advisory committee is required to create or update its membership balance plan, as applicable.

Federal Advisory Committee Charter Package

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

Discretionary Federal Advisory Committee:

- Action memorandum to the Secretary to request a Federal advisory committee be established.
- Proposed charter.
- Formal Determination.
- Delegation of Authority to Appoint Members (if applicable).
- Financial Operating Plan.
- Proposed Plan for Balanced Membership.
- Filing letters and envelopes (or mailing labels).
- Electronic copy of all documents in the package (editable version).

Statutory Federal Advisory Committee:

- Action memorandum to the Secretary explaining the statutory authority for the Federal advisory committee.
- Proposed charter.
- Delegation of Authority to Appoint Members (if applicable).

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- Financial Operating Plan.
- Proposed Plan for Balanced Membership.
- Copy of legislative authority.
- Filing letters and envelopes to Senate/Congressional Committees.
- Electronic copy of all documents in the package (editable version).

Presidential Federal Advisory Committee:

- Action memorandum to the Secretary explaining the authority or requirement for the Federal advisory committee.
- Proposed charter.
- Copy of Establishing Authority.
- Filing letters and envelopes to Senate/Congressional Committees.
- Electronic copy of all documents in the package (editable version).

Note: A Federal advisory committee is not officially established until the following have been completed:

- The Secretary or designated official has signed the charter.
- The initiating organization has made a public announcement of the establishment of a discretionary Federal advisory committee in the Federal Register not less than 15 calendar days prior to the CMO filing the Federal advisory committee's charter.
- The charters are filed with the appropriate Congressional Committees, the Library of Congress and the Committee Management Secretariat at GSA by the CMO, in accordance with FACA.

Renewing a Federal Advisory Committee Charter

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

Discretionary Federal Advisory Committee:

- Action memorandum to the Secretary to Request Renewal.
- Proposed charter.
- Delegation of Authority to appoint members (if applicable).
- Membership Balance Plan.
- Membership Profile Sheet.
- Annual Operations Plan.
- Annual Assessment of Activities.
- Current charter.
- Filing letters and envelopes (or mailing labels).
- Electronic copy of all documents in the package (editable version).

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Statutory Federal Advisory Committee:

- Action memorandum to the Secretary to Request Renewal.
- Proposed Charter.
- Delegation of Authority to Appoint Members (if applicable).
- Membership Balance Plan.
- Membership Profile Sheet.
- Copy of Legislative Authority.
- Annual Operations Plan.
- Annual Assessment of Activities.
- Current Charter.
- Filing Letters and Envelopes (or mailing labels).
- Electronic Copy of all Documents in the Package (Editable Version).

Presidential Federal Advisory Committee:

- Action Memorandum to the Secretary to Request Renewal.
- Notice of Renewal.
- Proposed Charter.
- Copy of Authority to Continue.
- Membership Balanced Plan.
- Membership Profile Sheet.
- Current Charter.
- Filing Letters and Envelopes (or Mailing Labels).
- Electronic Copy of all Documents in the Package (Editable Version).

Note: A Federal advisory committee is not officially renewed until the following steps have been completed:

- The Secretary has approved and signed the charter.
- The charter has been filed with the appropriate Congressional Committees, the Library of Congress and the Committee Management Secretariat of GSA by the CMO, in accordance with FACA.

Note: For discretionary Federal advisory committees, if the charter is not renewed by its 2-year date, GSA will require the charter to be reestablished, which will require a longer wait time to resume Federal advisory committee activities and meetings. A notice to the public in the Federal Register is required when a discretionary Federal advisory committee is established, renewed or reestablished.

Amending an Existing Charter

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

Required Documents for Charter Amendments:

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- Action Memorandum to the Secretary to Request to Amend a Charter.
- Amended Section(s) of the Charter.
- Copy of Legislative Authority or Authority to Continue.
- Membership Balance Plan.
- Membership Profile Sheet.
- Annual Operations Plan.
- Annual Assessment of Activities.
- Current Charter.
- Filing Letters and Envelopes (or Mailing Labels).
- Electronic Copy of all Documents in This Package (Editable Version).

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

Terminating or Abolishing a Federal Advisory Committee

According to 41 C.F.R. § 102-3.30(b), Federal advisory committees must be terminated when:

- The stated objectives of the Federal advisory committee have been accomplished.
- The subject matter or work of the Federal advisory committee has become obsolete by the passing of time or the assumption of the Federal advisory committee's functions by another entity.
- The agency determines the cost of operation is excessive in relation to the benefits accruing to the Federal Government.
- In the case of a discretionary Federal advisory committee, upon the expiration of a period not to exceed 2 years, unless renewed.
- In the case of a non-discretionary Federal advisory committee required by Presidential directive, upon the expiration of a period not to exceed 2 years, unless renewed by the authority of the President.
- In the case of a non-discretionary Federal advisory committee required by statute, upon the expiration of the time explicitly specified in the statute or implied by operation of the statute.

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

Documents Required:

- Termination or abolition of *discretionary Federal advisory committees* requires the submission of a request by the program office to the VA CMO for (a) approval

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to allow a Federal advisory committee charter to expire or (b) approval to abolish a Federal advisory committee, which has completed its assigned tasks or whose existence is no longer deemed necessary.

- Termination or abolition of *statutory Federal advisory committees*, other than upon expiration of the statutory authority (sunset date), requires a request from the Secretary to the Speaker of the House to repeal the statute. Legislation must be introduced and passed by Congress to eliminate statutory Federal advisory committees that are no longer needed. If a statutory Federal advisory committee has a sunset date written into its authorizing legislation, the statutory Federal advisory committee terminates on that date and no further documentation is required.

Placing a Federal Advisory Committee on Administratively Inactive Status

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

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

Documents required:

- White paper prepared by the Federal advisory committee DFO and signed by the program office leadership outlining the salient points about placing the Federal advisory committee on administratively inactive status.
- OGC consultation on placing the Federal advisory committee on administratively inactive status.
- Office of Congressional and Legislative Affairs perspective on placing the Federal advisory committee on administratively inactive status.
- GSA consultation on placing the Federal advisory committee on administratively inactive status.
- Copy of the Federal advisory committee's Annual Comprehensive Review (ACR) for the past year.
- Relevant statutes:
 - FACA (5 U.S.C. App. 2).
 - Copy of the legislation which established the Federal advisory committee.
- Copy of most recent charter of the Federal advisory committee.
- Copy of the charter for the Federal advisory committee that is doing the similar work, if applicable.

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

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NOMINATIONS, SELECTIONS AND APPOINTMENTS

Purpose

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

Selection Criteria

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

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

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

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

Terms of Appointment

General. **One appointment term is 2 years.** A Federal advisory committee member generally may serve no longer than two terms of 2 years unless the Federal advisory committee's authorizing legislation or charter states otherwise (e.g., up to 3-year terms for some statutory Federal advisory committees). All other Federal advisory committee members whose service exceeds two terms will complete their service at the end of the current term. To the extent possible, terms will be staggered to ensure that the dates for termination of the members' terms are not all the same.

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

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

- Serve continuously as a member of any single VA Federal advisory committee for more than 4 to 6 years (i.e., two 2-year terms or two 3-year terms) in accordance with the term limits in the Federal advisory committee's charter.
- Serve for more than 8 combined years within a period of 12 years on one or more Federal advisory committees within an agency.

Dual Membership

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

Compensation of Federal Advisory Committee Members

Special Government Employees. The stipend generally paid to Federal advisory committee members who serve as SGEs is established by the Secretary and will not exceed \$300 per day. Unless provided otherwise by a Federal advisory committee's authorizing statute, the stipend is **only** available for the days of the Federal advisory committee's meeting and not for work performed outside of the meeting. Exceptions to this policy may be approved by the Chief of Staff for scientists and medical specialists. For assistance with getting members vendorized for stipends or travel reimbursement through the Financial Services Center (FSC), contact Nora Rendon at 512-460-5460 (Austin Financial Accounting Service).

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

Sources for Obtaining Candidates

Solicitation of names of individuals in a given area may come from leaders in pertinent fields, scientific and professional organizations, and VA staff. Nominees may also be received from Agency officials, members of Congress, the public or self-referral, current or former Federal advisory committee members, and universities and colleges. VA also uses Federal Register notices to seek nominations.

Nomination Procedures

A nomination package must be prepared and sent to the Secretary 90 days in advance to ensure continuity of Federal advisory committee membership. A proposed nomination package will address current or previously appointed members eligible for membership renewal, newly proposed members and/or members' whose terms expired or resigned.

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

- Action Memorandum for Recommended Nominees (Memorandum to Secretary).
- Current Charter.
- Authorizing Legislation/Executive Order.
- Current Membership Roster.
- Professional Area Breakdown.
- Brief Biographies.
- Membership Balance Plan.
- Membership Profile Sheet.
- Letters of Appointment, Reappointment and Appreciation.
- Certificates of Appointment and Appreciation.
- Enclosures to the Letters of New Appointments are:
 - Copy of current charter.
 - 14 General Principles of Ethical Conduct.
 - Ethics Rules of Committee Members Who Are Special Government Employees.

Note: When seeking to reappoint a member who has already served two or more terms, the packet must include specific justification by the DFO, in consultation with the CMO and affected VA program office, for the additional term of service.

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Orientation of New Members

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

- Online Ethics Training.
- Signed the VA Self Certification Form Stating They are not a Lobbyist.
- Received the ACMO 101 Briefing.
- Completed VA Form 450 (if a member of a filing Federal advisory committee).
- Reviewed the Federal advisory committee charter.
- Read the VA Federal Advisory Committee Members Handbook.

Termination of Federal Advisory Committee Members

Expiration of Federal Advisory Committee Membership Terms

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

Resignation of Federal Advisory Committee Member

If a member resigns from the Federal advisory committee, a notification to the DFO is necessary, preferably by letter, but an email will be accepted. The DFO forwards that information to the CMO. The DFO will update the GSA FACA database to reflect the end of that Federal advisory committee member's term. In addition, the DFO must prepare the Federal advisory committee membership termination package. Please follow the instructions provided in the ACMO Procedures for Preparing and Processing Advisory Committee Correspondence and Packages.

Other Types of Federal Advisory Committee Member Termination

In case of a Federal advisory committee member's death, the DFO notifies the CMO of the death and updates the database to reflect the end of that Federal advisory committee member's term. For ethical conduct violations, see VA Federal Advisory Committee Member Handbook.

Letters and Certificates of Appreciation

As a member completes service on a VA Federal advisory committee or leave for other reasons, a letter of appreciation will be prepared for the signature of the Secretary as

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well as a certificate of appreciation, which will be prepared by ACMO and added to the membership package. The letter of appreciation will be part of the membership package the DFO prepares. At the time the Federal advisory committee membership package is prepared, the DFO will send an email request for a certificate of appointment to ACMO including the member's name, credentials, term of service and whether the person served as a Federal advisory committee member or chair of the Federal advisory committee for processing. The way the Federal advisory committee member is addressed must be consistent throughout the Federal advisory committee membership package.

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FEDERAL ADVISORY COMMITTEE MEETINGS

No meeting shall be held in the absence of the DFO or alternate DFO. VA Federal advisory committees operate using the principles of a quorum and consensus to the maximum of possible. Unless otherwise established in the Federal advisory committee's charter or legislation, a quorum shall consist of a majority (more than one half) of the Federal advisory committee's authorized membership including ex-officio members. **If a quorum is not present**, contact ACMO immediately to discuss options.

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

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

All parent Federal advisory committee members, with the exception of Merit Review Board members, annually must receive the ACMO FACA 101 Briefing, copies of the VA Federal Advisory Committee Members Handbook and their respective Federal advisory committee's charter. The DFO will facilitate this requirement. It is recommended the FACA 101 Briefing be conducted at the first meeting.

Federal Register Notices

The Federal Advisory Committee Act requires that:

- Section 10(a)(1): Each Federal 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.

The Federal Register is a legal publication in which the Executive Branch of the U.S. Government publishes regulations, orders and other documents. The Federal Register (<https://www.federalregister.gov/>) is issued weekdays by the Office of the Federal Register. Federal Register Notices of Meeting must be published in the Federal Register at least 15 calendar days prior to a Federal advisory committee meeting. Federal Register Notices will include:

- Name of the Federal advisory committee.
- Time, date, place and purpose of the meeting.

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- Summary of the agenda and/or topics to be discussed.
- Statement whether all or part of the meeting is open to the public or closed; if closed, state the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. § 552b)(c)) as the basis for closure.
- Name, address and telephone number of the Federal advisory committee's DFO or other official who may be contacted for additional information concerning the meeting.

The approved package must be provided to ACMO no later than **30 days** before the meeting. See Attachments to this Guide for samples of a Notice of Meeting that is open to the public with one single meeting date and time (Attachment E) and one with multiple meeting dates and times (Attachment F). See Attachment G for a meeting partially closed to the public. If the approved package is not received in ACMO as required, the Federal advisory committee is at risk for meeting cancellation due to an untimely submission to the Federal Register for publication. Exceptions must be discussed with ACMO.

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

Checklist for DFO Planning a Meeting:

Before the meeting, the DFO:

- Approves the plan to hold a Federal advisory committee meeting.
- If necessary, coordinates with the OGC EST regarding ethics training and submission of financial disclosure reports.
- Ensures all Federal advisory committee members are properly oriented and trained or will be during the course of the meeting.
- Schedules once-a-year TOP 3 Visit or uses a recorded TOP 3 message.
- Approves the agenda.
- Invites the guest speaker or speakers to a Federal advisory committee meeting, subcommittee meeting or workshop, and makes necessary arrangements for the speaker or speakers, if applicable.
- Ensures Federal advisory committee signage is visually placed outside of meeting room and/or in building for members and/or the public.
- Ensures Federal advisory committee members' tent cards are placed.
- Ensures the agenda includes:
 - Concise descriptions of each major subject or issue listed in the agenda, speaker name and title.
 - Priority and timing of topics.
 - VA Response to Committee Recommendations or Report.
 - Grouping together the open and closed sessions, if any, of the meeting, for the convenience of the public.

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- Ensures Federal advisory committee members receive the agenda and copies of all information relating to the meeting.
- Arranges for resource persons and supplementary materials to aid the Federal advisory committee in dealing with agenda items.
- Makes recording arrangements for transcripts, if necessary.
- Ensures logistical arrangements for the meeting including arranging overnight accommodations for Federal advisory committee members.
- Notifies the public of the meetings and also:
 - Maintains a list of persons and organizations who have requested notification of a meeting and notifies them in advance.
 - Ensures that all meeting notices (including cancellation and amendment notices) are published in the Federal Register no later than 15 calendar days prior to the Federal advisory committee meeting in accordance with Section 10 (a)(l) of FACA.

To close all or part of a Federal 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 Federal advisory committee, the Secretariat, citing the specific exemption or exemptions 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 Secretariat sufficient time (generally 30 calendar days) to review the matter 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 Federal 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 ACMO before requesting OGC review.

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

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

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Note: Common exemptions cited to legally close Federal advisory committee meetings include:

- Discussion of classified information.
- Reviews of proprietary data submitted in support of Federal grant applications (i.e., research committees).
- Deliberations involving considerations of personal privacy (i.e., Veterans' PII, VA Medical Center tours, etc.).

In conclusion, unless an exception applies, closing a Federal advisory committee to discuss a Federal advisory committee's report and/or recommendations would violate FACA, and meetings should remain open to the public for transparency.

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

During the meeting, the DFO:

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

Public participants:

- May attend the open portion of the meeting.
- Any member of the public may speak to or otherwise address the Federal advisory committee when the procedures for doing so are published in the Federal Register notice and with a designated time limit to speak.
- Must be allowed to submit written statements to the DFO as provided for in the Federal Register notice. Public participants will be advised that Federal advisory committee members are given copies of all written statements submitted by the public and becomes part of the meeting minutes.

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After the meeting, the DFO:

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

DFO Transition

When a DFO will be stepping down from his or her position, certain actions will be conducted prior to the exit to ensure the Federal advisory committee's smooth transition and functioning. (see Attachment H for DFO Transition Checklist). During a DFO transition, the DFO Checklist MUST be signed by both the outgoing and incoming DFO. Email the form directly to the CMO at Jeffrey.Moragne@va.gov.

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MINUTES, TRANSCRIPTS AND RECORDS

All records, reports and other documents of each Federal advisory committee must be available for public inspection and copying pursuant to FACA. DFOs and Federal advisory committee support staff are required to retain Federal records in accordance with record retention schedules as required by the Federal Records Act, the regulations implemented by the National Archives and Records Administration and VA Directive 6300, Records and Information Management. DFOs and Federal advisory committee support staff must preserve records containing adequate and proper documentation of the organization, function, policies, decisions, procedures and essential transactions of the Federal advisory committee. The documents referenced include the records, reports, transcripts, minutes, working papers, drafts, studies, agenda or other documents made available to or prepared for or by each Federal advisory committee.

Minutes and Transcripts

Detailed minutes are kept by the DFO, or designee, of each Federal advisory committee meeting and subcommittee meeting.

By FACA law, the minutes must include the following:

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

Minutes must be prepared, reviewed and signed by the Chair within 90 days of the meeting (see Attachment I for a sample of a Federal advisory committee's minute format). Immediately after certification by the Chair, the minutes must be added to the GSA FACA database and forwarded to ACMO.

Records Maintenance and Disposal

All Federal advisory committee records are maintained and disposed of in accordance with the following provisions:

- VA Directive 6300, Records and Information Management (VA Directive 6300)
- General Records Schedule 6.2

VA Directive 6300 provides policy for the VA Records Management program, which includes records management; micrographics management; vital records; Privacy Act; FOIA; Computer Matching and Privacy Protection Act; Health Insurance Portability and

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Accountability Act of 1996 (HIPAA); and the release of names and addresses. The provisions of VA Directive 6300 are applicable to all elements of VA.

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

Public Access to Records

Federal advisory committee records must be available for inspection and copying at a single location. The DFO or ACOM will make available to any person requesting them copies of the transcripts of minutes of Federal advisory committee proceedings or meetings at a cost determined in accordance with the appropriate fee schedule.

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COMMITTEE MEMBERS ETHICS GUIDANCE

Currently, there are seven VA Federal advisory committees 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.

The remaining Federal advisory committees 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 Federal advisory committee members from the filing requirement based on the duties and responsibilities of the Federal advisory committee. The DFOs of the Federal advisory committees required to file will notify Federal advisory committee members before they are appointed and annually prior to the Federal advisory committee's first meeting of the calendar year. **If an SGE is required to file a financial disclosure report, that Federal advisory committee 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 his or her original completed report no later than 2 weeks prior to the first meeting of the year to the Ethics Specialty Team (EST).

The Ethics Rules for SGE's (found in the Appendix A) 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 Federal advisory committee if the SGE learns that an ethics rule may impact him or her.

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.

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Office of General Counsel

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

Federal Advisory Committee Members Appointed as SGEs

Ethics Training

- Conduct online FACA ethics training: VA OGC Ethics Training for Special Government Employees: <https://www.va.gov/OGC/docs/SGE/10.html>. The FACA ethics training can be found on the ACMO internet website (in the Training, News and Announcements) section. Ethics training and the SGE Self Certification Statement are to be conducted annually.
- Completion of the Annual Government Ethics Training course satisfies the annual Government Ethics Training requirement for (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 Federal advisory committees 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.

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- 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 Federal advisory committee duties. Upon completion of their review the DFO will sign the report indicating that he or she has completed their review. Any identified conflicts must be noted and sent to EST for review prior to certification.
- For Federal advisory committees 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 himself or herself from participating in any meeting or portion of a meeting or other activity where he or she would give advice or participate in a matter which might have a direct and predictable effect on his or her 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 his or her outside employer as part of class and would not have a unique impact on his or her outside employer.

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FEDERAL ADVISORY COMMITTEE REPORTS

Annual Comprehensive Review of Federal Advisory Committees

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

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

- Carries out its purpose.
- Is consistent with the provisions of applicable statutes, the responsibilities assigned it should be revised.
- Should be merged with other Federal advisory committees.
- Should be abolished.

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

VA Annual Reports

Annual Operations Plan

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

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The Annual Operations Plan will encompass how the Federal advisory committee aligns itself with the Department's Strategic Goals. The DFO and Chair are encouraged to involve Federal advisory committee members' participation in this planning process. A template is provided in Attachment J that captures information Federal advisory committees will provide.

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

Annual Assessment of Federal Advisory Committee Activities ("Performance Review")

Annual Assessment of Federal Advisory Committee Activities describes the quality of Federal advisory committee recommendations, the usefulness of communications between the affected program office and the Federal advisory committee, and actions taken to implement Federal advisory committee recommendations conducted in the immediate current calendar year.

The Annual Assessment of Federal Advisory Committee Activities will provide a granular assessment with actionable results and not a restatement of meeting minute summaries and will state how the Federal advisory committee achieved or did not achieve its goals according to the Department's Strategic Goals and its annual operations plan.

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

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DEFINITIONS

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

Advisory Committee Member. An individual who serves by appointment or invitation on a Federal advisory committee or subcommittee.

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

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

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

Attendance Log. Record of all persons who attend all or part of a Federal advisory committee meeting. This listing will be included in the summary of minutes of the meeting.

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

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

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

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Closed Meeting. A meeting or portion of a meeting that is not open to the public. Closure must be consistent with the exemption or exemptions of the Government in the Sunshine Act (5 U.S.C. 552b(c)).

Committee Management Secretariat (CMS). The organization established pursuant to section 7(a) of FACA that is responsible for all matters related to Federal advisory committees and carries out the responsibilities of the Administrator under FACA.

Committee Meeting. Any gathering of Federal advisory committee members (whether in person or through electronic means) held with the approval of an agency for deliberating on the substantive matters upon which the Federal advisory committee provides advice or recommendations.

Consultant. A person who provides expertise to a Federal advisory committee on an intermittent basis.

Deliberation. The act of the Federal advisory committee or subcommittee discussing and deciding carefully the recommendations and/or data.

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

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

Disqualification. Refers to conflict of interest prohibiting a Federal advisory committee member from providing advice on matters that have a direct or indirect effect on the member's organizational, institutional or financial interests.

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

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

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

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

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

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

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

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

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

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

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

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

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

Partially Closed Meeting. A Federal advisory committee meeting that has open and closed sessions.

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

Reappointment of Members. The reappointing of a member to the same Federal advisory committee.

Renewal of Charter. The process used to document the continuance of a Federal advisory committee.

Representative. A Federal advisory committee member who represents a particular stakeholder interest.

Secretary. As used in this Advisory Committee Management Guide, the Secretary of Veterans Affairs.

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

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

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

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

Termination Date. The date the Federal advisory committee ceases to function.

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Vacancy. The vacancy that occurs when a Federal advisory committee member completes his or her designated term of service or when a Federal advisory committee member resigns, dies or service is terminated for other reason(s).

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**APPENDIX A: ETHICS RULES FOR FEDERAL ADVISORY COMMITTEE MEMBERS
WHO ARE SPECIAL GOVERNMENT EMPLOYEES**

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

Who is an SGE?

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

Financial Disclosure

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

For Questions or Ethics Advice

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

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THE FEDERAL CRIMINAL CODE

Conflicts of Interest

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

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

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

- Reviewing a grant application submitted by a university that employs him. *Consistent with the well-established practice in the scientific community, the statute would require that the SGE “recuse” or disqualify himself or herself from participation in the review.*
- Participating in a decision to award a contract to a firm in which the SGE or the SGE’s spouse or minor child or children hold publicly issued stock worth more than \$15,000.

Acting on Someone Else’s Behalf Before the Government

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 participated in personally and substantially as a Government employee. For example, if an SGE participated in reviewing a proposal for a VA grant to support a certain study, he or she would be prohibited under this provision from sending a personal letter to VA advocating for an increase in the grant that resulted from the review.

Compensation for Representational Services

18 U.S.C. § 203. This law prohibits an SGE from receiving compensation for representational services rendered by the employee or another person before VA or

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

Post-Government Employment Restrictions

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

Bribery

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

Foreign Agents

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

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STANDARDS OF ETHICAL CONDUCT

The Appearance of a Conflict of Interest

5 C.F.R. § 2635.502. There may be circumstances in which an SGE's participation in Federal advisory committee business would raise a question regarding the SGE's impartiality.

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

Gifts

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

Please note that the Standards of Conduct requires an SGE who is offered a gift that may otherwise be accepted under an exception must first consider whether he or she 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.

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

For example, an SGE member of the Capital Asset Realignment for Enhanced Services Advisory Committee has a consulting business. She may accept an invitation to a \$50 dinner from her client, a Veterans Service Organization, unless the invitation was extended to discuss the activities of the Federal advisory committee.

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Charitable Fundraising

5 C.F.R. § 2635.808. An SGE may engage in fundraising in a personal capacity (not using or permitting others to use his or her Federal advisory committee membership), if he or she does not personally solicit from anyone known to have interests that may be substantially affected by his or her Federal advisory committee duties. If you have questions concerning specific fundraising events or activities, please consult with a deputy ethics official.

Teaching, Speaking and Writing

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

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

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

Expert Testimony

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

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OTHER PROHIBITIONS

Foreign Gifts

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

Hatch Act

5 U.S.C. §§ 7321-7326. The Hatch Act rules limiting political activities apply to SGEs only while they are conducting Government business. Details are available from a deputy ethics official.

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FOURTEEN 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.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

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HOW TO GET ETHICS ADVICE

Call, Write, or Email:

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

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ETHICS REVIEW

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

SPECIAL GOVERNMENT EMPLOYEE:

Signature

Date

PRINT NAME

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

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

**OFFICE OF THE GENERAL COUNSEL (023C)
DEPARTMENT OF VETERANS AFFAIRS
810 VERMONT AVENUE, NW
WASHINGTON, DC 20420
PHONE 202-461-7694
FAX 202-273-6403
governmentethics@va.gov**

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FOR MORE INFORMATION

CONTACT

ADVISORY COMMITTEE MANAGEMENT OFFICE

VA.ADVISORY.CMTE@VA.GOV

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Attachment A. VA SUBCOMMITTEE OPERATING INSTRUCTIONS

PURPOSE

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

BACKGROUND

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

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

In accordance with the subcommittee establishment memorandum sent to the Secretary by the parent Federal advisory committee's DFO, the subcommittee must abide by the operating instructions described in this document.

GUIDANCE

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

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

Subcommittees do not advise the Secretary. Subcommittees do not work independently of the parent Federal advisory committee. Subcommittees must report their recommendations and advice to the full Federal advisory committee for full deliberation and discussion. **Exception:** In accordance with the statute authorizing the Geriatrics, Epilepsy, Multiple Sclerosis and Parkinson's Centers of Excellence local Federal advisory groups, these specific subcommittees are exempt from having their recommendations and advice deliberated and/or discussed by the parent Federal advisory committee. They must provide input in the form of meeting minutes or parent Federal advisory committee DFO standardized report in a timely fashion (i.e., less than

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90 days after a meeting or the advice is provided to their respective local Center of Excellence).

VA policy requires if subcommittees are established, the following will occur:

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

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

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

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

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

Subcommittee members must act in accordance with VA guidance captured in the VA Federal Advisory Committee Members Handbook (September 2019).

SUBCOMMITTEE CROSS COMMITTEE COLLABORATION

- A parent Federal advisory committee DFO and Chair must formally establish a subcommittee to collaborate with another parent Federal advisory committee's subcommittee.

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- A subcommittee must be established in accordance with the charter, Membership Balance Plan, and an OGC-approved DFO memorandum to the Secretary covering the subcommittee's scope, duration, size and budget (contact ACMO for assistance).
- After collaborating with other subcommittees, the subcommittee must report their results and recommendations to their parent Federal advisory committee for further action.
- Subcommittees may have non-parent Federal advisory committee members as identified by the program office (i.e., Senior Executive Leadership).

UNIQUE SUBCOMMITTEE DFO RESPONSIBILITIES

- The subcommittee DFO is a Federally mandated management position that may take approximately 10 to 20 hours a year to accomplish.
- The subcommittee DFO must complete mandatory DFO initial training (2 hours) and annual training (1 hour).
- The subcommittee DFO must support the subcommittee in its efforts to achieve its goals and objectives as prescribed in the statutes authorizing these groups formation by the parent Federal advisory committee.
- The subcommittee DFO must support the subcommittee Chair in executing meeting agendas.
- The subcommittee DFO must provide the logistical foundation for the subcommittee to include meeting space, support equipment, support personnel and related tasks such as take summary meeting minutes or to ensure all logistics are accomplished.
- In the absence of the subcommittee Chair, the subcommittee DFO or alternate DFO will lead the meeting.
- The subcommittee DFO must provide timely feedback to the parent Federal advisory committee DFO (i.e., subcommittee summary meeting minutes within 30 days of the meeting and annual FACA database inputs as required for the parent Federal advisory committee).
- The subcommittee DFO should have knowledge of the assigned Center of Excellence subcommittee membership recruiting and selection process but has no role in that process.

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- The subcommittee DFO must act in accordance with FACA and VA Policy as directed in the Advisory Committee Management Guide (September 2019).

NOTE: Per the FACA, subcommittee meetings do not require a Federal Register Notice of Meeting. Meetings are normally closed to the public with discussion of subcommittee work at a parent Federal advisory committee meeting. A subcommittee may invite guests to participate.

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**Attachment B. TEMPLATE FOR SUBCOMMITTEE ESTABLISHMENT
SECRETARY MEMORANDUM**

**Department of
Veterans Affairs**

Memorandum

Date: **Month D, YYYY**

From: **[Enter name of the Advisory Committee]** Designated Federal Officer **[Enter DFO's mail code]**

Subj: Establishment of **[Enter name of the Subcommittee]** Subcommittee under the **[Enter name of the Advisory Committee]** **[(Enter VIEWS #number)]**

To: Secretary (00)

1. This memo provides notice that the **[Enter name of the Advisory Committee]** is establishing the **[Enter name of the Subcommittee]**. The committee is a VA Federal Advisory Committee established pursuant to **[Enter authority from committee's charter]**. Paragraph 13 of the committee's charter authorizes the committee to establish subcommittees to perform specific projects or assignments as necessary and consistent with the committee's mission, with the approval of the Designated Federal Officer and notice to the Secretary.

2. In support of the Committee's mission, the subcommittee shall assemble and review information related to the needs of **[Enter committee's objective and scope of activity from committee's charter]**. **[Enter additional information about the subcommittee's responsibilities]**.

3. The committee shall oversee and guide the subcommittee's activities. The subcommittee shall report only to the committee and shall not report to VA or any other entity. Not less than once a year, the subcommittee shall submit a report (if applicable) to the committee detailing its activities, findings and recommendations, and may submit such other reports and recommendations to the committee as the subcommittee considers appropriate.

4. The subcommittee will be comprised of a Chairperson and not more than **[Enter number]** additional members. All members will serve for **[Enter term number]** term not to exceed 2 years from **[Month D, YYYY]** to **[Month D, YYYY]**. Members will meet on a **[Enter monthly, quarterly, etc.]** basis and the budget will be limited to **[Enter \$ amount]** per person per meeting. Members will receive travel expenses and a per diem allowance in accordance with the Federal Travel Regulation for any travel made in connection with their duties as members of the subcommittees.

5. Subcommittee membership will be drawn from **[Enter membership designation from committee's charter]**, in accordance with the membership balance plan for the committee.

6. If further information is needed, your staff may contact **[Enter DFO's name]**.

Department of Veterans Affairs Advisory Committee Management Guide

Page 2.

Subj: Establishment of [Enter name of the Subcommittee] Subcommittee under the
[Enter name of the Advisory Committee] [(Enter VIEWS #number)]

Designated Federal Officer, [Enter supporting Program Office name], at [Enter
DFO's telephone number 202-XXX-XXXX] or [Enter DFO's email address
Jane.Doe@va.gov].

Jane Doe
Designated Federal Officer
[Enter name of the Advisory Committee]

**Department of Veterans Affairs
Advisory Committee Management Guide**

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

Department of Veterans Affairs	Memorandum
Date: February 17, 2021	
From: Director, Advisory Committee Management Office (00AC)	
Subj: Delegation of Authority to Issue an Agency Determination to Close All or Part of an Advisory Committee Meeting (VIEWS 4556743)	
To: Secretary (00)	
<p>1. The purpose of this memorandum is for the Department of Veterans Affairs (VA) Secretary to delegate his authority to issue an agency determination to the Advisory Committee Management Office (ACMO) current Committee Management Officer (CMO), Jeffrey A. Moragne.</p> <p>2. Jeffrey A. Moragne was appointed to serve as VA's CMO in January 2014.</p> <p>3. The Federal Advisory Committee Act's (FACA) Final Rule 2001, §102-3.155 requires a Designated Federal Officer (DFO) to do the following to close all or part of an advisory committee meeting:</p> <ul style="list-style-type: none">a) <i>Obtain prior approval.</i> Submit a request to the agency head citing the specific exemption(s) of the Government in the Sunshine Act, 5 U.S.C. 552b(c), that justifies closures. The request must provide the agency head or the Secretariat sufficient time (generally 30 calendar days) to review the matter in order to make a determination before publication of the meeting notice required by the Final Rule Section 102-3.150.b) <i>Seek General Counsel review.</i> Office of General Counsel (OGC) review all requests to close meetings. The DFO shall obtain a preliminary review of any request to close a meeting from ACMO before requesting OGC review.c) <i>Obtain agency determination.</i> If the agency head finds that the request is consistent with the provisions in the Government in the Sunshine Act and FACA, the appropriate agency official must issue a determination that all or part of the meeting be closed.d) <i>Ensure public access to determination.</i> The agency head must make a copy of the determination available to the public upon request. <p>4. The CMO is responsible for the oversight of all VA advisory committees established and operated under FACA which includes:</p> <ul style="list-style-type: none">• Exercising control and supervising the establishment, procedures, and accomplishments of advisory committees established by VA;	

**Department of Veterans Affairs
Advisory Committee Management Guide**

Page 2.

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

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

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

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

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

Jeffrey A. Moragne

Jeffrey A. Moragne

APPROVED / DISAPPROVED

DMcDonough

Denis McDonough

3/29/21
Date

Comments:

Department of Veterans Affairs
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THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

March 29, 2021

MEMORANDUM FOR THE COMMITTEE MANAGEMENT OFFICER

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

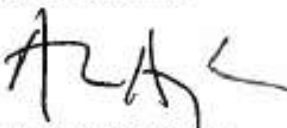
1. DELEGATION. Pursuant to The Federal Advisory Committee Act (FACA) Final Rule, I hereby delegate authority to issue an Agency Determination to close all or part of an Advisory Committee meeting and perform duties as prescribed below to the Committee Management Officer.

2. AUTHORITY. 41 CFR § 102-3.105 (Responsibilities of an Agency Head) - § 102-3.115 (Responsibilities of a Committee Management Officer) of The Federal Advisory Committee Act (FACA) Final Rule as enacted in 2001 and amended in 2013, and VA Directive 0000, Delegations of Authority.

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

4. REDELEGATION. This authority may not be redelegated.

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


Denis McDonough

**Department of Veterans Affairs
Advisory Committee Management Guide**

**Attachment D. VA FEDERAL ADVISORY COMMITTEE SELF-CERTIFICATION
STATEMENT FOR SPECIAL GOVERNMENT EMPLOYEES**

**VA FEDERAL 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:** _____

Attachment

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Advisory Committee Management Guide**

Attachment

Fourteen 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 obligations such as Federal, State, or local taxes that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

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**Attachment E. EXAMPLE OF FEDERAL REGISTER NOTICE OPEN TO THE
PUBLIC (ONE SINGLE MEETING DATE AND TIME)**

VA Title
Committee
Add DFO or
designee
contact
information
to address
questions.

Meeting
Logistics:
Date(s),
Facility Name,
Facility
Address, City,
State, Zip
Time(s)

**MUST Add in
Committee's
Purpose from
Charter**

Add
descriptive
details or
summarized
agenda topic
as it pertains
to the
meeting.

Add whether
or not there
will be a
public
comment
period. Add
details of the
public
comment
period (i.e.
who, what,
where, why,
how long).

Font: Times
New Roman 12

**DEPARTMENT OF VETERANS
Veterans' Advisory Committee on Rehabilitation, Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (5 U.S.C. App. 2), that a meeting of the Veterans' Advisory Committee on Rehabilitation (hereinafter the Committee) will be held on Tuesday, March 26, 2019, at the VA Central Office, 810 Vermont Avenue NW, Sonny Montgomery Conference Room 230, Washington, DC. The meeting will begin at 8:30 a.m. EST and adjourn at 4:30 p.m. EST. The meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of Veterans Affairs on the rehabilitation needs of Veterans with disabilities and on the administration of VA rehabilitation programs.

On March 26, 2019, the Committee will receive updated briefings on various VA programs designed to enhance the rehabilitative potential of disabled Veterans. In addition, the Committee will discuss and explore potential recommendations to be included in the next annual report.

Although no time will be allocated for receiving oral presentations from the public, members of the public may submit written statements for review by the Committee to Latrese Arnold, Designated Federal Officer, Veterans Benefits Administration (28), 810 Vermont Avenue, NW, Washington, DC 20420, or via email at Latrese.Arnold@va.gov. In the communication, writers must identify themselves and state the organization, association, persons or persons they represent. Because the meeting is being held in a Government building, a photo I.D. must be presented as part of the clearance process. Due to an increase in security protocols and to prevent delays in clearance processing, allow an additional 30 minutes before the meeting begins. Any member of the public who wishes to attend the meeting should RSVP to Latrese Arnold at 202-461-9773 no later than close of business, March 18, 2019.

Date:

LaTonya L. Small, Ed.D.
Federal Advisory Committee Management Officer

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**Attachment F. EXAMPLE OF FEDERAL REGISTER NOTICE OPEN TO THE
PUBLIC (MULTIPLE MEETING DATES AND TIMES)**

Font: Times
New Roman 12

**DEPARTMENT OF VETERANS
Voluntary Service National Advisory Committee, Notice of Meeting**

VA Title
Committee
Name, Notice
of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (5 U.S.C. App. 2), that the annual meeting of the Department of Veterans Affairs Voluntary Service National Advisory Committee (hereinafter the Committee) will be held Monday, April 1–Wednesday, April 3, 2019, at the Double Tree Hilton Colonade Convention Center, 5555 Colonade Boulevard, Houston, TX. The meeting sessions will begin and end as shown in the following table:

Add in the
FACA citation

Date:	Time:
April 1, 2019	9:00 a.m. to 11:30 a.m.
April 2, 2019	8:30 a.m. to 4:30 p.m.
April 3, 2019	8:30 a.m. to 3:30 p.m.

Meeting
Logistics:
Date(s),
Facility Name,
Facility
Address, City,
State, Zip
Time(s)

The meeting sessions are open to the public.

Meetings with
multiple dates
and different
ending times
should get
added to a
table for
clarity.

The Committee, comprised of 51 national voluntary organizations, advises the Secretary of Veterans Affairs, through the Office of the Under Secretary for Health, on the coordination and promotion of volunteer activities and strategic partnerships within VA facilities, in the community and on matters related to volunteerism and charitable giving. The purpose of these meetings is to provide for Committee review of volunteer policies and procedures; to accommodate full and open communications between organization representatives and the Voluntary Service Office and field staff; to provide educational opportunities geared towards improving volunteer programs with special emphasis on methods to recruit, retain, place, motivate and recognize volunteers; and to provide Committee recommendations.

contact
information
to address
questions.

Hyperlinks
and/or
underlines to
email

Add
Committee's
Purpose from
Charter

On April 1, 2019, there is a National Executive Committee Meeting, Health and Information Fair, and VAVS Representative and Deputy Representative training session. On April 2, 2019, the agenda includes welcoming remarks from local officials and remarks by VA officials on new and ongoing VA initiatives and priorities. Educational workshops will be held in the afternoon and will focus on general post funds and gifts, telehealth, award writing and leadership training. On April 3, 2019, the educational workshops will be repeated in the morning. The afternoon session will include subcommittee reports, the Voluntary Service Report, NAC Chair Report and remarks by VA officials on new and ongoing VA initiatives and priorities.

No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Committee's review to Ms. Sabrina C. Clark, Designated Federal Officer, Voluntary Service Office (10B2A),

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Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC, 20420, or by email at Sabrina.Clark@va.gov. Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Clark at 202-461-7300.

Dated: March 8, 2019

Jelessa M. Burney
Federal Advisory Committee Management Officer

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Attachment G. FEDERAL REGISTER NOTICE: PARTIAL CLOSURE

Font: Times
New Roman 12

**DEPARTMENT OF VETERANS
Advisory Committee on Women Veterans, Notice of Meeting**

VA Title
Committee
Name, Notice
of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (5 U.S.C. App. 2), that the Advisory Committee on Women Veterans (hereinafter the Committee) will conduct a site visit on Wednesday, March 27–Thursday, March 28, 2019, in North Carolina/VISN 6: VA Mid-Atlantic Health Care Network. Sessions are open to the public, except when the Committee is conducting tours of VA facilities, and participating in off-site events. Tours of VA facilities are closed to protect Veterans’ privacy and personal information, in accordance with 5 U.S.C § 552b(c)(6). The site visit will include a town hall meeting for women Veterans and those who provide services to women Veterans.

Add
descriptive
details or
summarized

Add in the
FACA citation

Meeting
Logistics:
Date(s),
Facility Name,
Facility
Address, City,
State, Zip
Time(s)

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women Veterans with respect to health care, rehabilitation, compensation, outreach and other programs and activities administered by VA designed to meet such needs. The Committee makes recommendations to the Secretary of Veterans Affairs regarding such programs and activities.

Do ADD the 5
U.S.C. citation
for partially
closing the
meeting.

how long)

On March 27, the Committee will convene an open session at the Durham VA Health Care System, 508 Fulton Street, Durham, NC 27705, from 8:30 am to 2:30 pm. The agenda will include overview briefings from the VISN 6 leadership, Durham VA Health Care System leadership on the facilities, programs, demographics, women Veterans programs and other services available for Veterans. In the afternoon, the Committee will reconvene a closed meeting from 2:30 pm to 4:00 pm, as it tours the Durham VA Health Care System. Tours of VA facilities are closed to protect Veterans’ privacy and personal information, in accordance with 5 U.S.C Sec. 552b(c)(6).

Add DFO or
designee
contact
Add
Committee’s
Purpose from
Charter

In the morning of March 28, the Committee will convene an open session at the Fayetteville VA Health Care Center, 7300 South Raeford Road, Fayetteville, NC 28304, from 9:00 am to 2:00 pm. The agenda will include overview briefings from Fayetteville VA Medical Center/Fayetteville VA Health Care Center leadership on the facilities, programs, demographics, women Veterans programs and other services available. In the afternoon, the Committee will reconvene a closed session from 2:00 pm to 4:00 pm, as it tours the Fayetteville VA Health Care Center. Tours of VA facilities are closed to protect Veterans’ privacy and personal information, in accordance with 5 U.S.C Sec. 552b(c)(6). From 4:00 pm to 5:00 pm, the Committee will observe a women Veterans’ town hall meeting at the Fayetteville VA Health Care Center; this session is open to the public.

Hyperlinks
and/or
underlines to
email
addresses
are
permitted.

Summarize
agenda topic
as it pertains
to the
meeting.

Except for the town hall meeting, there will be no time for public comment during the meeting. Members of the public may submit written statements for the Committee’s review to 00W@mail.va.gov or by fax at 202-273-7092. Any member of the public and

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media planning to attend or seeking additional information should notify Shannon L. Middleton at 202-461-6193, or 00W@mail.va.gov.

Dated: March 8, 2019

Jelessa M. Burney
Federal Advisory Committee Management Officer

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Attachment H. DESIGNATED FEDERAL OFFICER TRANSITION CHECKLIST

DESIGNATED FEDERAL OFFICER (DFO) TRANSITION CHECKLIST

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

Notification

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

Committee Documents

Review the following required GSA and VA Federal advisory committee documents and reports:

- Charter (identify when last renewed)
- Committee Reports/Recommendation
- GSA Annual Comprehensive Review
- VA Annual Assessment Report
- VA Annual Comprehensive Plan
- Committee Minutes (Last minutes)

Membership

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

Correspondence Packages

- Discuss ACMO's procedures for charters, membership nominations or reports.
- Communicate internal VAIQ procedures.

Budget

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

Committee Meetings and Records

- Discuss tasks in conducting Federal advisory committee meetings (before, during and after).
- Ensure Federal advisory committee's record management is in VA and GSA compliance.

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[Reference: ACMO Guide, Procedures for Preparing Correspondence and Packages]

Current/Outgoing DFO Signature

Date

New DFO Signature

Date

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Attachment I. SAMPLE FEDERAL ADVISORY COMMITTEE MINUTES

DEPARTMENT OF VETERANS AFFAIRS

FEDERAL ADVISORY COMMITTEE ON _____

January 19–January 20, XXXX
Tampa, Florida
8:30 a.m.–4:30 p.m.

MINUTES

Attendees:

Committee Members Present:

James E. Doe, Chair
Jacqueline M. Emery, Ph.D., RN
Lindsey A. Feltus, M.D.
Michael Y. Gardner,
Colonel Patricia Kelley Mathers
Katherine P. Oliver
Terrence U. Ramsey
Emilio R. Sanchez

Committee Members Absent:

Major Eustis James Brown
Lieutenant Colonel Mary J. Schlitz

Ex-Officio Members Present:

Lucien David Washington, Department of Veterans Affairs
Michael B. Smith, Department of Labor
Karen L. Snead, Department of Transportation

Department of Veterans Affairs Staff Present:

Debra K. Johnson, Designated Federal Officer
Jarrod I. Kennedy, Alternate Designated Federal Officer
Denis McDonough, Secretary of Veterans Affairs
Michael Feil, MyVA Task Force
Jeffrey A. Moragne, Director, Advisory Committee Management Office
Carol Borden, Ethics Staff Attorney, Office of General Counsel
Eric L. Doe, Director Memorial Program Service

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Kayla Doe, Director, Center for Women Veterans
Anthony Doe, Senior Advisor to the Director, VHA Homelessness

Public Attendees:

Daisy Duck
Donald Duck
Mickey Mouse
Minnie Mouse

Monday, January 19, XXXX

Opening Remarks:

Chairman Doe called the Federal advisory committee to order at 8:31 a.m. He asked Federal advisory committee members, VA staff and public observers to introduce themselves.

(Chairman gives additional remarks, goes over the agenda, etc.)

Presentations:

Hear reports from subject matter experts, special consultants, etc.

The Federal advisory committee recessed from 11:48 a.m. to 12:59 p.m. for lunch.

Afternoon Session:

Chairman Doe showed the Federal advisory committee a video detailing the heroism of Hershel W. “Woody” Williams, a Medal of Honor recipient.

Presentations:

Hear reports from subject matter experts, special consultants, etc.

The Federal advisory committee recessed for the day at 3:59 p.m.

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Tuesday, January 20, XXXX

Opening Remarks:

Chairman Doe called the Federal advisory committee to order at 8:30 a.m. He asked Federal advisory committee members, VA staff and public observers to introduce themselves.

(Chairman gives additional remarks, goes over the agenda, etc.)

Presentations:

Hear reports from subject matter experts, special consultants, etc.

The Federal advisory Committee recessed from 11:58 a.m. to 12:58 p.m. for lunch.

Afternoon Session:

Chairman Doe showed the Federal advisory committee a video detailing the heroism of Hershel W. “Woody” Williams, a Medal of Honor recipient.

Presentations:

Hear reports from subject matter experts, special consultants, etc.

Public Comment Period:

Hear comments from the public.

The Federal advisory committee recessed for the day at 4:23 p.m.

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Attachment J. EXAMPLE OF ANNUAL OPERATIONS PLAN

ADVISORY COMMITTEE MANAGEMENT OFFICE

Annual Operations Plan
January 1, 20XX through December 31, 20XX

<p>Committee Name: Insert the official Federal advisory committee name and abbreviation.</p>
<p>Projected Calendar Year XXXX Committee Goals: Identify no more than five specific, measurable, actionable, realistic and time-phased goals for the Federal advisory committee.</p>
<p>VA Strategic Goals: Identify priorities alignment to Federal advisory committee.</p>
<p>Committee Meetings: Identify the expected number of meetings, meeting timeframe (month), meeting location (must include city and no more than three potential locations).</p>
<p>Committee Activities: Summarize the planned Federal advisory committee activities to include reports, site visits, recruiting, cross committee collaboration, efficiencies (teleconferencing, scheduling, use of Government facilities, etc.).</p>
<p>Senior VA leadership Participation: Identify if the Federal advisory committee will request a visit from SECVA/DEPSECVA/COSVA in the coming year; during which meeting.</p>
<p>General Comments: Identify known management challenges to the Federal advisory committee accomplishing its mission (i.e. leadership, resources, processes, etc.).</p>

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Signatures:

DFO Signature

Date

Chair Signature

Date

Program Office Signature (SES or SES Equivalent)

Date

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**Attachment K. EXAMPLE OF ANNUAL ASSESSMENT OF FEDERAL ADVISORY
COMMITTEE ACTIVITIES**

ADVISORY COMMITTEE MANAGEMENT OFFICE

Annual Assessment of Committee Activities
January 1, 20XX through December 31, 20XX

<p>Committee Name: Insert the official Federal advisory committee name and abbreviation.</p>
<p>Calendar Year XXXX Committee Goals: State whether the goals were <u>fully met</u>, <u>partial met</u> or <u>not met</u> and provide measurable results for every goal the Federal advisory committee management identified for calendar year.</p>
<p>VA Strategic Goals: Identify priorities alignment to Federal advisory committee.</p>
<p>Committee Activities: State if the executed Federal advisory committee activities <u>fully supported</u>, <u>partially supported</u> or <u>didn't support</u> the Federal advisory committee accomplishing its mission. Activities include reports, site visits, recruiting, cross committee collaboration and efficiencies (teleconferencing, scheduling, use of Government facilities, etc.). Identify any innovations, prototypes or process improvements that occurred during the year that resulted in positive or negative results. Provide highlights (brief summaries) of each Federal advisory committee meeting.</p>
<p>Reports and Recommendations: List by name current open reports and recommendations from the Federal advisory committee to the Secretary. For each listed, identify current status (in progress or late).</p>
<p>Senior VA leadership Participation: Identify Senior Executive Leadership involvement with Federal advisory committee (e.g., SECVA, DEPSECVA, COSVA, Under Secretary, and Assistant Secretary).</p>
<p>Program Office Assessment: State the program office assessment of the Federal advisory committee's work. [Limit to two paragraphs.]</p>

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General Comments:

Signatures:

DFO Signature

Date

Chair Signature

Date

Program Office Signature (SES or SES Equivalent)

Date

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**Attachment L. EXAMPLE OF AGENCY DETERMINATION FOR VA FEDERAL
ADVISORY COMMITTEES**

Agency Determination for VA Federal Advisory Committees

Date: January 31, 2020

To: Information and Administrative Law Group (024)
Office of General Council

From: Jeffrey A. Moragne
ACMO Director (00AC)

IEWS #: 2219542, RR&D 2020 March Notice of Meeting

I reviewed **IEWS 2219542, Rehabilitation Research and Development (RR&D) Service Scientific Merit Review Board 2020 March Notice of Meeting (NOM)** and determined that the meeting is appropriately closed.

Given the Delegation of Authority for Agency Determination Closed Meeting (IEWS 195868), I find the disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. This is cited by subsection 10(d) of P.L. 92-463, as amended by P.L. 94-409, closing the Federal advisory committee meeting is in accordance with 5 U.S.C. § 552b(c) (6) and (9)(B).

Jeffrey A. Moragne
Director, Advisory Committee
Management Office

Date

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**Attachment M. WHITE PAPER ON HOW TO CALCULATE REGULAR
GOVERNMENT EMPLOYEE PARTICIPATION**

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

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

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

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

Note: These estimates are used to support our commitment to transparency and displayed in the General Services Administration FACA Database ACR. They are not

¹ Regular Government employee and ex-officio members are defined by the Office of Personnel Management and are discussed in the ACMO Guide 2019.

² See General Service Administration Annual Comprehensive Report FY-19 for reference.

³ Use aggregate number of participation hours for all RGE/ex-officio members on the Federal advisory committee.

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used or included in charter budgets. If in doubt, contact the VA Committee Management Officer before entering your ACR data.

**Recommended Full time Federal Government Employee (RGE) and Ex-Officio
Federal Advisory Committee Member Participation Costs Calculation**

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

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

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

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

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

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

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

- **Example C:** 57 RGEs = 57 committee members
328 total committee participation hours (x) \$51.08/hour = \$16,754.24 (ACR estimate for data field for Payments to Federal Government Employees (previous fiscal) and possibly for Estimated Payments to Federal Government Employees (future fiscal year))

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**Attachment N. WHITE PAPER: TIPS ON CONDUCTING A VIRTUAL FEDERAL
ADVISORY COMMITTEE MEETING**

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

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

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

Virtual meetings can have the following traits:

Pros of Virtual Meetings	Cons of Virtual Meeting
<ul style="list-style-type: none">• Cost Savings• Less Planning• Easy to Record and Store Meeting• Increased Participation from Members, Doesn't Require Travel• Increases Members Confidence	<ul style="list-style-type: none">• Less Interaction• Less Spontaneity• Difficult to Accommodate Interactions Between Committee• Less Body Language Cues• Potential for Technical Problems

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

- Work closely with the Office of Information Technology to research all the virtual meeting software available to you; currently WebEx, Microsoft Teams, Adobe Connect and Skype for Business work well inside and outside of the Department.
- Once an IT platform is selected, perform a DRY RUN with Federal advisory committee management staff to master its functionality.
- Develop an agenda that is concise and focused on the mission.
- Limit daily sessions to 3 or 4 hours and incorporate reasonable breaks.
- Select a meeting start time that enhances Federal advisory committee members participation.
- Develop Rules of Engagement for the virtual meeting such as:
 - ✓ Mute phone line and silence cell phones.
 - ✓ Mute speakers on desktop platform (e.g., Adobe Connect, Webex, etc.).
 - ✓ Allow the Designated Federal Officer (DFO) to yield the floor prior to speaking.
 - ✓ Ensure speaker identifies self prior to speaking.
 - ✓ Minimize background noise while speaking.
 - ✓ Use the “raise hand” icon feature to be recognized for questions during the training.
 - ✓ Send questions after the training to the XXXX Mailbox.
 - ✓ **Note:** this session is being recorded.

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

CONCLUSION: By following these proven virtual meeting tips, a Committee Manager will improve the meeting experience and help ensure the Federal advisory committee is pursuing its core mission.

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**Attachment O. EXAMPLE OF VA FEDERAL ADVISORY COMMITTEE
MEMBERSHIP BALANCE PLAN MEMORANDUM**

**Department of
Veterans Affairs**

Memorandum

Date: Month D, YYYY
From: Chief of Staff (00A)
Subj: Department of Veterans Affairs (VA) Advisory Committee Membership Balance Plan
To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. The purpose of this memorandum is to standardized policies regarding the membership balance requirements for the Department of Veterans Affairs (VA) advisory committees established under the Federal Advisory Committee Act (FACA) and for developing a membership balance plan for each VA advisory committee's future membership appointments. The policy and process changes described herein do not apply to the following VA Advisory Committees which engage in scientific peer review of VA research:

- a. Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee;
- b. Health Services Research and Development Service Scientific Merit Review Board;
- c. Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board;
- d. Rehabilitation Research and Development Service Scientific Merit Review Board; and
- e. Genomic Medicine Program Advisory Committee.

The policy also does not apply to the VA Voluntary Service National Advisory Committee, which is composed entirely of representative members appointed by VSOs.

2. VA currently has 27 advisory committees that are governed by FACA. Fifteen have been established by statute and eight have been established by the Secretary pursuant to the discretionary authority provided by the FACA. The primary purpose of committees is to provide advice and guidance to the Secretary on a wide variety of programs that deliver benefits and services to our Nation's Veterans.

One of VA's principal objectives in managing its advisory committees is to ensure that committee members appropriately reflect the diversity of American society and the Veteran population. In the selection of members for discretionary committees, VA is required to consider a cross-section of those directly affected, interested and

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Subj: Department of Veterans Affairs (VA) Advisory Committee Membership Balance Plan

qualified, as appropriate to the nature of the advisory committee. Committees requiring technical expertise must include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.

3. Committee membership requirements are as such:

- a. Committee size is limited to 12 members unless otherwise specified or required by the committee's authorizing statute. Membership above 12 for any existing or future advisory committee will require specific justification by the Designated Federal Officer (DFO), in consultation with the Committee Management Officer (CMO) and the affected VA program office. Any future committee chartered will be limited to 12 members. Ex officio members will not be counted when considering the 12 members limit.
- b. The membership of existing advisory committees will be reduced, by attrition, to not more than 12 members, unless the committee's authorizing legislation mandates a larger membership or unless an exception is approved by the Chief of Staff after review of written justification.
- c. A committee member may serve no longer than two terms on a committee unless the committee's authorizing legislation states otherwise or unless the DFO of the committee, in consultation with the CMO, provides specific justification in a membership approval package for additional terms of service. All other committee members whose service exceeds two terms will complete their service at the end of the current term.
- d. The Secretary of Veterans Affairs will appoint committee members and designate them as Special Government Employees unless representative members are required by the committee's authorizing statute or other compelling justification is provided to the Secretary of Veterans Affairs.
- e. Each committee shall represent, to the extent possible, members with diverse professional and personal qualifications, such as experience in military service, military deployments, working with Veterans, committee subject matter expertise and working in large and complex organizations.
- f. Each committee shall represent, to the extent possible, Veterans of diverse eras and branches of military service.
- g. Each committee shall represent, to the extent possible, diversity in race/ethnicity, gender, religion, disability and geographical background.

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4. In developing the Membership Balance Plan:
 - a. DFOs will draft a membership balance plan for each committee consistent with the general membership requirements given herein.
 - b. The purpose of the balance plan is to explain how the composition of the membership will benefit the overall goals of the committee and the Department.
 - c. Each membership balance plan will be limited to no more than two pages and, in accordance with draft General Services Administration guidelines, will include consideration of:
 - i. the committee's name;
 - ii. the authority;
 - iii. the mission and function;
 - iv. technical experts needed and the process used to achieve diversity, equity and inclusion for committee balance;
 - v. other balance factors that may attribute to the geographic, ethnic, social, economic, or scientific impact of the committee's recommendations;
 - vi. candidates process used to identify the types of specific perspectives required, such as those of consumers, technical experts, the public at large, academia, business, or other sectors;
 - vii. subcommittee balance; and
 - viii. other supporting information supporting FAC.
5. A template to serve as an illustrative model is attached.
6. Point of contact for this action is Jeffrey A. Moragne, VA CMO at 202-266-4660 or Jeffrey.Moragne@va.gov.

Tanya J. Bradsher
Chief of Staff

Attachment

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Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

(1) FEDERAL ADVISORY COMMITTEE NAME <i>State the legal name of the FAC</i>
(2) AUTHORITY <i>Identify the authority for establishing the FAC</i>
(3) MISSION/FUNCTION <i>Describe the mission/function of the FAC</i>
(4) POINTS OF VIEW <i>Based on understanding the purpose of the FAC,</i> <i>(a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;</i> <i>(b) consider indentifying an anticipated relative distribution of candidates across the categories; and</i> <i>(c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members</i>
(5) OTHER BALANCE FACTORS <i>List any other factors your agency identifies as important in achieving a balanced FAC</i>
(6) CANDIDATE IDENTIFICATION PROCESS <i>Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:</i> <i>(a) describe the process</i> <i>(b) identify the agency key staff involved (by position, not name)</i> <i>(c) briefly describe how FAC vacancies, if any, will be handled by the agency; and</i> <i>(d) state the membership term limit of FAC members, if applicable</i>

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<p>(7) SUBCOMMITTEE BALANCE <i>Subcommittees subject to FACA* should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different</i> <i>*This is relevant to those agencies that require their subcommittees to follow all FACA requirements.</i></p>
<p>(8) OTHER <i>Provide any additional information that supports the balance of the FAC</i></p>
<p>(9) DATE PREPARED/UPDATED <i>Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated</i></p>