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## ADS Chapter 105

# Federal Advisory Committee Management

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 ADS 105 – Federal Advisory Committee Management  
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***This chapter has been revised in its entirety.***

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## ADS 105 – Federal Advisory Committee Management

### 105.1 OVERVIEW

Effective Date: 03/01/2019

This chapter provides policies and essential procedures for the establishment, renewal, use, management, and termination of federal advisory committees that fall under the provisions of the [Federal Advisory Committee Act \(FACA\)](#).

A federal advisory committee is any committee, board, commission, council, conference, panel task force or similar group which is (1) established by statute; (2) established or utilized by the President; or (3) established or utilized by any agency for the purpose of obtaining advice or recommendations on issues or policies that are within the scope of the agency's responsibilities. A federal advisory committee does not include any committee composed wholly of full-time or permanent part-time officers or employees of the Federal Government. It also does not include any committee created by non-Federal entities (such as a contractor or private organization), provided that these committees are not actually managed or controlled by the executive branch.

FACA defines how federal advisory committees operate, formalizes the process for establishing, operating, overseeing, and terminating the advisory bodies, and creates the Committee Management Secretariat in the General Services Administration to monitor compliance with the Act.

USAID's federal advisory committees must adhere to the requirements established by the [Federal Advisory Committee Act \(FACA\)](#) and other applicable laws and regulations promulgated by the General Services Administration Committee Management Secretariat.

### 105.2 PRIMARY RESPONSIBILITIES

Effective Date: 03/01/2019

**a.** The **Administrator** ensures the establishment of Agency-wide administrative guidelines and management controls for advisory committees subject to FACA and designates a Committee Management Officer to carry out the requirements of FACA and other applicable laws and regulations.

**b.** The **Advisory Committee Management Officer (CMO)** in the Bureau for Management, Office of Management Policy, Budget and Performance (M/MPBP):

1. Establishes Agency-wide administrative guidelines and management controls for Advisory Committees;
2. Exercises control and supervision over the establishment, procedures, and accomplishments of advisory committees established by the Agency;

3. Annually reviews the need to continue each existing advisory committee;
  4. Assembles and maintains the reports, records, and other papers of any such committee during its existence; and
  5. Carries out the provisions of the Freedom of Information Act with respect to such reports, records, and other papers.
- c. **USAID's Office of General Counsel (GC):**
1. Reviews and clears advisory committee charters and documentation for conformity with FACA and other requirements;
  2. Ensures that interests and affiliations of advisory committee members are reviewed consistently with conflict of interest statutes and regulations, the Foreign Agents Registration Act, and other applicable provisions;
  3. Provides legal advice and interpretation; and
  4. Provides advice regarding Federal Register documentation requirements and ensures publication of notices.
- d. **USAID's Office of the Chief Financial Officer (CFO):**
1. Provides guidance for financial management relating to annual expenditures of advisory committees; and
  2. Provides financial management advice and expert guidance on proper funds control relating to advisory committees' obligations and expenditures. Mission Controllers serve for CFO where appropriate.
- e. Cognizant **USAID Bureaus/Independent Offices (B/IOs):**
1. Prepare documentation to justify the need for and to establish or renew an advisory committee with input from other B/IOs and Missions when appropriate; and
  2. Designate a Federal Officer or employee to serve as the USAID Designated Federal Official (DFO) for the Advisory Committee. The DFO must be either full-time or permanent part-time.
- f. **The Designated Federal Official (DFO):**
1. Manages the day-to-day activities of a specific advisory committee and performs functions required by Section 10 of FACA;

2. Ensures compliance with FACA and other applicable laws and regulations;
  3. Calls and attends committee meetings and approves meeting agendas;
  4. Adjourns any meeting when he or she determines it to be in the public interest;
  5. Prepares for publishing all Federal Register notices of committee establishments, renewals, modifications; and open, closed or partially closed meetings;
  6. Maintains required records on costs and membership and records for availability to the public;
  7. Provides copies of committee reports to the Committee Management Officer for forwarding to the Library of Congress;
  8. Creates and maintains a public Web page for the advisory committee; and
  9. Maintains data on the advisory committee activities in the GSA FACA database and conducts an Annual Comprehensive Review to ensure that the data is complete and accurate.
- g.** The **Bureau for Legislative and Public Affairs (LPA)** serves as liaison between USAID and the Congress on advisory committee activities; transmits committee charters to the House International Relations and Senate Foreign Relations Committees.
- h.** The **Federal Register Liaison Officer (FRL)** in the Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD) submits public notices provided by the DFO for publication in the Federal Register and serves as the primary point of contact with the Office of the Federal Register. The FRL ensures that notices are in compliance with Federal Register notice procedures and resolves any problems concerning documents submitted for publication.

## **105.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

### **105.3.1 Establishing and Renewing an Advisory Committee**

Effective Date: 03/01/2019

An advisory committee may be non-discretionary or discretionary. A non-discretionary advisory committee is mandated by presidential directive or by statute. A discretionary advisory committee may be established by the Agency. A discretionary advisory committee may only be established if it is essential to the conduct of Agency business

and the information to be obtained from the committee's work is not already available through another advisory committee or source within the Federal Government.

Provisions for the establishment and chartering of advisory committees are contained in Section 9 of [Federal Advisory Committee Act \(FACA\)](#) and in the [Federal Advisory Committee Management Final Rule, 41 CFR Parts 101-6 and 102-3](#). Any B/IO wishing to establish a discretionary advisory committee must inform the Agency Committee Management Officer (CMO) and identify a Designated Federal Official (DFO). The CMO will meet with the DFO to provide guidance and consult with the GSA Committee Management Secretariat.

### 105.3.1.1 Advisory Committee Charter

Effective Date: 03/01/2019

The purpose of the advisory committee charter is to specify the committee's mission and general operational characteristics. The charter must include the following components:

- **Committee title:** Provide the exact title.
- **Authority:** Provide the authority for the establishment of the committee (e.g., cite the statute, Executive Order or note that the committee is Agency authority and reference that the committee is being established in accordance with the provisions of FACA).
- **Committee objectives:** Describe the scope of the committee's mission or charge.
- **Description of duties:** Describe the functions the advisory committee is expected to perform. These duties must be advisory only unless a specific statutory authority or presidential directive states otherwise.
- **Official to whom the committee reports:** Identify the official to whom the advisory committee provides its advice. Normally this would be the Administrator.
- **Support:** Identify the B/IO responsible for providing the necessary support.
- **Estimated annual operating costs and staff years:** Provide the estimated annual fiscal year costs to operate the advisory committee in dollars and staff years (in full-time equivalent).
- **Designated Federal Official:** Provide the name and office symbol of the designated official. This section should also note that the DFO will approve or call all of the advisory committee and subcommittee meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings,

adjourn any meeting when the DFO determines that adjournment is in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

- **Estimated number and frequency of meetings:** Provide the estimated number of meetings anticipated within a fiscal year and how frequently the meetings will occur if known.
- **Duration:** State the period of time anticipated for the advisory committee to carry out its purpose. “Continuing” may be appropriate for an advisory committee that will exist for an extended period of time.
- **Termination:** Provide the committee’s termination date. This would be no later than two years after the establishment date.
- **Membership and designation:** Provide the estimated number of members, a description of the expertise required, and/or groups to be represented in order to achieve a fairly balanced membership (see 105.3.3).
- **Subcommittees:** State that the subcommittee must report back to the parent committee and must not provide advice and work products directly to the Agency.
- **Recordkeeping:** State that the records of the committee and subcommittees must be handled in accordance with Agency records disposition schedule and the records must be available for public inspection and copying, subject to the [Freedom of Information Act](#).
- **Filing date:** The date the charter is filed with House Foreign Affairs and Senate Foreign Relations Committees.

See [Preparing Federal Advisory Committee Charters](#) for additional guidance.

The Administrator must approve all advisory committee charters. The DFO must prepare an action memorandum to the Administrator which contains the following (at a minimum):

- 1) An explanation of why the advisory committee is essential to the conduct of Agency business and is in the public interest;
- 2) A discussion of why the proposed committee’s functions cannot be performed by USAID, an existing advisory committee or other means;
- 3) A Membership Balance Plan (see 105.3.3);
- 4) Estimated annual costs to operate the advisory committee in dollars and person



years; and

- 5) A draft Federal Register notice of the establishment of the committee.

The CMO and GC must clear the action memorandum.

### **105.3.1.2 Termination and Renewal of Advisory Committees and Charter Renewal**

Effective Date: 03/01/2019

USAID must comply with the provisions for the termination and renewal of advisory committees as contained in Section 14 of the [Federal Advisory Committee Act \(FACA\)](#). Advisory committees must terminate no later than two years after establishment, unless renewed prior to the termination date. Committees must be terminated as soon as the stated objectives have been completed, the work has become obsolete, or the cost of the operation is excessive in relation to the benefits. Renewed committees must continue for no more than two years unless renewed again prior to expiration.

The DFO must notify the Agency CMO of the intent to renew an advisory committee no less than 45 calendar days prior to expiration. The CMO must notify GSA no less than 30 calendar days before expiration.

The Administrator must approve the renewal of an advisory committee. The DFO must prepare an action memorandum which contains the following:

- 1) The committee charter with any proposed revisions;
- 2) A justification for the continued need and an explanation of why the committee is essential to conduct Agency business and is in the public interest;
- 3) An overview of how well the advisory committee has accomplished its mission, including details as to its accomplishments and information discussing whether the degree of expenditures to support the committee is justified;
- 4) Any updates on the plan for fairly balanced membership; and
- 5) A copy of the current charter (due to expire).

The CMO and GC must clear the action memorandum. Other clearance may be required as determined by the initiating B/IO. The DFO must allow seven calendar days for each clearance.

### **105.3.1.3 Charter Filing**

Effective Date: 03/01/2019

LPA must officially file all charters to establish or renew advisory committees after approval by the Administrator. An advisory committee may not meet or take any action until the charter has been filed with the House Foreign Affairs Committee, Senate Foreign Relations Committee and the Library of Congress. The DFO must provide the approved charter, action memorandum signed by the Administrator and transmittal letters to LPA who will file the charter. A copy of the final package must be provided to the CMO.

#### **105.3.1.4 Public Notification**

Effective Date: 03/01/2019

Upon receiving approval by the Administrator to establish or renew a discretionary advisory committee, the DFO must forward a Federal Register notice package to the Federal Register Liaison Officer (FRL) in M/MS/IRD for public notification of the establishment/renewal. The Federal Register notice package must be in compliance with the guidelines outlined in [ADS 516, Federal Register Notices](#). The Federal Register notice announces that the advisory committee is being established or renewed. For the establishment of a new advisory committee, the notice must also describe the nature and purpose of the advisory committee and affirm that the advisory committee is necessary and in the public interest. Notices of establishment of an advisory committee must appear in the Federal Register at least 15 calendar days before the charter is filed. The Federal Register notice package must be submitted to the FRL at least seven business days prior to the desired publication date. This requirement for advance notice does not apply to advisory committee renewals, notices of which may be published concurrently with the filing of the charter. There is no requirement to notify the public of the establishment of a non-discretionary advisory committee.

#### **105.3.2 Charter Amendments**

Effective Date: 03/01/2019

Cognizant Bureaus/Independent Offices (B/IOs) must initiate revisions to advisory committee charters as needed with input from other BIOs and Missions when appropriate. Committee charters may be amended for minor or major changes. Major changes include substantial changes in objective, scope, duties and estimated costs. Minor changes are changes to the name of the committee, modifying the estimated number or frequency of meetings, or other minor changes that do not alter the advisory committee's objectives and scope.

##### **105.3.2.1 Discretionary Advisory Committee**

Effective Date: 03/01/2019

The DFO must consult with the CMO regarding the need to amend the charter for a discretionary advisory committee. The CMO will consult with the GSA Committee Management Staff to explain the purpose of the changes. Following the consultation, the DFO must draft an amended charter, along with an action memorandum to the

Administrator which contains:

- The proposed revisions or amended language for the charter;
- A justification for the change and explanation for the revision;
- An explanation of how the advisory committee will be better able to accomplish its mission;
- A copy of the current charter (without the amended language); and
- Any updated information on the plan for balanced membership.

The CMO and GC must clear the action memorandum. The DFO will provide the approved action memorandum, signed charter, and transmittal letters to the CMO who will coordinate with LPA to file the amended charter with the House Foreign Affairs Committee, Senate Foreign Relations Committee and the Library of Congress. The FRL may file the Federal Register notice concurrently with the charter filing.

#### **105.3.2.2 Non-Discretionary Advisory Committee**

Effective Date: 03/01/2019

A charter amendment for a non-discretionary committee, whether major or minor, would be mandated by changes in the authorizing presidential directive, Executive Order, or statute. In this instance, the DFO must consult with the CMO regarding the requirement. The CMO will arrange for consultation with the GC, the DFO, and the GSA Committee Management staff to determine the most effective language and approach to implement the amended language. Following consultation with GSA, the DFO must draft an amended charter, along with an action memorandum to the Administrator as outlined in **105.3.2.1**.

#### **105.3.3 Advisory Committee Membership**

Effective Date: 03/01/2019

Advisory committee membership must be fairly balanced in terms of points of view represented and functions to be performed. Members must be chosen with no discrimination on the basis of race, color, national origin, religion, age, sex or disability. In accordance with [18 USC Section 219](#), members may not be or act as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938.

The DFO must prepare a Membership Balance Plan for all discretionary and non-discretionary advisory committees. The purpose of the Membership Balance Plan is to ensure that the Agency considers a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee; and that advisory committees requiring technical expertise include persons with

demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed. The Membership Balance Plan must include:

- 1) **Name:** State the name of the federal advisory committee.
- 2) **Authority:** Identify the authority for establishing the federal advisory committee (e.g., cite the statute, Executive Order, or note that the federal advisory committee is established under Agency authority).
- 3) **Objectives and Scope of Activities:** Describe the mission/function of the federal advisory committee.
- 4) **Points of View:** Based on the purpose of the federal advisory committee, describe the process that will be used to ensure the committee is balanced in terms of the points of view represented for the function(s) to be performed by the committee.
- 5) **Other Balance Factors:** List any other factors deemed important in achieving a balanced federal advisory committee. These factors, which are not legally required, could include the geographic location of candidates, importance of including regional, state, or local government expertise, consideration of the impact on local or specific communities, diversity in work sector (e.g., private industry, academia), etc.
- 6) **Candidate Identification Process:** Summarize the process to identify candidates for the advisory committee, key resources to identify candidates (e.g., recommendations from current and former federal advisory committee members, publication of nomination notices, search of relevant professional associations, etc.), and the key persons (by position, not name) who will evaluate federal advisory committee balance (e.g., the Designated Federal Official, agency FACA attorney, agency head, etc.).
- 7) **Subcommittee Balance:** Subcommittees subject to FACA should either state that the process for determining federal advisory committee member balance on subcommittees is the same as the process for the parent federal advisory committee, or describe how it is different.
- 8) **Other:** Provide any additional information that supports the balance of the federal advisory committee.
- 9) **Date Prepared:** Include the date the Membership Balance Plan was approved by the Administrator.

For additional guidance on the Membership Balance Plan, see the [Federal Advisory Committee Membership Balance Plan Guidance](#).

### 105.3.4 **Advisory Committee Meetings**

Effective Date: 03/01/2019

The DFO must call and provide advanced approval for all meetings. Meetings must be conducted in accordance with an agenda approved by the DFO. The agenda must list matters to be considered at a meeting and indicate whether any portion of a meeting is to be closed to the public. The DFO must distribute agendas to members in advance of meetings and are to be included in official committee records.

#### 105.3.4.1 **Notice of Meetings**

Effective Date: 03/01/2019:

Meeting notices must be published in the Federal Register at least 15 calendar days prior to any advisory committee meeting. The meeting notice must include the following:

- The committee name;
- The meeting date/time;
- The meeting purpose;
- Information regarding the extent to which the public will be permitted to attend; and
- If the meeting or any portion thereof is closed, why the closure is necessary including citation of the appropriate exemption permitted under subsection (c) of [5 USC Section 552b](#).

The DFO must forward a Federal Register Notice package (which includes the meeting notice) to the Federal Register Liaison Officer (FRL) in M/MS/IRD for public notification. The Federal Register Notice package must be in compliance with the guidelines outlined in [ADS 516, Federal Register Notices](#). The Federal Register Notice package must be cleared by GC with a copy to the CMO. Seven calendar days must be allowed for GC clearance. The DFO must submit the cleared package to the FRL at least seven business days prior to the desired publication date.

Exceptions to the requirement for public notice must be granted only for reasons of national security as determined by GSA. Exceptions to the requirement for public notice must be requested and justified by the Administrator at least 30 calendar days in advance. Exceptions to the 15-day advance notice requirement may be granted in an emergency, as determined by the Administrator. In such situations, the facts on which an exception is based must be included in the notice. Exception requests must be initiated by the DFO and cleared by GC and the CMO before forwarding to the Administrator.

**105.3.4.2 Public Participation**

Effective Date: 03/01/2019

Advisory committee meetings must be open to the public except when GSA determines that public notice of a meeting is inconsistent with national security; or the Administrator determines that a meeting may be closed to the public in accordance with Subsection (c) of [Section 552b of Title 5, USC](#).

To facilitate public participation in meetings which are open or partially open:

- 1) Meetings must be held at a reasonable time and at a location reasonably accessible to the public;
- 2) The size of the meeting room must be large enough to accommodate the committee, its staff, and those members of the public expected to attend;
- 3) Any member of the public will be permitted to file a written statement with the committee before or after the meeting;
- 4) Interested persons will be permitted to present oral statements at the meeting in accordance with procedures established by the committee and to the extent time permits; and
- 5) Other participation by the public is not permitted, except in accordance with procedures established by the committee.

Requests to close all or part of a meeting must include the reasons for proposed closure, citing specific exemptions under Subsection (c) of [Section 552b of Title 5, USC](#). The DFO must submit such requests to the CMO, and they must be cleared by GC, and forwarded to the Administrator at least 40 calendar days before the scheduled date of the meeting. The Administrator's determination must be in writing and must contain a brief statement of the reasons for closing the meeting. The determination must be made available to the public upon request.

When all or part of a meeting is closed, and detailed minutes will not to be made available in their entirety to the public, the committee must prepare a summary of the committee's activities and make it publicly available within 30 calendar days. Notice of the availability of a summary must be incorporated in the Federal Register meeting notice prepared by the DFO.

**105.3.4.3 Minutes of Meetings**

Effective Date: 03/01/2019

The chairperson or presiding officer must ensure that detailed minutes are kept of all meetings of a committee and its subcommittees. Minutes must include:

- The time, date and place of the meeting;
- A list of attendees;
- A complete summary of matters discussed and conclusions reached;
- Copies of reports received, issued or approved;
- The extent to which the meeting was open to the public; and
- The extent of public participation, to include a list of those who presented oral or written statements and an estimate of the number of people in attendance.

The chairperson or presiding officer must certify the accuracy of the minutes. The certification must indicate that "the minutes are an accurate and complete summary of the matters discussed and conclusions reached at the meeting held on (date)". The DFO must ensure that minutes are certified within 90 calendar days of the meeting and posted on the advisory committee page of the Agency's external web site subject to limitations provided in section **105.3.5.2**.

### **105.3.5 Records: Central Files**

Effective Date: 03/01/2019

The CMO must maintain the Agency's official central file for each advisory committee. The Agency's official central file for each advisory committee must include:

- The filed committee charter;
- Determinations regarding establishment, renewal, operation and termination of the committee;
- Annual activity reports;
- Identification of the DFO; and
- Location of the committee's operating file.

#### **105.3.5.1 Operating Files**

Effective Date: 03/01/2019

Each DFO must maintain an individual operating file at a location known to the CMO. Each individual operating file must include:

- A copy of documents establishing, renewing and terminating the committee;
- A copy of the charter;

- Fiscal records; and
- Reports, transcripts, minutes, appendices and other documents made available to, or prepared for or by, the committee.

#### **105.3.5.2 Access**

Effective Date: 03/01/2019

The CMO, the USAID Inspector General (IG), the GSA Committee Management Secretariat, and the Comptroller General must have access to committee records. Committee records are subject to the Freedom of Information Act (FOIA), and thus are available for public inspection and copying pursuant to Agency FOIA regulations and subject to the general oversight of the CMO. Public access to records may be denied in the following instances:

- 1) Records relate directly to a meeting which was closed for reasons of national security;
- 2) Records relate to a meeting or to part of a meeting which was closed to the public;
- 3) A document is subject to exemption under [5 USC 552\(b\)](#) (FOIA); or
- 4) Records relate to the non-advisory function of a group which is utilized as an advisory committee, but was not established for that purpose.

Procedures for requesting public access to advisory committee records are the same as those established for Agency records under Section 212.33 of USAID Regulation 12 ([22 CFR, Part 212](#)).

Procedures for denial of access to advisory committee records are the same as those established for Agency records under FOIA and USAID Regulation 12, except that use of exemption (5) of [5 USC 552\(b\)](#) as the basis for denial requires a determination by the Administrator that the denial is essential to protect the free exchange of internal views and to avoid undue interference with Agency or advisory committee operations.

#### **105.3.5.3 Personnel Files**

Effective Date: 03/01/2019

The Office of Human Capital and Talent Management (HCTM) must maintain personnel documentation on Federal employees assigned to advisory committees.

#### **105.3.5.4 Records Disposition**

Effective Date: 03/01/2019



The DFO must maintain and dispose of Federal Advisory Committee records according to procedures prescribed in [ADS Chapter 502, The USAID Records Management Program](#) and its mandatory references.

### **105.3.6 Annual Review and Reports**

Effective Date: 03/01/2019

DFOs must maintain data on the advisory committee activities in the GSA FACA Database and conduct an Annual Comprehensive Review, in consultation with the CMO, to ensure that the data in the FACA database is complete and accurate. The annual review is conducted in accordance with instructions provided by the GSA Committee Management Secretariat. In addition:

- 1) USAID must report committee terminations or other significant changes.
- 2) Reports must be submitted to Congress regarding recommendations made by advisory committees established by Executive Order. USAID must respond to recommendations within one year of committee expiration.
- 3) Each committee must submit an annual report on meetings closed to the public. The report must outline the committee's activities and related matters. No information must be divulged which conflicts with exemptions allowed for closed meetings.
- 4) Advisory Committee DFOs must file with the Library of Congress eight copies of each report generated, except when reports fall within an exemption listed in [5 USC 552\(b\)](#) or relate to meetings closed for reasons of national security.

### **105.3.7 Support Services**

Effective Date: 03/01/2019

The cognizant B/IO must provide support services to advisory committees that are established by or report to the Agency, unless the establishing authority provides otherwise. The cost of services are charged to the cognizant B/IO and coordinated by the DFO. Support services include staff and space.

### **105.3.8 Uniform Pay Guidelines**

Effective Date: 03/01/2019

USAID must follow the Office of Management and Budget and Office of Personnel Management guidelines in establishing rates of pay for advisory committee members, staffs and consultants. Committee members who are not employed by the U.S. Government must ordinarily serve without compensation. However, they are permitted to be reimbursed for travel and related expenses under the provisions of the USAID travel policy found in [ADS 522, Performance of Temporary Duty Travel in the U.S. and Abroad](#).

Expenses of committee members must be charged to the cognizant B/IO.

### **105.3.9 Administrative Review of Alleged Noncompliance**

Effective Date: 03/01/2019

An individual whose request for access to an advisory committee document is denied must be permitted to seek administrative review in accordance with [22 CFR, Part 212](#) (USAID Regulation 12).

With respect to alleged noncompliance with FACA, GSA guidance or Agency regulations, the individual and the Agency must take the following actions:

- 1) A written complaint must be filed which contains specific information regarding the alleged noncompliance;
- 2) The complaint must be addressed to the Administrator or Deputy Administrator;
- 3) The complaint must be filed within 30 calendar days of the alleged noncompliance;
- 4) The complaint must be considered by the Administrator or Deputy Administrator with the advice and assistance of GC and the CMO; and
- 5) Written notice of the disposition must be provided by the DFO to the complainant within 30 calendar days of receipt of the complaint by the Agency.

### **105.3.10 Conflicts of Interest**

Effective Date: 03/01/2019

GC must review the interests and affiliations of advisory committee members consistent with conflict of interest statutes and regulations.

## **105.4 MANDATORY REFERENCES**

### **105.4.1 External Mandatory References**

Effective Date: 03/01/2019

- a. [EO 12024, "Relating to the Transfer of Certain Advisory Committee Functions", November 20, 1977](#)
- b. [EO 12838, "Termination and Limitation of Federal Advisory Committees", February 10, 1993](#)
- c. [FACA Final Rule, Federal Advisory Committee Management, 41 CFR Parts 101-6 and 102-3](#)

- d. [General Services Administration \(GSA\) government-wide regulation, 41 CFR Part 101-6, 1984](#)
- e. [Government in the Sunshine Act, 5 USC, Section 552b](#)
- f. [The Federal Advisory Committee Act](#)

**105.4.2 Internal Mandatory References**

Effective Date: 03/01/2019

- a. [ADS 502, The USAID Records Management Program](#)
- b. [ADS 516, Federal Register Notices](#)
- c. [ADS 522, Performance of Temporary Duty Travel in the U.S. and Abroad](#)

**105.5 ADDITIONAL HELP**

Effective Date: 03/01/2019

- a. [Federal Advisory Committee Act Brochure](#)
- b. [Federal Advisory Committee Membership Balance Plan Guidance](#)
- c. [Preparing Federal Advisory Committee Charters](#)
- d. [Sample and Example of FACA Bylaws](#)

**105.6 DEFINITIONS**

Effective Date: 03/01/2019

See the [ADS Glossary](#) for all ADS terms and definitions.

**discretionary advisory committee**

An advisory committee established within the authority of the Administrator.  
(Chapter 105)

**federal advisory committee**

Any committee, board, commission, council, conference, panel task force or similar group which is (1) established by statute; (2) established or utilized by the President; or (3) established or utilized by any agency for the purpose of obtaining advice or recommendations on issues or policies that are within the scope of the agency's responsibilities. (Chapter 105)

**non-discretionary advisory committee**

An advisory committee mandated by presidential directive or statute. (Chapter 105)

**subcommittee**

A subgroup of a federal advisory committee which reports to a parent advisory committee and not directly to a federal official. (**Chapter 105**)

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