

COAST GUARD COMMITTEE MANAGEMENT

FEDERAL ADVISORY COMMITTEE MANAGEMENT

Welcome to the Federal Advisory Committee Management web site. The Coast Guard interacts with the industries we regulate and with the general public in various ways. When this interaction includes meetings with industry and the public, the provisions of the Federal Advisory Committee Act (FACA) may apply. This web site provides information on what FACA is, whether or not your meetings are covered by FACA, and who to contact for information, policies, guidance and assistance.

While most meetings with industry and the public are not covered by FACA, it is important to check the status of your meetings with the Group Federal Officer, **Melanee Libby**, at 202-372-4572, or at Melanee.G.Libby@uscg.mil

What is the Federal Advisory Committee Act (FACA)?

The Federal Advisory Committee Act (FACA) was enacted by Congress in 1972 (Public Law 92-463) to ensure that advice provided to the Executive Branch by individuals, groups, organizations, or special interests does not have undue influence on government actions.

FACA requires that the advice from committees, task forces, boards, working groups, commissions, etc. be both objective and accessible to the public. FACA also requires that the public know who the members of committees are, when and where the committee will meet, and what issues will be discussed. Meetings must be open to the public, and the information provided to committee members must be provided to the public.

What is the purpose of the Federal Advisory Committee Act?

FACA governs the establishment, operation, and termination of advisory committees within the executive branch of the Federal Government. The Act defines what constitutes a Federal advisory committees and provides general procedures for the executive branch to follow for the operation of these advisory

committees. In addition, the Act is designed to assure that the Congress and the public are kept informed with respect to the number, purpose, membership, activities and cost of advisory committees.

Who is responsible for FACA?

The General Service Administration's (GSA) Committee Management Secretariat (CMS) has oversight responsibility of FACA activities. GSA publishes the regulations governing implementation of FACA. Each Federal agency that sponsors advisory committees must adhere to FACA's requirements as well as the administrative guidelines established by GSA. The CMS maintains a web site that provides information on FACA, a copy of the Federal Advisory Committee Act, the regulations governing Federal Advisory Committee Management, training, and the annual reports of all FACA committees. To learn more about the GSA website: <http://www.gsa.gov>. Click on "Policies, Guidelines, Regulations, and Best Practices" then click on "Management of Federal Advisory Committees."

Each Executive Branch agency is also responsible for their advisory committees' activities and may develop policies governing committee operations that are not in conflict with FACA or GSA regulations. Each agency must appoint a Committee Management Officer who is responsible for FACA within the agency. The Committee Management Officer for the Department of Homeland Security (DHS CMO) is Georgia Abraham, and the Coast Guard's Group Federal Officer (CG GFO) is **Melanee Libby**, who is your first contact for FACA issues (Melanee.G.Libby@uscg.mil or 202-372-4572).

How do I determine if my committee (or task force, working group, board, etc.) is a FACA committee?

There are several factors that determine whether a committee falls under FACA's provisions, and if you can answer "Yes" to any of the questions below, please contact the Committee Management Officer:

1. Is the committee controlled by a government agency?
2. Does the committee provide advice to a government agency? and,

3. Does the committee have a non-government member (even one) serving on the committee, i.e., a person who is not a Federal government employee? The Coast Guard Committee Management Officer will help you determine the status of your committee under FACA and provide options for interacting with non-government entities that do not require the establishment of a committee under FACA.

What are the authorities for establishing advisory committees?

FACA identifies four sources of authority for establishing an advisory committee:

- (a) Required by statute- By law where the Congress establishes an advisory committee. (Non-discretionary)
- (b) Presidential authority- By Executive order of the President (Non-discretionary)
- (c) Authorized by statute- By law where the Congress authorizes, but does not direct the President or an agency to establish it. (Discretionary)
- (d) Agency authority (Discretionary)

How is a FACA committee established?

Some FACA committees are authorized by congressional action (i.e., an agency is directed or given permission to establish a committee). Other committees are authorized under an agency's authority when an agency determines a need exists for a committee. Agency officials must concur that a FACA committee is the best or only means of obtaining needed input from outside the Federal government and that a new committee will not duplicate the efforts or activities of an existing committee. Establishment of a committee must be in the public interest, each committee must have a defined purpose, and the committee's membership must be fairly balanced in the points of view represented. The Coast Guard's Committee Management Officer who will assist and guide you through the establishment process. After approval by agency officials, a charter is filed with GSA's Committee Management Secretariat. If GSA concurs, the public will be notified of the committee's establishment, the charter will be filed with Congress, and, after appointment of the committee's members by the Secretary of Transportation, the committee may begin operating.

What are the applicable statutes, regulations, agency guidance and instructions that govern FACA?

- The [Federal Advisory Committee Act [U.S.C. 5, App.] is the statutory authority for FACA, and GSA's Committee Management Secretariat (CMS) is responsible for the **Federal Advisory Committee Management regulations [41 CFR Parts 101-6 and 102-3] Federal Advisory Committee Management; Final Rule**. The Act and regulations are on the CMS web site (<http://www.gsa.gov>).
- The Committee Management Office (CMO) of the DHS Federal Advisory Committee publishes regulations and guidelines for Department of Homeland Security advisory committees
 - **Advisory Committees [49 CFR Subtitle A, Part 95], and**
 - **DHS Management Directive System, MD Number 2300**
- Coast Guard instructions on committee management include:
 - **Commandant Instruction 5420.18E, Requirements for Advisory Committees, and**
 - **Commandant Instruction 5420.37A, Committee Management Policies and Procedures.**
- The CG GFO also provides additional guidance on Coast Guard policies for advisory committees and guidance on the procedures for appointments, charter approvals and renewals, and Federal Register notices:
 - **U.S. Coast Guard Federal Advisory Committee Member Appointment Guidance,**
 - **Advisory Committee Charter Renewal, and**

- **Advisory Committee Federal Register Notices.**

Coast Guard's FACA Committees:

Commercial Fishing Safety Advisory Committee (CFIVSAC)

Chemical Transportation Advisory Committee (CTAC)

Great Lakes Pilotage Advisory Committee (GLPAC)

Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC)

Lower Mississippi River Waterway Safety Advisory Committee (LMRWSAC)

Merchant Marine Personnel Advisory Committee (MERPAC)

National Maritime Security Advisory Committee (NMSAC)

Navigation Safety Advisory Committee Council (NAVSAC)

National Boating Safety Advisory Council (NBSAC)

National Offshore Safety Advisory Committee (NOSAC)

Towing Safety Advisory Committee (TSAC)

Merchant Mariner Medical Advisory Committee (MMMAC)

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