

FACA

Federal Advisory Committee Act

*Presentation to
Land Between The Lakes Advisory Board*

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Advisory Committees - Background

Yesterday

- George Washington/Whiskey Rebellion
- Warren Commission/JFK
- Three Mile Island Commission
- 9/11 Commission

Advisory Committees - Background

Today

- 1000 Federal advisory committees with the Executive Branch
 - 60,000 committee members
 - 6,700 meetings
 - 1000 reports
- Users include:
 - Health and Human Services
 - Department of the Interior
 - Department of Agriculture
 - Department of Defense,
 - National Science Foundation
 - Department of Commerce

What is a FACA Advisory Board?

- **1972 Federal Advisory Committee Act (FACA)**
 - Public Law 92-463
 - Provide advice that is important, relevant, objective, open to public
 - Act promptly to complete work
 - Comply with reasonable cost controls and recordkeeping requirements
- **Established by Statute, the President or Federal agency, or “utilized” by the President or Federal agency**
 - To obtain advice or recommendations for the President or agency
 - Contains at least one non-Federal employee
- **“Good government” tradition (FOIA, Ethics, etc.)**

Land Between The Lakes

Advisory Board

- **Established in 1998 under the Land Between The Lakes Protection Act**
- **Function – to promote**
 - Public Participation for Land and resource management planning
 - Environmental education

When Does FACA Apply?

5 Questions to Ask:

- Does the group provide collective advice?
- Who does the group advise?
- Who are the group's members?
- Who established the group?
- Who controls the group's activities?

Public Meetings

- **FACA is a public access, not a public participation statute:**

- All “deliberations” of a FACA advisory committee are to occur in a public meeting
- No requirement exists that “consensus” must be reached in any particular public meeting
- The main objective of FACA is openness and accountability to the public

Land Between The Lakes Advisory Board Charter

- **Intended to establish how the committee is to function**
- **Renewed every 2 years**

Meeting Guidance

Established in Charter

Duties

- Provide advice
- Broaden input from the public and private sector
- Promote public participation for Land and Resource Management Planning
- Environmental Education

The Forest Service retains responsibility for the decisions regarding matters under consideration by the Board

Meeting Guidance

Established in Charter

Membership

- Board consists of 17 members
- Currently 2 vacant seats
- Alternates are not considered board members in terms of succession planning
- Alternates may only vote in the absence of their Primary

Meeting Guidance

Established in Charter

Meeting Access

- All meetings are open to the public for the duration of the meeting
- Time will be set aside to discuss comments received by the public (written in advance)
- If comments received in writing falls within the primary purpose of the agenda then time can be allotted for discussion

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Questions