



# ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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## Information Interchange Bulletin No. 019

# Federal Advisory Committee Act Basics

## What is the Federal Advisory Committee Act?

Federal executive-branch officials often seek advice from individuals and groups outside the federal government. The Federal Advisory Committee Act (FACA), [5 USC App.](#), governs the establishment, operation, and termination of “advisory committees” within the federal executive branch. It is meant to ensure that advisory committees are only formed as necessary; used for proper purposes; and operated in an open, independent, balanced, and cost-effective manner.

## What is an advisory committee?

Any group that the President or agencies establish or use to obtain advice or recommendations and that contains at least one non-federal officer or employee is an “advisory committee” (FACA § 3). There were 933 active advisory committees in FY 2021.

FACA does not apply to certain groups, including groups assembled to provide individual advice or exchange facts or information; groups established by certain agencies and other institutions; and groups that Congress exempts from FACA (FACA §§ 3, 4; 41 CFR § 102-3.40).

## Who administers FACA?

The General Services Administration (GSA) has primary responsibility for administering FACA. GSA has published rules, available at [41 CFR Part 102-3](#), that provide the policy framework that agency heads apply to advisory committees they establish and operate.

## What does FACA require for advisory committees?

Advisory committees are governed by FACA, presidential directives and Office of Management and Budget (OMB) guidance, and GSA rules. Agencies have also established rules governing advisory committees that they establish.

### Establishment

An advisory committee can be established by statute or the President. Agency heads can also establish a committee after finding, in consultation with GSA, that the committee is “in the public interest in connection with the performance of duties imposed on that agency by law” (FACA § 9(a); 41 CFR § 102-3.30(a)).

### Use

Unless a statute or presidential directive provides otherwise, an advisory committee can only serve an advisory function (FACA § 9(b); 41 CFR § 102-3.30).

### Governance

An advisory committee is governed by a charter that includes, among other things, its mission, duration, and estimated costs and meeting frequency (FACA § 9(c)).

### Membership

An advisory committee’s membership “must be fairly balanced” in terms of “the points of view represented” (41 CFR § 102-3.30(c)). By presidential memorandum, agencies may not appoint lobbyists to serve on advisory committees (75 FR 35955).

### Management

OMB sets advisory committee ceilings for agencies and reviews and approves annual agency advisory committee management plans ([EO 12838](#), [OMB Circular No. A-135](#)).

### Openness

An advisory committee ordinarily must publish timely notice of meetings in the *Federal Register* and open meetings to the public. Interested persons are permitted to appear before and file statements with an advisory committee. Committee records, including reports and meeting minutes, must be made available for public inspection and copying (FACA § 10).

### Termination and Renewal

An advisory committee terminates no later than two years after its establishment unless the President or a federal officer renews it or Congress provides otherwise (FACA § 14; 42 CFR § 102-3.30(b)).

### Ethics

Advisory committee members must comply with applicable ethics and conflict-of-interest laws, including Office of Government Ethics rules (41 CFR § 102-3.105(h)).

### Additional Resources

[FACA Management Overview](#), GSA  
[Federal Advisory Committee Act](#), ACUS Admin. Procedure Sourcebook  
ACUS Rec. [2011-7](#), Federal Advisory Committee Act—Issues and Proposed Reforms  
ACUS Rec. [89-3](#), Conflict-of-Interest Requirements for Federal Advisory Committees  
ACUS Rec. [80-3](#), Interpretation and Implementation of the Federal Advisory Committee Act  
Reeve T. Bull, [The Federal Advisory Committee Act: Issues and Proposed Reforms](#) (2011)