



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

3/17/2011

Recommendations: Federal Advisory Committee Act

Preliminary Staff Draft

1. The General Services Administration (GSA) should amend the Federal Advisory Committee Act (FACA) committee management rules to permit expanded electronic meeting opportunities by clarifying the extent to which “new media” (or “social media”) can be used by agencies in connection with advisory committees that are governed by FACA. The rules should also illustrate, by examples, options for using these media to obtain public input to agency decision-making, including development of a public consensus on specific issues, that do not trigger the applicability of FACA.
2. GSA should announce that, under current law, federal advisory committees can conduct meetings wherein committee members post comments on a web forum that would be available over the course of several weeks or months and would permit members of the public to view all postings. Such meetings must comply with FACA requirements for advance public notice and public access to the meetings.
3. GSA should incorporate into its training sessions for committee management officers and its informational materials about FACA a discussion of ways in which new or social media can be used by advisory committees without violating FACA. The emphasis should be upon finding ways to obtain the potential benefits within the requirements of existing law.
4. Agencies should experiment with creative techniques of using new or social media as a means of reducing the costs of advisory committee activities, as well as obtaining broader sources of useful information by advisory committees.
5. Each agency that uses advisory committees should examine its internal review processes for establishing new advisory committees, for referring new issues within the scope of existing advisory committees to those committees, and scheduling meetings, and should seek ways to eliminate delay from these processes.
6. Congress should not alter by legislation GSA’s interpretation of existing law that permits a subcommittee to study and analyze assigned issues, develop proposals, and write drafts in advance of a meeting of the full committee, for presentation, debate, and ultimate acceptance, modification or rejection by the full committee.