

**Forest Service Manual  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Manual 1300 – Management  
Chapter 1350 - Committee Management**

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**Duration:** This amendment is effective until superseded or removed.

**Superseded Directive:** 1350, Amendment 1300-90-6, June 21, 1990

**Approved by:** Lenise Lago, Deputy Chief, OPS

**Date approved:** February 25, 2013

**Responsible Staff:**

**Explanation of changes:** Following is an explanation of the changes throughout the directive by section.

**1350:** Substantially reorganizes, recodes, and revises chapter in its entirety to align with Agency foundational principles and FACA management. Changes the Washington Office staff area from “Office of Communication and Public Affairs” to “Office of Regulatory and Management Services” throughout the chapter.

**1350.1:** Revises current and adds new authorities for Federal Advisory Committees. Removes obsolete authorities regarding Grazing Advisory Boards.

**1350.5:** Revises current definitions and adds the following new terms: “Act”, “Agency Committee”, “Committee Management Officer”, “Committee Management Secretariat”, “Committee Meeting”, “Departmental Committee”, “Designated Federal Officer”, “Discretionary Advisory Committee”, “Independent Presidential Advisory Committee”, “Interagency Committee”, “Non-discretionary Advisory”, “Committee”, “Non-statutory Committee”, “Presidential Advisory Committee”, “Sponsored Committee”, “Statutory Advisory Committee”, “Subcommittee”, and “Utilized Committee”.

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## 1350.1 - Authority

Departmental Regulation of 1989 (DR1041-001). Initiates procedures for the establishment, operation, duration, and accessibility to the public on advisory committees under the jurisdiction of the United States Department of Agriculture (USDA).

Disclosure of Advisory Committee Deliberative Material (12 op. OLC 73). This disclosure requires advisory committees to make available for public inspection the written advisory committee documents, including pre-decisional materials such as drafts, working papers, and studies.

Executive Order 12024 of 1977. This Executive Order requires the transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration.

Executive Order 12838 of 1993. This Executive Order regulates the reduction of Federal Advisory Committees within the Executive Branch and provides limitations on the establishment of new committees.

Executive Order 13490 of 2010. This Executive Order prohibits federally registered lobbyists from serving on Federal Advisory Committees.

Federal Advisory Committee Act Final Rule (41 CFR Part 101-6). The final rule is an administrative document that provides interpretive guidelines for the FACA.

Federal Advisory Committee Act of 1972 (Public Law 92-463). This Act establishes a system to govern the creation, operation, and duration of advisory committees in the Executive Branch of the Federal Government.

Federal Advisory Committee Act of 1997 (Amendment) (Public Law 105-152). This amendment clarifies public disclosure requirements applicable to the National Academy of Sciences (NAS) and the National Academy of Public Administration (NAPA), and excludes from the Act any committee created by these organizations. It also expands the exclusions from the definition of advisory committees to include permanent part-time officers or employees of the Federal Government.

Freedom of Information Act (FOIA) (Public Law 104-231). This legislation ensures that people have access to the records of the Executive Branch of the U.S. Government and requires the government to justify its need for not releasing any records. The FOIA also set standards for determining which records held by government agencies must be made available to the public and which records may be withheld. The Act also provides administrative and judicial remedies for those denied access to records.

Government in the Sunshine Act (Public Law 94-409). This Act provides, with ten specified exemptions, that every portion of every meeting shall be open to the public. The ten specific exemptions for categories of information that need not be disclosed, consist of: information relating to national defense; related solely to internal personnel rules and practices, related to accusing a person of a crime, related to information where disclosure would constitute a breach of privacy; related to investigatory records where the information would harm the proceedings; related to information which would lead to financial speculation or endanger the stability of any financial institution; and related to the agency's participation in legal proceedings.

Implementing Section 204 "State, Local, and Tribal Government Input of Title II of (Public Law 104-4). This Public Law develops an effective process to permit elected officers of State, local, and Tribal Governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates.

OMB Circular of 1994 (A-135). This circular provides guidance and instructions on the management of Federal Advisory Committees and requires the Executive Departments and agencies to establish a committee planning and review process.

Privacy Act (Public Law 93-574). This Act gives Congress authority to protect the privacy of individuals identified in information systems maintained by Federal agencies. It is necessary to regulate the collection, maintenance, use, and dissemination of information collected by such agencies. The Privacy Act provides safeguards for individuals against possible invasion of personal privacy.

Unfunded Mandates Reform Act of 1995 (Public Law 104.4, Section 204(b)). This Act provides for an exclusion from the Federal Advisory Committee Act for interactions between Federal officials and their State, local, or tribal counterparts while acting in their official capacities involving shared intergovernmental responsibilities or administration.

Vice Presidential Memorandum of 1994. This memorandum expands the President's policy for controlling the number of Federal Advisory Committees by requiring departments and agencies to:

1. Work with Congress to eliminate unneeded committees mandated by statute and reduce the number of discretionary committees by one-third;
2. Limit support for the establishment of new statutory committees or legislative language that exempts advisory committees from coverage under the Federal Advisory Committee Act (FACA); and

3. Review and eliminate advisory committees that are obsolete, duplicative, low priority or serve a special, rather than national interest.

### **1350.2 - Objective**

To provide the requirements, responsibilities, processes, procedures, and controls for the management and operation of Forest Service advisory committees. The FACA program will:

1. Provide efficient and effective implementation of the Forest Service advisory committee management responsibilities through teamwork.
2. Provide early involvement of the Forest Service program areas in the development and establishment of Forest Service advisory committees.
3. Establish effective program direction, accountability, and performance assurance.
4. Maintain control of time and costs of the advisory committee management process while maintaining its quality.
5. Engage in communication and coordination among Forest Service program areas, administrative offices, Office of Ethics, Office of General Counsel, and the USDA White House Liaison's office.

### **1350.3 - Policy**

The General Services Administration (GSA) and Departmental Regulation 1041-001, provide guidance on the Federal Advisory Committee Act (FACA) of 1972 for the establishment, operation, administration, membership, meetings, and duration of advisory committees.

The Forest Service FACA office policy expands direction to:

1. Establish a program, in accordance with FACA 5 U.S.C. App. II and 41 CFR 102-3.105(b), governing the operation, administration, membership, meetings, and duration of advisory committees.
2. Establish advisory committees only when mandated by law, or when it has been demonstrated that it is in the public interest.
3. Create or retain an advisory committee for possible future use by the Agency, utilizing the three types of committees. The three types of committees are: statutory committees, agency authority committees, and presidential committees.
4. Manage and control Agency resources for committees by overseeing administrative guidelines and regulations.
5. Consider alternatives for obtaining advice and public participation.

6. Terminate advisory committees, in coordination with applicable program areas, when they are no longer relevant to the Agency's mission or no longer carrying out the functions for which they were established.

#### **1350.4 - Responsibility**

##### **1350.41 - Washington Office, Deputy Chief, Business Operations**

The Deputy Chief, Business Operations is responsible for ensuring the Federal Advisory Committee Act (FACA) program operates in compliance with Federal law, policy, and regulations.

##### **1350.42 - Washington Office, Director, Office of Regulatory and Management Services**

The Director, Office of Regulatory and Management Service (ORMS) has overall program responsibility for the implementation and operation of the FACA program agency-wide.

##### **1350.43 - Washington Office, Assistant Director, Office of Regulatory and Management Services, FACA Office**

The Assistant Director, ORMS, FACA office is responsible for providing guidance and support to program offices service-wide, and serves as the primary point of contact with Designated Federal Officers and Washington Office program managers.

##### **1350.44 - Washington Office Staff Directors**

The Washington Office staff directors ensure administrative and staff support services are provided to the Washington Office and to field offices for each advisory committee sponsored by their organization, and coordinate committee activities with the Washington Office ORMS FACA Office for each advisory committee.

##### **1350.45 - Regional Foresters, Station Directors, Area Directors, International Institute of Tropical Forestry, and Forest Product Laboratory Directors**

Each Regional Forester, Station Director, Area Director, International Institute of Tropical Forestry and Forest Product Laboratory Directors are responsible for the overall establishment of committees, nominations of members, and the recommendation of Designated Federal Officers.

##### **1350.46 - Designated Federal Officers**

Each Designated Federal Officer (DFO) shall be fully knowledgeable of all activities and developments concerning advisory committees. The DFO is responsible to:

1. Approve or call the meeting of the advisory committee or subcommittee;

2. Approve the agenda, except that this requirement does not apply to a Presidential advisory committee;
3. Attend the meetings;
4. Adjourn any meeting once it has been determined to be in the public interest; and
5. Chair the meeting when so directed by the Agency head.

## **1350.5 - Definitions**

Agency Committee Management Officer (ACMO). The employee in the Agency who coordinates all facets of committee management for the Forest Service under the direction of the Department Committee Management Officer. An ACMO may also be referred to as a Government Federal Officer (GFO).

Committee Management Secretariat (CMS). The office within the General Services Administration (GSA) is responsible for all matters relating to advisory committees in the Federal Government.

Committee Member. An individual who is appointed to serve on an advisory committee with or without compensation with full rights and obligations to participate in the activities of the committee, including voting on committee recommendations.

Department Committee Management Officer (DCMO). A USDA employee that provides leadership, direction, and assistance to the USDA officials, and Agency Committee Management Officers in the preparation and management of Federal advisory committees.

Designated Federal Officer (DFO). The DFO is the person responsible for the Committee's overall management and administrative matters.

Discretionary Advisory Committee. A committee, sometimes referred to as a non-Statutory Advisory Committee, authorized by law and established at the discretion of the Secretary or other authorized Federal official.

Presidential Advisory Committee. A group established by Executive Order or other Presidential directive to provide direct advice and counsel; or any committee designated by statute as Presidential.

Secretary. The Secretary of the U.S. Department of Agriculture.

Statutory Committee. A group of people established by Congress or required to be established by Congress, may also be referred to as non-discretionary, mandated, or specifically created by law.

Subcommittee. A group, generally not subject to the rules of FACA, that reports to an advisory committee and not directly related to a Federal officer or agency.

Termination Date. The time the committee ceases to function whether by merger, abolition or expiration.

White House Liaison's Office (WHLO). A location where everything related to advisory committees filters through for the White House Liaison and the DCMO to review before going to the Secretary for approval.

### **1351 - Committees or Groups Not Covered by FACA**

Some Agency collaborative committees or groups that are not subject to FACA are:

1. Committees exempted by statute. Any committee specifically exempted from the rules of FACA;
2. Committees not actually managed or controlled by the Executive Branch. Any committee or group created by non-Federal entities, such as a contractor or private organization; and provided that these committees or groups are not actually managed or controlled by the Executive Branch;
3. Groups assembled to provide individual advice. Any group that meets with a Federal official(s), including a public meeting, where advice is sought from the attendees on an individual basis and not from the group as a whole;
4. Groups assembled to exchange facts or information. Any group that meets with a Federal official(s) for the purpose of exchanging facts or information;
5. Committees composed entirely of full-time or permanent part-time officials of the Federal Government;
6. Meetings initiated by a group to express its view;
7. Committees established, managed, and/or controlled by a non-Federal entity;
8. Operational Committees that are established to perform primarily "operational" as opposed to "advisory functions" such as making or implementing Government decisions or policy. Operating committees are not, themselves, subject to the provisions of the Federal Advisory Committee Act; however, any advisory committee created by an operating committee would be subject to the Act.
9. Committees created by the National Academy of Science or the National Academy of Public Administration;
10. Committees created by the CIA or Federal Reserve System;



11. Committees created locally, such as, civic groups whose primary function is rendering a public service with respect to a Federal program;
12. State and local groups established to advise State or local officials or agencies;
13. Committees created to meet exclusively between Federal officials and elected officers of State, local, and Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacity; and
14. Committees that have meetings solely for the purpose of exchanging views, information or advice relating to the management or implementation of Federal programs established pursuant to Federal law that explicitly or inherently, share intergovernmental responsibilities or administration.

### **1352 - Establishment, Re-establishment, and Renewal of Advisory Committees**

Requirements for establishing, re-establishing, and renewing advisory committees vary depending on the entity and the source of authority for the advisory committee. Determination of need for an advisory committee must be in the public interest. Reasons for deciding that an advisory committee is needed depend on the following:

1. Advisory committee deliberations will result in the creation or elimination of (or change in) regulations, policies, or guidelines affecting Forest Service business;
2. The advisory committee will make recommendations resulting in significant improvements in service or reduction in cost; or
3. The advisory committee's recommendations will provide an important additional perspective or viewpoint affecting the Agency's operation.

No committee will be established, re-established, or renewed unless:

1. It has been determined as a matter of formal record, by the Secretary or appropriate under or Assistant Secretary, to be in the public interest.
2. It has been established, re-established, or renewed in accordance with legislation.
3. Notice of intent to establish, re-establish, or renew the committee and a call for nominations has been published in the Federal Register at least 15 days before the committee's charter is filed, unless the Secretariat authorizes a shorter period between publication and charter filing.
4. The purpose of the committee has been clearly defined.
5. The proposed membership of the committee represents a balance in terms of the points of view represented and the functions to be performed.

6. The proposed budget of the committee reflects the reasonably anticipated costs of performing the functions of the committee, and the funds to support the committee's proposed activities are available within Congressional limitations.

### **1352.1 - Procedures for Establishment, Re-establishment and Renewal of Committee**

When the Forest Service desires to establish, re-establish, or renew a committee, consultation with and approval from the Chief and/or Under Secretary, Natural Resources and Environment (NRE) is needed. After the consultation and approval is completed, the DFO must prepare the following documents to submit to the Agency Committee Officer:

1. Charter - Outlines the authority, scope, membership, reporting, recordkeeping, and other requirements of the committee.
2. Decision Memo - From the Forest Service through the Under Secretary, NRE to the Secretary requesting approval of the establishment, re-establishment, or renewal of the committee.
3. Membership Balance Plan - Describes how the committee will have balanced points of view represented among its membership.
4. Outreach Plan - Describes the specific approaches to announce the availability of committee membership positions. The Forest Service shall demonstrate the effort to reach diverse populations with an objective of appointing people with diverse racial, ethnic, gender, disability status, and national origin backgrounds.
5. Civil Rights Impact Analyst (CRIA) - Identifies and compares/contrasts/ alternatives that could eliminate, alleviate, or mitigate adverse and disproportionate civil rights impacts for the affected groups or classes of persons. (See Departmental Regulation 3400).
6. Federal Register Notice - To announce the establishment, re-establishment, or renewal of the committee at least 15 calendar days prior to filing the charter with Congress and the Library of Congress.

### **1352.2 - Mandatory Clearances**

After completion of the charter package, the Agency Committee Management Officer must coordinate clearance through the following:

1. Director, Office of Regulatory and Management Services.
2. Appropriate Staff Director.
3. Appropriate Deputy Chief.

4. Associate Deputy Chief of Business Operations.
5. Chief of Staff.
6. Chief.
7. USDA Committee Management Officer.

### **1352.3 - Charter Filing Requirements**

The Secretary approves the charter by signing the decision memo. The DCMO electronically signs and dates the charter and copies to be filed with Congress, the Library of Congress, and GSA. Advisory committees are considered established, re-established, or renewed when their Charter is filed. No advisory committee can meet or take any action until the DCMO has filed the committee's charter. The Federal Register notice must be published 15 days prior to filing the Charter for all discretionary, established, or re-established committees. A copy of the Charter will be uploaded into the GSA FACA database under the appropriate committee.

### **1352.4 - Procedures to Renew a Committee**

Unless the renewal of a committee charter is justified under FACA, the charter automatically expires after a two-year period (or as otherwise provided by law). Therefore, Section 1352 applies to charter renewals with the exception of the procedures related to the Federal Register notice filing.

For Statutory and Presidential Committees:

1. Federal Register notices are not required.
2. The legislation and charter serves as notice of the renewal of the committee.

For Discretionary Committees:

1. Federal Register notices must be published 15 days in advance to filing the charter.
2. The Federal Register notice is published concurrently with the Secretary's approval of the charter.

### **1353 - Termination of Advisory Committees**

Termination of a committee is done for the following reasons:

1. The charter has expired and the committee has not been re-established or renewed as provided the necessary regulations.

2. The committee has expended funds in excess of its estimated annual operating costs by more than 10 percent of \$500, whichever is greater, without prior approval of the DCMO.
3. The committee has not filed all budget reports required under provisions of the Act or the Food and Agriculture Act of 1977, as amended and FACA.
4. The committee has not met for two consecutive years.
5. The functions of the committee could or should be performed by Federal employees.
6. The committee does not serve or has ceased to serve an essential function.

### **1353.1 - Procedures to Terminate Advisory Committees**

For Statutory and Presidential Committees:

1. Determine if the committee can be classified as administratively inactive.
2. Determine if the statute that established the committee prescribed how the committee would terminate.
3. Determine whether legislation is desired to terminate the committee.

For Discretionary Committees:

1. Send members a notice that the committee has terminated and express appreciation for service.
2. The ACOMO must update the termination status in the GSA Federal Advisory Committee Database.
3. Store records according to NARA General Records, Schedule 26.

### **1354 - Amendments to Advisory Committees**

Amendment of a Committee can be done for the following reasons. The existing charter doesn't reflect the objectives or functions of the committee as it relates to changes in legislation, or the changes made by the Agency.

#### **1354.1 - Procedures to Amend Advisory Committees**

1. Discretionary.
  - a. Minor Amendment:

Minor amendments to a charter include changes to the name of the committee, the estimated number or frequency of meetings, or the number of members or slight increases (10 percent or less) in operating costs.

b. Major Amendment:

Major amendments to a charter include changes to the objectives, scope, or composition of the committee or a substantial increase in operating costs.

2. Statutory.

a. Minor Amendment:

Minor amendments may be made to the charters of statutory committees as long as they are consistent with the relevant statute.

b. Major Amendment:

Major amendments may not be authorized if they are outside the scope of the Committee's authorizing provisions.

### **1355 - Membership of Advisory Committees**

The following sources are required when nominating, selecting, and appointing members to advisory committees:

1. Balanced Points of View:

a. The membership of a committee must be fairly balanced in terms of the points of view represented, and the functions to be performed by the committee.

b. The primary consideration in the nomination process is the selection of highly qualified individuals. Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications, and experience relevant to the functions and tasks to be performed.

2. Fair and Nondiscriminatory Practices:

a. Special emphasis should be taken to assure that ethnic/diversity minorities are adequately represented on all Forest Service advisory committees, including women and the disabled. Ethnic/diversity minority categories include: White, African American, Alaska Native or Native American, Asian, Pacific Islander, and Hispanic.

b. Discrimination on the basis of race, color, national origin, religion, disability, age, sex, or sexual orientation in the selection of members is prohibited. When the Agency publishes a notice in the Federal Register soliciting nominees for committee

membership, the notice must include the following statement: "To ensure that recommendations of the (committee/council/board) take into account the needs of the diverse groups served by the Department, membership will include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities."

3. Advisory Committee Service:

- a. No member other than Federal employees, can serve on more than one committee or at any one time without the prior approval of the committee management officer (CMO). The DFO determines when a nominee is already serving on another advisory committee. Requests for multiple memberships must be submitted to the CMO.
- b. Not more than one officer or employee of any corporation or other non-Federal entity, including its subsidiaries and affiliates, can serve on the same advisory committee at any one time without the prior approval of the CMO. Requests for exceptions must be submitted to the CMO.
- c. No member, other than Federal employees, may serve on an advisory committee for more than six consecutive years without the prior approval of the CMO. A committee charter may specify that Federal employee members are not subject to term limits. All requests for extended membership terms must be submitted to the CMO for referral to the Secretary.
- d. Appointments of members range from two to four years or for the unexpired term of the member being replaced, as appropriate, unless a statute prescribes a longer period.
- e. Committee appointments may be established on a staggered schedule to ease the transition among new and experienced members and or to reduce the DFO's outreach efforts. The appointing authority, however, may terminate an appointment prior to the scheduled expiration. The DFO should monitor the attendance and participation of committee members and consider replacing any member who has missed a substantial number of scheduled committee meetings or performed in an unethical manner (FACA Section 102–3.105(h)). All membership appointments expire when their associated committee is terminated, regardless of the previously established term. If a committee's charter expires during the renewal process due to administrative complications, the terms of the existing members of the committee should not be effected.
- f. In the event a terminated committee is re-established, new appointments to the committee are necessary. Reappointment of members may be made to assure effectiveness and continuity of operations consistent with the above restraints.

g. A replacement member appointed to fill a vacancy serves for the remainder of the term for which their predecessor was appointed.

h. Membership must be limited to the smallest number of individuals necessary to accomplish the committee's objectives, unless specified by legislation.

4. Ethic Principles:

a. It will be the responsibility of the Agency, through a Designated Agency Ethics Officer, to insure that no person selected as a member of a committee is engaged in employment or has a financial interest which is deemed likely to affect the integrity of his/her service on the committee. Members may be designated as special government employees, representatives, or regular Government employees.

b. All committee members must receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the committee's advice and recommendations. Members who are appointed as "Representatives" are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

c. Members appointed as "Special Government Employees" (SGEs) are subject to ethics laws. SGE's are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form). Upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards, USDA provides ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

5. Compensation and expense reimbursement:

a. Unless specifically required by law or approved by the CMO, agencies must not compensate committee members for their service on a committee. If compensation is mandated by statute, but the statute does not specify a rate of compensation, the Agency can recommend to the CMO the rate of pay for members. The CMO notifies the Agency if their request is approved.

b. If compensation is not mandated by statute, and the Agency desires to pay members, the request must be forwarded to the CMO. The request must include justification for such payment and the proposed rate of pay. If approved, the CMO notifies the Agency.

- c. The rate of pay in either (a) or (b) above must not exceed the daily equivalent of the maximum rate of pay for GS-15.
  - d. An Agency may fix the pay of each committee staff member at a rate of the General Schedule, General Merit Schedule, or Senior Executive Service in which the staff member's position is appropriately placed (see Chapter 51 of Title 5 of the U.S. Code).
  - f. An Agency may not fix the pay of a staff member at a rate higher than the daily equivalent of the maximum rate for GS-15, unless it has been determined by the CMO that the position would be appropriately placed at a higher grade under one of the above classification systems. Once such a determination has been made, the Agency must annually forward for review by the CMO documentation supporting the higher pay rate.
  - g. In establishing rates of compensation, the Agency head must comply with applicable statutes, regulations, and Executive Orders.
  - h. A staff member who is a Federal employee can serve on a USDA advisory committee with the knowledge of the DFO and approval of the employee's direct supervisor. If a non-Federal employee (for example consultant or contractor), the staff member can be appointed in accordance with applicable Agency procedures, following consultation with the committee.
6. Consultants - An Agency must fix the pay of a consultant to an advisory committee after giving consideration to the qualifications required of the consultant and the significance, scope, and technical complexity of the work. The rate of compensation may not exceed the daily equivalent of the maximum rate for GS-15. Consultants must pass the same vetting review as standing members of the committee, as performed by the Office of the White House Liaison.
7. Travel expenses - Committee members and staff members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703 for persons employed intermittently in Government service. Such payments for an alternate member of a committee can be allowed only when the alternate member is attending a meeting in that capacity.
8. Special services - While performing committee duties, a committee member who is blind or deaf, or who qualifies as a disabled individual, may be provided services by a personal assistant for disabled employees if the member:
- a. Qualifies as a disabled individual as defined by Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and



- b. Does not otherwise qualify for assistance under 5 U.S.C. 3102 as an employee of an Agency.
9. Bylaws - Agencies are encouraged to create committee bylaws that are derived from or address additional rules that are not contradictory to this directive or FACA regulations.

#### **1355.1 - Clearance and Appointment of Advisory of Advisory Committee Members**

1. An appropriate level of clearance is required for any individual who will serve on a Forest Service advisory committee. No member will be appointed until the background clearance process has been completed by the White House Liaison's Office. The Forest Service must collect standard information from individuals that are being nominated, regardless of whether they have prior Federal Advisory Committee experience.

The information includes:

- a. A resume or curriculum vitae;
  - b. Administrative form 755 - Advisory Committee Member Background Information  
Among other data, any source of income in excess of \$10,000 during the preceding year (other than from the individual's primary employment), must be reported as a major source of income. This information may be used towards the analysis of the applicant's qualifications to serve on the committee. This information may also be used as preparation for the financial disclosure and conflicts of interest analysis on applicants applying for special government employee membership positions.
2. The USDA White House Liaison Office will vet the individuals listed on candidate slate prior to the Forest Service analysis and candidate selection. The Forest Service FACA Office must submit a request for vetting, noting the candidates' names, social security number, date of birth, address, employer, and current memberships on Federal advisory committees and boards. While the criminal and financial background check of each candidate takes about one week or less to complete, the request for vetting should be received 45 days prior to date the member needs to be appointed to accommodate the complete Departmental-level approval process.
  3. Upon receiving the vetting results, the Forest Service creates their nomination package and requests approval for their candidate slate within six months of the date posted on vetting results memorandum. The nomination package includes:
    - a. Decision memorandum to the Secretary through the Under or Assistant Secretary, from the Agency head. The decision memorandum must briefly state the request to appoint a member(s) from the candidate slate, cite regulations and procedures, and describe outreach efforts.

- b. Candidate Slate. The candidate slate should list the title of the vacant position and a minimum of two candidates per position. The candidate slate includes statistical data such as the number of applications received, the number of qualified applicants, and the number of recommended candidates.
  - c. Outreach Summary. An Outreach Plan must be written for each charter. The Outreach Summary demonstrates how the Outreach Plan was implemented, including any integrated guidance from the CMO, the Forest Service Office of Civil Rights, and the USDA Office of the Assistant Secretary on Civil Rights.
  - d. Candidate Summaries. Candidate summaries provide no more than a half-page summary of each candidate's experience that makes them qualified for the committee position. These summaries may also include the factors which make the candidate most desirable, such as their nominating organizations awards, and recognitions among their peers.
  - e. Applicants not Selected for the Candidate Slate. Agencies must provide a list of qualified applicants who were not selected for the candidate slate and a rationale for excluding them.
  - f. Justification for Request to Extend an Existing Member's Term Limit. When circumstances weigh in favor of extending an existing member's term beyond the 6-year continuous service limit, the DFO will write a justification for requesting an extended term. The requested length of the extension must also be stated.
- 4. The Secretary of the Department of Agriculture has the discretion to appoint or not appoint candidates for advisory committee membership.
  - 5. Upon receiving a signed candidate slate from the Secretary, the Forest Service is free to offer membership to the selected candidates and appoint a member(s) from the candidate slate.
  - 6. Nominations of Alternates (Substitutes) and Replacement Alternates:
    - a. Unless alternates are required by statute, an agency's request to use alternates of any kind will be documented and approved in the committee charter.
    - b. If previously approved in the charter, all alternates will be nominated and appointed in concert with nominees for their associated standing position. Alternates are individual and distinct positions on the nomination slate, rather than an implied role for qualified candidates who were not selected for standing positions.
    - c. Alternates must complete the same appointment requirements as standing members, but do not have terms. However, if an alternate is considered for

appointment to a standing committee position, the individual must submit an up-to-date membership application and pass a vetting review, as conducted by the Office of the White House Liaison.

### **1355.2 - Notification of Appointment of Members**

1. Authority. National and/or statutory committee members are appointed by the Secretary as authorized by 5 U.S.C. APP. 2. Regional, State and local committee members are appointed by the Secretary, unless determined otherwise by the committee management officer (CMO) and approved through the committee's charter.

2. Certificates of Appointment. All appointed members must receive documentation (for example, letters and certificates) that clearly shows they have been appointed by the Secretary or other official.

a. A letter and form AD-580, Certificate of Appointment, signed by the Secretary, will be presented to each member as a formal notification of appointment.

b. The Agency arranges for presentation of the certificates either by mail at the time of appointment, or at the next meeting of the committee.

3. Invitation to serve on a committee. The Forest Service is encouraged to document an official letter of invitation from the Secretary to serve on the committee, and in turn, an acceptance from the candidate. The Forest Service may provide appropriate follow-up where a letter of invitation has been issued and no response is received within 21 days of the date the invitation was mailed.

4. Other communication with appointed members. The Forest Service is encouraged to provide the following information in writing, the bylaws and/or an administrative training as part of their appointment procedures:

a. Committee charter;

b. Name of the chairperson and a roster of members;

c. Frequency of meetings, if known, and requirements to attend meetings;

d. Location of meetings, if known;

e. Travel and per diem allowances, if applicable;

f. Expiration date of appointment;

g. Membership rules;

h. Web site reference to find existing committee records;

- i. Basic guidance on how committee meetings are typically called and run; and
  - j. Federal points of contact.
5. Recordkeeping. After a candidate has been appointed, the Designated Federal Officer (DFO) must add the new member to the committee's record in the GSA FACA database, a Government-wide shared Internet-based system, as directed by the General Services Administration (OGC).

### **1356 - Advisory Committee Meetings**

1. Policy. All committee meetings are subject to the following provisions.
- a. No meeting will be held except at the call of, or with the advance approval of the Designated Federal Officer (DFO). The DFO must approve the agenda of each parent and subcommittee meeting.
  - b. Committees will meet in the presence of a DFO who has the authority to call and/or adjourn any meeting considering it's in the public's interest. No committee or subcommittee will conduct a meeting in the absence of the DFO. When multiple committee or subcommittee meetings are held simultaneously or during emergencies, a DFO may delegate other Federal officials to act in their position.
  - c. Meetings will be open to the public except when a determination is made by the Secretary, in writing, that any or all portions of a meeting should be closed in accordance with 5 U.S.C. 552b(c).
  - d. If the Forest Service seeks to have all or part of a meeting closed on the basis of an exemption contained in 5 U.S.C. 552b(c), the Agency must prepare a determination for the Secretary's signature. The determination must state that it is essential to close a portion(s) of the meeting and the specific reasons for this action. The determination must be accompanied by an explanation of the reasons why the meeting should be closed. The determination and accompanying explanation must be cleared through OGC and then forwarded to the CMO at least 45 days before the scheduled meeting.
  - e. The closing of a meeting or any portion of a meeting may be reviewed by the Washington Office FACA and the CMO after the meeting is held. If it is determined that a meeting or any portion thereof was closed inappropriately, corrective action may be taken.
  - f. Notice of all meetings, both open and closed, must be published in the Federal Register at least 15, but no more than 45 calendar days prior to the meeting. Shorter notice may be authorized by the Secretariat for good cause or in emergency

situations. The reasons for such emergency exceptions must be made part of the meeting notice.

g. The DFO is responsible for preparation of the notice and submitting it to the Federal Register through OGC. The DFO must start processing a meeting notice at least 60 days before the scheduled meeting date to allow for clearance within the Department and handling time at the Federal Register. The notice must contain:

- (1) The name of the advisory committee;
- (2) The time, date, place, and purpose of the meeting, including a summary of the agenda or the name of the person from whom it may be obtained;
- (3) The extent to which the public will be permitted to attend or participate in the meeting;
- (4) A statement that the meeting is open or, if the meeting is to be closed, an explanation of why it is closed; and
- (5) The name and address of the person to whom written comments may be made.

h. A press release announcing a national committee meeting must be prepared by the Forest Service and forwarded to the Forest Service - Office of Communications through the USDA Office of Communications at least 15 days prior to the meeting. The USDA Office of Communications will make the release available to the media. Releases announcing regional, State, and local committee meetings will be furnished by the Forest Service to the local media.

i. With regard to an open or partially open meeting, the Forest Service is responsible for ensuring the following:

- (1) The meeting will be held at a reasonable time and at a place that is reasonably accessible to the public;
- (2) The size of the meeting room will be large enough to accommodate the committee members, the staff, and members of the public who could reasonably be expected to attend;
- (3) Any member of the public will be permitted to file a written statement with the committee before or within a reasonable time following the meeting; and
- (4) Interested persons may be permitted by the committee chairperson to speak at the meeting in accordance with procedures established by the committee.

j. Detailed minutes must be kept of all meetings. Transcripts cannot be substituted as minutes. The Chairperson certifies the accuracy of the minutes, which must include at least the following:

(1) The time, date, and place of the meeting;

(2) A list of committee members, committee staff, and Department employees present;

(3) An accurate description of each matter discussed and the resolution, if any, made by the committee of such matter;

(4) Copies of all reports or other documents received, issued, or approved by the committee;

(5) A description of the extent to which the meeting was open to the public; and

(6) A description of public participation, including a list of members of the public who presented oral or written statements, and an estimate of the number who attended the meeting.

k. The records, reports, transcripts, working papers, and so forth, of all open committee meetings must be available for public inspection and copying. Routine records of individual meetings and an annual comprehensive report must be submitted to the Committee Management Secretariat of the General Services Administration (GSA) through their Government-wide shared internet-based system. Individual meeting reports must be entered within 30 days of the meeting and annual comprehensive reports must be entered by September 30th of each year.

l. If a portion of a meeting is closed, the minutes of the open portion will be available to the public. If meetings are entirely or partially closed, the Agency must prepare at least annually a summary report of its activities and such related matters as would be informative to the public. No later than September 30th of each year, the Agency will prepare a Federal Register notice of availability of the report, including instructions which allow the public access to the report.

m. Committee records must be maintained for the life of the committee and then disposed of in accordance with the Forest Service records disposal schedule.

n. If transcripts are made of a meeting, they must be made available within a reasonable period of time following the meeting. Transcripts are highly recommended for controversial topics.

o. Advice or recommendations of the committee should be given only with respect to matters covered in the record of the committee's proceedings.

p. If, in lieu of a face-face meeting, committee members meet via teleconference, webcasting, or other alternative technology, the Agency must publish a notice in the Federal Register, no later than 15 days prior to the date of the meeting as usual. In addition to the standard requirements for announcement of meetings, the notice must include:

(1) Instructions to the public on how to observe the meeting, and if possible, how to make an oral testimony. (Oral testimony periods are not required, but are encouraged).

(2) The online location where meeting records will be maintained, especially data provided to the committee prior to the meeting.

### **1357 - Advisory Committee Reporting and Recordkeeping**

1. The Forest Service shall create and maintain proper and adequate documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department of Agriculture (Department) to protect the legal and financial rights of the Government and of persons directly affected by the Department's activities (44 U.S.C. 3101).

2. Designated Federal Officers must refer to the most up-to-date guidance from:

- a. Departmental Regulation 3080-1 Records Disposition;
- b. National Archives and Records Administration General Records Schedule 26;
- c. The Forest Service Records Officer; and
- d. The USDA Records Management Officer.

3. Designated Federal Officers must provide cost, membership, charter, meeting, performance measures and other critical data about their committee electronically to the General Services Administration (GSA) on a fiscal year basis, using the GSA FACA database, a Government-wide shared internet-based system that GSA maintains.

4. Alternates appointed to substitute for standing members at individual meetings must be recorded with the GSA during the fiscal year in which they served and documented in the attendance records of the individual meeting.