

LAWS GUIDING COMMUNITY ENGAGEMENT SPOTLIGHT ~ FACA



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Managing by Network
Partnership and Community Collaboration Academy



Get the 411 On FACA



**Karen Simms,
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**Academy Guest
Instructor**

28 mins



<https://www.partnership-academy.net/video-studio/faca/>

What is FACA?

The Federal Advisory Committee Act (FACA) requires that certain procedures be followed whenever a Federal agency seeks the consensus advice of a group external to the Federal government.

The purpose of FACA is to provide uniform standards for the operation of advisory committees used in the executive branch and to ensure public access to and knowledge of their deliberations.

Do you have experience
working with a
FACA committee?



Does FACA Apply?

4 Criteria
To Consider

Federal Advisory Committee Act

- ❑ Does the group involve people outside the government?
- ❑ Does the group have a 'committee' structure with fixed membership and specific purpose?
- ❑ Is a federal agency primarily responsible for creating and managing the group?
- ❑ Is the groups' primary purpose to provide specific advice or group recommendations to the agency?

Calling On FACA

Chalonda Jasper
USFS
Planning Specialist
Ecosystem Management
Coordination
Arlington, Virginia



FACA MEETING MANAGEMENT

PRESENTER: CHALONDA JASPER- USFS

POSITION/ROLE: FACA COORDINATOR
COMMITTEE: NATIONAL ADVISORY
COMMITTEE FOR IMPLEMENTATION OF THE
NATIONAL FOREST SYSTEM LAND
MANAGEMENT PLANNING RULE

August 22, 2013

<https://www.partnership-academy.net/products/planning-rule-faca-and-usfs-national-advisory-committee-for-implementation-of-the-national-forest-system-land-management-planning-rule-chalonda-jasper/>

Tripping FACA

Rachel London
USFWS
Fish and Wildlife
Biologist
Ecological Services
Arlington, Virginia



Adventures in FACA

How USFWS developed its voluntary
guidelines for wind energy development



<https://www.partnership-academy.net/products/adventures-in-faca-how-usfws-developed-its-voluntary-guidelines-for-wind-energy-development-rachel-london/>

POP QUIZ

Is a Resources Advisory Committee/Council (RAC) a FACA committee?

What are three characteristics of a FACA committee?

How does the work of a FACA committee build trust and transparency?

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Balanced representation
Announced public meetings
Published minutes
Group Consensus on recommendations

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What are three characteristics of a FACA committee?

Appointed Membership with Balanced Representation
Created and Managed by a Federal Agency
Provides Specific Advice to a Federal Agency or the President

POP QUIZ

What are four alternatives to the establishment and management of a FACA committee that might serve the interest of your agency?

What are three benefits of establishing and managing a FACA committee?

POP QUIZ

What are four alternatives to the establishment and management of a FACA committee that might serve the interest of your agency?

1. Meet 1 to 1 with stakeholder groups to inform and consult on Federal agencies strategies
2. Third-party group convenes stakeholders and contracts a facilitator
3. Meet only with other Federal, State and local public agency representatives
4. Meet with a legislative established body

What are three benefits of establishing and managing a FACA committee?

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1. Support Trust and Transparency
2. Involve Stakeholders in Planning and Implementation of Strategies
3. Acquire knowledge and expertise

What are three benefits of establishing and managing a FACA committee?

How to Ensure that Collaborative Activities do not trigger the Federal Advisory Committee Act:

Avoid establishing a group and seeking group advice or recommendations: FACA applies when a federal agency establishes or controls a group including non-government representatives and does so with the purpose of obtaining collective advice or recommendations (41 CFR 102-3.25, definition of *advisory committee*).

Recognize that “utilize” has a special meaning under the FACA law. “A committee that is not established by the Federal Government is *utilized* within the meaning of the Act when the President or a Federal office or agency exercises actual management or control over its operation” (See the FACA regulation definition for an agency “utilizing” a group, 41 CFR 102-3.25 and 41 CFR 102-3.40(d)). A group may be subject to FACA when a federal agency exercises actual management or control such as by selecting the members, setting the procedural rules, dictating the agenda, and providing all the funding for operations. A significant “red flag” is whether the agency picks the participants. For instance, if the agency sends invitations to a series of meetings to a broad number of interest groups asking each to send a representative and also issues public notice of the meetings stating anyone may attend and participate, the series of meetings would not be subject to FACA.

Seek individual perspectives, rather than the collective view of a group. While this approach can lessen the risk of a FACA violation, it can also diminish the value of collaboration. The most value to the government can sometimes come from groups in which members work together to identify areas of agreement and disagreement. Seeking *information* from individuals about whether consensus exists among the individual participants and why is not the same as seeking *group consensus*. Remember that a group that develops consensus does not trigger FACA coverage unless the group was also established or utilized by the federal agency (Appendix A to Subpart A of 41 CFR 102-3.).

Who Do You Contact?

To determine the need for a FACA committee or alternative strategies:

- **NEPA Planning Coordinator**
- **Managers with Experience with FACA/Alternatives**
- **Committee Management Officer (CMO) per agency**
- **Ethics Advisor**
- **DOI Office of Collaborative Action and Dispute Resolution (CADR)**
- **Agency Specific On-Line Publications**



10 Partnership and Community Collaboration Competencies At Work

1. Accountability
2. Collaboration
3. Communication
4. Conflict Resolution
5. Evaluation
6. External Awareness
7. Facilitation
8. Partnership Management
9. Political Savvy
10. Strategic Thinking



FACA



PRA



FOIA

