

**EXEMPTIONS/EXCLUSIONS FROM
FEDERAL ADVISORY COMMITTEE ACT**

GROUPS ARE NOT FACAs COMMITTEES IF THEY ARE...	THERE COULD BE A POTENTIAL FACa PROBLEM IF...	CONSIDERATIONS
A group composed wholly of full-time or permanent part-time officers or employees of the Federal Government.		
A group assembled to obtain the advice of individual attendees rather than advice or recommendations from the group as a whole, including public meetings.	Individuals provide consensus advice or otherwise act as a group.	You should structure sessions so that you obtain a wide variety of viewpoints instead of consensus among groups. Discourage group deliberations.
A group assembled to exchange information or facts, including identifying issues that the Service may want to address. They do not provide advice or recommendations concerning the priority and approach the Service should take to resolve those issues.	The focus of the group moves from information exchange to providing collective advice.	
A local civic group whose primary function is rendering a public service with respect to a Federal program.		
A group established to advise or make recommendations to State or local officials, such as State or local committees, commissions, boards, and councils.		
A group that requests a meeting (or a series of meetings) with Federal officials to present the group's views on a particular subject.		
People or organizations that have a contractual relationship with the Department (e.g., a consulting firm the Service hires to provide advice).		
A group established to perform primarily operational functions. Operational functions are those specifically authorized by statute or Presidential directive, such as making or implementing Government decisions or policy. These committees generally have: (1) specific functions or authorities provided by Congress or Presidential directive; (2) the ability to make and implement traditionally governmental decisions; and (3) the authority to perform specific tasks to implement a Federal program.	The committee alters its function to become primarily advisory in nature.	
A group whose meetings are <u>exclusively</u> between Federal officials and elected officials of State, tribal, or local governments (or their authorized designated employees) to exchange views, information, or advice relating to the management or implementation of Federal programs.	Meetings are held with additional individuals other than those specified in Public Law 104-4, or where non-Federal officials lack sufficient	

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	designated authority to act on behalf of elected officers.	
Groups specifically exempted from FACA by statute.		
Groups created by non-Federal entities such as contractors, non-governmental, or private organizations, as long as the Service does not manage or control the committee.	The Service manages or controls the committee or group (e.g., the Secretary selects members, the Service sets the agenda, and the Service funds the group's work).	
Meetings with one person.		Meetings with one person are not a FACA, regardless of who initiates the meeting. There is no limit on the number of meetings that can be held.
Subgroups of chartered FACA committees where the purpose of the meeting is to do research for or prepare proposed position papers for the committee as long as the subgroup reports directly to the parent committee and not to a Federal official or agency.	The subgroup were to make recommendations directly to Service officials.	The subgroup may not make any recommendations directly to officials of the Service. It must operate through the chartered advisory committee, which must consider and deliberate the subgroup's product during a public meeting of the advisory committee.
Groups established by the National Academy of Sciences or the National Academy of Public Administration, as long as the Service does not manage or control the committee.		
Groups established or used by the Central Intelligence Agency or the Federal Reserve System.		