

An Evaluation of how Federal Advisory Boards Operationalize Congressional Intent
of Transparency, Financial Efficiency, and Balanced Membership

James F. Brandell

Dissertation submitted to faculty the Virginia Polytechnic Institute and State
University in partial fulfillment of the requirements for the degree of

Doctor of Philosophy in
Public Administration and Public Affairs

Matthew Dull, Chair
Anne Khademian
Adam Eckerd
Jason Fichtner

April 10, 2019
Alexandria, Virginia

Keywords: Public administration, federal advisory boards, transparency, financial
efficiency, diversity, legitimacy

Copyright 2019, James F. Brandell

An Evaluation of how Federal Advisory Boards Operationalize Congressional Intent of Transparency, Financial Efficiency, and Balanced Membership

James F. Brandell

ABSTRACT

The intention of this dissertation is to understand how federal advisory boards are operationalizing Congressional intent of transparency, financial efficiency and balanced board membership. When Congress passed the Federal Advisory Commission Act (FACA) in 1972, these three values were intended to help add legitimacy to the operation advisory boards.

Advisory boards have been in use on the federal level since the first term of President George Washington, and they provide valuable expertise on a wide variety of subjects for the government. Currently, over 1,000 advisory boards are operating across the federal government with nearly 25,000 people participating. Collectively, annual operations of these boards approaches a half billion dollars.

In the years leading up to the passage of FACA, Congressional hearings revealed deficiencies across federal departments with transparency of advisory board operations, spending practices, and appointment processes which threatened the legitimacy of their use. The FACA law was intended to bring legitimacy back to boards' operation by requiring more transparency, financial efficiency and balance in viewpoints on board appointments.

With the law more than 40 years old, this dissertation explores how advisory boards today are operating in relation to the values Congress laid out in legislation. A quantitative exploration was conducted to assess the fidelity to the Congressional values by using publicly available data points. A sample of the 1,000 operating advisory boards was used to conduct the research.

Using the results of the quantitative exploration, six case studies were selected for additional examination. Three cases were selected by a systematic method based on the quantitative data, and three additional cases were selected by the unique results from the data.

A dozen policy changes were suggested as a result of the quantitative and qualitative examinations to better align present day operation of advisory boards with the Congressional intent. This study may be useful to policymakers who have oversight on advisory board operations.

An Evaluation of how Federal Advisory Boards Operationalize Congressional Intent of Transparency, Financial Efficiency, and Balanced Membership

James F. Brandell

GENERAL AUDIENCE ABSTRACT

American citizens provide input to the federal government in several ways. Voting for President and Members of Congress is the most visible way. However, serving on one of the approximately one thousand existing federal advisory boards is another way. These are boards and commissions made up of citizens who have expertise in various subjects for which the government needs ideas to help fix problems affecting our country. The focus of these boards ranges greatly. For example, some boards focus on highly specialized medical issues, and others focus on how citizens use the land around national forests.

In 1972, Congress passed a law that set some basic guidelines on how these boards should operate. Congress said that boards need to be transparent in how they work so the public can monitor them easily. Congress also noted that the boards need to use the tax money given to them to operate efficiently and try to save money whenever they can. Finally, Congress wanted boards to have people with different points of views represented, so recommendations are not one-sided.

Now that the law is over 40 years old, this dissertation examines how closely advisory boards today are following those guidelines Congress wrote in 1972. This dissertation suggests some ways to measure how close they are following the directions, and it looks in-depth to several of them to see how they operate. Finally, the dissertation gives some new suggestions on how all boards can operate to better reflect the ideas Congress wanted.

Dedication

For my mother:

Dr. Mary Ellen Brandell (In Memoriam), who inspired me to travel down this road.

Table of Contents

| | |
|---|--------|
| Chapter One: | |
| Introduction and Background on Federal Advisory Boards | p. 1 |
| Chapter Two: | |
| Literature and Theory Supporting Advisory Boards | p. 8 |
| Chapter Three: | |
| Quantitative Exploration: An Examination of Publicly Available Data of Federal Advisory Boards Related to Congressional Intent Values | p. 17 |
| Chapter Four: | |
| Six Case Studies: An Exploration How FACA's Values Are Operationalized | p. 43 |
| Neurological Sciences Training Initial Review Group | p. 46 |
| Nevada Advisory Committee | p. 55 |
| Columbia County Resource Advisory Committee | p. 65 |
| President's Export Council | p. 72 |
| Board of Scientific Counselors – | |
| Office of Public Health Preparedness and Response | p. 79 |
| Eastern Montana Resource Advisory Council | p. 85 |
| Chapter Five: Study Finding & Areas For Further Research | p. 90 |
| Bibliography | p. 107 |
| Appendices | p. 115 |
| A. Active List of Federal Advisory Boards for Sample Selection | p. 116 |
| B. Pulled Sample of Advisory Boards | |
| with Quantitative Exploration Results | p. 130 |
| C. Neurological Sciences Training Initial Review Group Charter | p. 133 |
| D. Nevada Advisory Committee Charter | p. 137 |
| E. Columbia County Resource Advisory Committee | |
| Charter and Membership Balance Plan | p. 144 |
| F. President's Export Council Charter | |
| and Membership Balance Plan | p. 154 |
| G. Board of Scientific Counselors - Office of Public Health | |
| Preparedness and Response Charter and | |
| Membership Balance Plan | p. 161 |
| H. Eastern Montana Resource Advisory Council | |
| Charter and Membership Balance Plan | p. 169 |
| I. Example FACA Database Annual Questions | p. 176 |
| J. IRB Background | p. 185 |

Chapter One

Introduction and Background on Federal Advisory Boards

This dissertation evaluates how federal advisory boards have operationalized Congressional intent since the passage of the Federal Advisory Commission Act of 1972 (FACA). The FACA law governs advisory boards creation and their operation. The study examines how the three foundational and normative values of transparency, financial efficiency, and membership diversity that Congress attempted to instill in the law are being operationalized to support legitimacy in the operation of advisory boards.

Specifically, it examines the publicly available data on federal advisory boards published and maintained by the General Services Administration (GSA) and other government agencies to conduct a quantitative and qualitative exploration of advisory boards, investigating how the federal advisory boards attempt to operationalize Congressional intent. Afterward, using the results of the exploration, recommendations are made on how the FACA law and general advisory board operations could be supported to ensure the foundational values are prioritized and legitimacy in the process is strengthened.

Advisory boards have been a part of American government since the founding of our country and President George Washington's administration. President Washington appointed the first known advisory committee to assist him in dealing with the Whiskey Rebellion in 1794. The rebellion was a tax revolt that started in 1791 over the tax collection of whiskey that was made by farmers with their leftover corn and grain from their harvests. With the revolt growing in intensity, Washington sought the advice of a group of citizens to assist in the handling of the crisis. After that, advisory committees were created and operated to

provide the federal government with expertise from citizens to assist in policymaking in the many areas of Government. (US General Services Administration, 2014)

An increase in the number of advisory committees over time began to grow, but a surge of committees most notably happened after World War II as a response to the increased government regulation that resulted from the New Deal as well as the increased cooperation between the public and private sector during the war (Croley, S. P., & Funk, W. F., 1997). Concerns began to emerge surrounding the possible collusion on boards where membership was stacked with strictly business interests, as these boards neutrality and legitimacy were called into question.

In 1950, the US Department of Justice issued guidelines regarding the conduct, agenda and membership make-up of boards, to help address this concern of stacking board membership with similar interests. Not having the power of law, these guidelines were primarily ignored (Croley, S. P., & Funk, W. F., 1997). Congress attempted in 1957 to pass binding legislation on advisory boards but ultimately failed. The issue was not highlighted again in Congress until 1970 when the respective Government Operations Committees in the House and Senate both started conducting hearings and investigations into advisory committee actions throughout the executive branch (Congressional Research Service, 2012).

In the years before FACA's passage in 1972, Congress spent considerable time and energy examining how best to manage and regulate these boards. More than 25 days of hearings were conducted between the House and the Senate between 1970-1972, resulting in the publishing of four comprehensive committee

reports on advisory boards. (Congressional Research Service, 2012). In 1970, one of those committee reports from the House Committee on Government Operations entitled "The Role and Effectiveness of Federal Advisory Committees" recommended "the Congress should spell out in public law the philosophy behind and need for advisory bodies and definitely establish policy and administrative criteria for their use at all levels of government." (US House of Representatives, 1972) In doing so, Congress was making the argument that certain values must be instilled in the operation of advisory boards in order for their legitimacy to be strengthened.

The committee report criticized the executive branch for their inability to give Congress an exact number of advisory committees in existence in 1970, as the numbers kept changing from departments as they discovered more advisory boards operating in their jurisdictions. Additionally, cost estimates on the administration of the boards varied with no precise amounts able to be determined. (US House of Representatives, 1972.)

The result of this Congressional action reached a peak with the passage of FACA in September 1972 by bipartisan majorities in both chambers. Reluctantly, President Nixon reluctantly signed the bill on October 6, 1972, which made it the law of the land. Earlier that same year, the President tried to placate Congress and head off the need for legislation by issuing an executive order June 5, 1972, which instilled some regulations for advisory boards. Undeterred by the President's actions, Congress moved forward on passing legislation of its own. The President and his advisors briefly contemplated vetoing the legislation. A veto message was

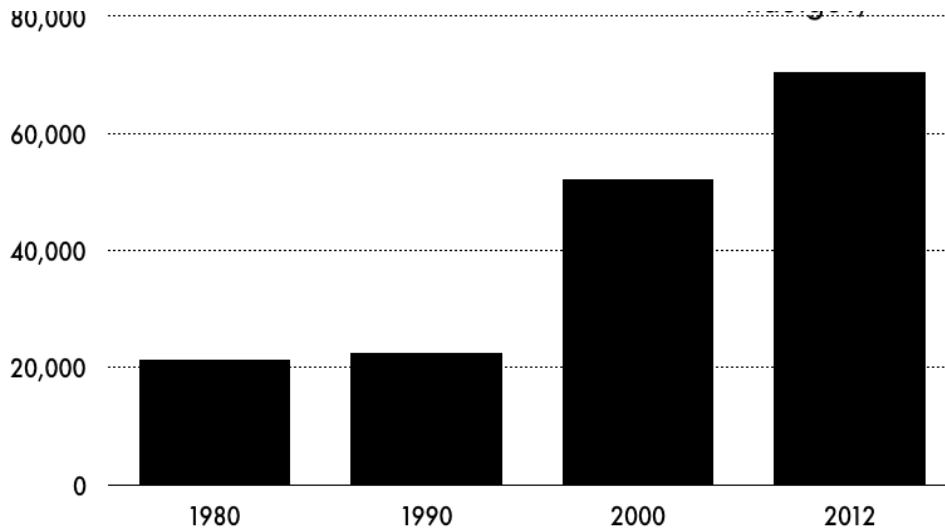
drafted, as the President was not enthusiastic about having Congress dictate how executive branch operations are administered. However, the president's advisors finally recommended signing the bill, as an override vote by Congress was viewed as likely to succeed. (Nixon Presidential Library, 1972.)

As the 1970 House committee report called for, Congress, through the FACA legislation, attempted to spell out the philosophy needed in the operation of advisory boards by highlighting the normative values of transparency, financial efficiency, and membership diversity. Yearly required reports issues by the General Services Administration (GSA) on the status of federal advisory boards shed light on how these foundational, normative values are operationalized.

Federal advisory boards are an essential part of public participation in our country's government. Advisory boards are one part of several ways citizens have formal methods of participation at our national level of government. Other areas include direct voting for federal elected officials and submission of public comment during the rulemaking process at federal agencies and departments.

Since FACA's passage, the number of federal advisory boards has remained relatively constant over the past 40 years. From a beginning reported high mark of over 1,400 active boards in 1972, advisory boards have hovered close to the 1,000 level for the past two decades. Similarly, the number of boards created and terminated on a yearly basis has remained somewhat constant. Despite the relatively constant level of boards hovering around the 1,000, participation levels in those boards have grown to over 70,000 members for FY2012 (FIDO.gov, 2012)

Members Serving On Federal Advisory Boards



Source: FIDO.gov

Spending on federal advisory boards, while nominal in the overall federal budget, has risen dramatically in the four decades since FACAs passage. In actual, or current dollars, the total costs for advisory boards have soared from \$25,215,882 million in FY 1972 to \$380,984,473 in FY 2018, or a 1,410.89% increase (FACA Database). In real dollars using 1972 as the basis, FY 1972 spending would be \$151,480,489.99 in 2018 (US Inflation Calculator, 2019). This results in a 151.5% increase being spent on boards in 2018 than when FACA was first implemented, despite the average number of active boards holding steady for the last 30 years.

Advisory boards fall under the category of discretionary spending in the federal budget. This category of spending as a percentage of the federal budget has been shrinking steadily for more than four decades. Federal expenditures on mandatory programs such as Social Security, Medicare, and Medicaid, have been increasing, squeezing discretionary budgets. In 1962, discretionary spending accounted for 67% of all expenditures, while in the fiscal year 2018 that amount fell

to 30.7% (Congressional Budget Office, 2019). Without changes to mandatory spending programs, the discretionary budget could continue to shrink as a percentage of the overall budget and potentially impact spending on advisory boards. The financial efficiency value that Congress intended for advisory boards will only continue to gain in importance as budgetary pressures increase.

Chapter Two

Literature and Theory Supporting Advisory Boards

Federal advisory boards are the subjects of a vast and varied academic literature, which is not surprising given the volume of boards. Some research has focused on specific policy areas covered by boards. For example, Stéphane Lavertu and David L. Weimer (2010) examined how committee advice influences executive branch policymaking. Their work looked at how the FDA's advisory boards impacted the approval process of pharmaceutical drugs and medical devices. It investigated membership issues and the way expert advice of board members influences decision-making.

Other researchers have focused on areas such as the operations of boards. Michael Cardoza (1981) in his work touches on the costs associated with the federal advisory boards. Cardoza stated that travel costs were the most significant expense, and the remaining areas were of much less significance. He wrote, "Some of those funds, although a relatively small part, were for the overhead expenses of managing the committees within the departments and agencies. Even the cost of maintaining the committee management officers is relatively small, as most of them seem able to handle the management work in a small part of their working time." (Cardozo, 1981)

While Cardoza's view may have been accurate for boards over 30 years ago, a contrary view today emerges from the data, which is examined later.

Another large body of the literature in this area focuses on the presidential commission process, which also falls under the FACA law. Blue ribbon panels created by presidents on numerous subjects over the years have attracted scholarly

attention, examining issues ranging from their politics, appointment process, and results.

Academic theory has been abundant on the normative values contained in FACA, which were transparency in process, financial efficiency in operations, and membership diversity through stakeholder engagement. These values and ideals are prescriptive to foster and strengthen faith by citizens in our government.

Advisory boards differ considerably on how their membership slots are populated. Depending on the drafting of the board's charter documents, mandated slots for various interest groups may be required to ensure diversity of opinion. However, this process is not the case on all boards, and membership requirements vary widely across boards.

In the early 20th Century, James Landis illuminated the instrumental argument of having diverse stakeholder participation in government by demonstrating that bringing diverse expertise into the government ranks was crucial for effective regulation of complex matters. While his experience focused on the Securities and Exchange Commission and the Civil Aeronautics Commission, Landis' thrust was clear in insisting on the necessity of assembling citizens with proficiencies and know-how to advise the government where gaps in knowledge existed for traditional government workers. Landis argued that with the proper stakeholders assembled, proper regulation could occur in the respective areas. (Landis, 1938.)

The literature in this area also argues that a wide net should be cast for diversity to ensure proper implementation of any plans. Raymond Burby examined

and analyzed citizen involvement in the creation of sixty local government strategic plans in the states of Florida and Washington, focusing on the stakeholders who were represented in the planning process. Using a set of variables categorizing the stakeholders who were involved, Burby demonstrates that the implementation rate of strategic plans was more significant when a more broad-based set of stakeholders were included in the process (Burby, 2003).

Scholars have various points of view when it comes to finding balance and diversity of members on boards. Some scholars have argued that too much emphasis on board membership has focused on special interest representation rather than ensuring a general public point of view is also achieved. Laski (1925) maintains that boards should have both representatives of the groups associated with the purpose of the advisory board, but also contain members of the general public. He believes that having a public viewpoint with members who are not vitally concerned with the subject matter are essential to have on boards, but they should be a minority of the board.

Vernon and Mansergh (1940) argue that members appointed to the boards should be friendly to the goals or program at hand, yet not rubber stamps who will merely agree without examination of the issues. Daniels (1972) maintains that having people who are new to board service is an essential factor. He argues that having someone on board who has never served before can bring a fresh level of objectivity to a subject matter which may be diminished by those who have many years of experience serving.

Leiserson (1942), in his book "Administrative Regulations: A Study in Representation of Interests," casts advisory board membership as a way to alleviate conflict between private economic groups and public authority. He believes there is a constant tension between government and the private sector, and advisory boards are one way in which to help ease that pressure.

In a more recent publication, Brown (2008) argues that finding balance on board membership traditionally has meant to "prevent the politicization of expert advice," yet he finds that this approach has at times promoted it. He believes that "conceptualizing advisory committee balance in terms of social and professional perspectives promise to help administrators avoid both naively apolitical views of expert advice, one hand, and the partisan politicization of expertise, on the other." (Brown, 2008).

On the value of efficiency, the government has attempted throughout its history to be good stewards of taxpayer funds, with varying degrees of success. In the lead up to FACA's passage, Congress emphasized the need for recourses dedicated to advisory boards to be spent prudently. As the Congressional hearing before FACA's passage highlighted, the executive branch could not accurately report to Congress how much money was actually being spent on advisory boards, which precipitated the passage of the law. Even after the law's passage, many of the annual written reports to Congress have repeatedly indicated efforts to find budgetary savings in advisory board operations.

Efficiency in government is a complex value that needs to be continuously monitored, or problems can arise literature tells us. Dwight Waldo (1952) argues

that efficiency is itself a value, but at times efficiency can run in opposition to other values, such as democratic participation in governance, if not monitored properly. The federal government has repeatedly attempted to bring financial efficiency into government programs. The Government Performance Results Act of 1993 (GPRA) and the Reinventing Government push under the Clinton Administration is one example of the value of efficiency being operationalized. Later, under the Bush Administration, the Program Assessment Rating Tool (PART) was developed to continue refining how efficiency is measured and encouraged in federal program spending.

For the transparency value that Congress imparted in FACA, considerable literature examines how this value impacts trust in government. To be open and transparent is “understood as the availability and accessibility of relevant information about the functioning of the polity” (Gerring & Thacker, 2004).

“[T]he more transparent an organization is (via its web site or otherwise), the more it is willing to allow citizens to monitor its performance and to participate in its policy processes.” (Curtin & Meijer, 2006) FACA has made the advisory board system much more transparent than before its passage. The annual reports and the subsequent development of the online FACA database (www.facadatabase.gov) have provided more sunshine and disclosure on board operations than ever before.

Koppell (2005) states “Belief in the openness of government to regular inspection is so firmly ingrained in our collective consciousness that transparency has innate value.” In other words, the transparency value is a value of trust in our democratic form of government that people expect. Moreover, the support and legitimacy

citizens have in their democracy is derived from the trust in they have in their public institutions. (Diamond, 1994) Transparency adds to the trust that legitimizes our government.

The focused Congressional oversight on the federal advisory board system in the 1960s and 1970s was grounded in the belief that the system at the time lacked legitimacy in its operations. The lack of transparency, the appearance of stacked membership, and unknown operational costs, all contributed to the feeling in Congress that the legitimacy was deficient in these important boards. The passage and implementation of FACA was an attempt to resolve that problem and return legitimacy to the process.

Legitimacy is a fundamental element of functioning liberal democracies like the United States. Legitimacy refers to acceptance and trust in government and political system both concerning the decisions and implementation processes and to the policy objectives. (Haus, Heinelt, and Steward, 2005)

For organizations to survive, legitimacy is essential. (Kostova and Zaheer, 1999) Congress believed the advisory board system lacked the legitimacy to survive in its current form, and therefore acted the FACA law to instill legitimacy back into it. With increased legitimacy, literature tells us that organizations can improve their prospects of survival. (Zaheer, 1995; Meyer and Rowan, 1977; Dimaggio and Powell, 1983).

Congress sought to legitimize the advisory board process within government by adding structure and guardrails to the system. Meyer and Rowan state that

organizations desire to have social legitimacy within their institutional contexts. (Meyer and Rowan, 1977).

Scholars also recognize that public input is necessary for the functioning of government to gain acceptance and legitimacy (Dimaggio and Powell, 1983; Meyer and Rowan, 1977). Congress acted with FACA to restore the legitimacy to the public input process of advisory boards.

Literature makes a distinction between legitimacy, which is when an organization already has the recognition, acceptance or support of an audience, and legitimation, which is “the process of gaining that recognition, acceptance, and support” (Häikiö , 2007). With the FACA legislation, Congress put in a system of legitimation in the advisory board process to gain the recognition, acceptance, and support back.

The process of legitimation can be broken down into three subcategories: input-legitimation; throughput-legitimation; and output-legitimation. (Haus, Heinelt, and Steward, 2005). Input-legitimation results from a type of authentic participation. “Authentic participation means the possibility of expressing consent or dissent with proposed policies and of influencing the decision on these policy proposals.” (Haus, Heinelt, and Steward, 2005). Throughput-legitimation results from when the government’s institutions and processes are “transparent and accountable” (Stewart, M., Carmichael, L., Sweeting, D., Howard, J., & De Zeuw, C., 2004).

Output-legitimation signifies as to how successful in producing the desired result or how much the actor involved "solves the problems that affect the fate of the community it claims to represent" (Haus, Heinelt, and Steward, 2005).

Each of the three forms of legitimation parallels the underlying values in FACA that Congress has attempted to instill. The following table demonstrates the relationship between the types of legitimation and the FACA values.

| by Haus and Stewart | <i>Principle</i> | <i>FACA Values</i> |
|----------------------------|--------------------------|--|
| Input-legitimation | Participation in Process | Diversity in Membership Participation |
| Throughput-legitimation | Transparency of Process | Transparency of Operations |
| Output-legitimation | Effectiveness of Work | Financial Efficiency |

Source: Modified from Table 2.1 of Haus, Heinelt, and Steward, 2005.

With FACA, Congress started the process of legitimation for advisory boards. Oversight and review of the process is necessary to ensure focus on the foundational values and avoid drift, which would impact legitimacy. The next chapter initiates a review process to examine how values in FACA are being operationalized.

Chapter Three

Quantitative Exploration: An Examination of Publicly Available Data of Federal Advisory Boards Related to Congressional Intent Values

This chapter explores the publicly available data published on federal advisory boards as a means to review how the three foundational values in FACA are operationalized. A scale was established to explore the data in a systematic approach. The exploration will help guide the selection of case studies for further examination in Chapter Four. Those case studies will investigate the ways advisory boards attempt to fulfill the objectives laid out in FACA.

The publicly available data comes primarily from the GSA maintained website on federal advisory boards. As mentioned earlier, advisory boards are required annually to submit data to GSA on their operations over the past fiscal year. This yearly submission includes general information such as the number of members and who the designated federal officer is for the board; recommendations and justifications for the board; performance measurements on outcomes; and a list of costs incurred by the board in many categories such as travel, consultants and staffing. Over one hundred questions in total make up the yearly reporting requirements. (See Appendix List) Additionally, the use of the search engine Google was used to obtain other items for the examination, such information about committee websites, if they exist, for an advisory board.

Using the full list of active federal advisory boards in the GSA database for 2012, nine hundred ninety-eight boards were initially included. Given the large number of boards, a sampling method was employed to view a smaller subset of the boards for additional review. A "count ten" method was employed to select every tenth board in the list. To prepare for the sample selection, the list of advisory boards was alphabetized, first by agency name, and then by advisory committee

name. Once sorted, every tenth board was chosen for inclusion in the sample. Using this method, ninety-eight boards were chosen for investigation. (See Appendix.)

For each of the three values to be examined (transparency, financial efficiency, and membership diversity), five observable measures were selected, for a total of 15 observable measures. Each of the observable measures had the potential result of a one or a zero. A result of one was recorded if the observable measure is met for the advisory board, while a zero was recorded if the measure was not attained. Each of the 98 federal advisory boards was scaled using the 15 observable measures examined, with a potential range of totals for an advisory board will be from zero to 15. Most of the measures were elected from annual reporting data on advisory boards that is collected by GSA, while others were found by internet search engine research.

Observational data helps provide preliminary information that can justify future research. For example, in medical research, Boyko tells us that, "Observational research may also provide preliminary data to justify the performance of a clinical trial, which might not have received sufficient funding support without the existence of such results." (Boyko, 2013) This premise can also hold true for initial research in the social sciences.

Nevertheless, limitations do exist for all research methods, including the observational research used in this dissertation. "Limitations are influences that the researcher cannot control. They are the shortcomings, conditions or influences that

cannot be controlled by the researcher that place restrictions on your methodology and conclusions.” (Limitations and Delimitations in Research, 2017)

A notable limitation of this research is the dependence on the accuracy of the reported data in the FACA Database. Many of the data-points used in the quantitative exploration were extracted from this database. During the research, discrepancies were found throughout the different reporting areas such as inaccurate legislative references and incomplete membership listings. Despite these limitations, the information from the FACA Database provides the basis for preliminary research and future research in this area can test for additional potential inaccuracies if warranted.

Nevertheless, it is important to acknowledge that whenever selection is done, bias is introduced into the process. In this dissertation, the selection of the 15 observable data points over potentially other observable data points, introduces bias that needs to be recognized as part of the research. Other items could have been selected which may or may not have changed outcomes of the quantitative exploration. The ones used in this dissertation were chosen because of the easily accessible of the data to the general public. However, future research may want to explore the impacts of other data points on the model.

Another limitation to acknowledge is the weighing, or lack there of, in the scoring method employed in this research. For the 15 observable values, each was given the same weight as the others in the analysis, with a possible maximum value of one in the 15-point scale. Using this simple model assumes that all values contribute equally to the overall balance of values that Congress intended to instill

in the FACA law, which may not actually be the case. Literature does argue that in certain areas, weighting data can be important in proper evaluation. (Russell and Hubley, 2005). Conversely, other scholars argue at times against its use (Wu, 2008). While weighting was not employed for this preliminary investigation, it may be another area for future exploration.

For researching items that required an internet search engine, Google was chosen over other engines, as it is the most commonly used search engine. Limitations exist on its use in this research. The algorithms that Google employs for its search results impacted the results, which may be different than ones in other search engines. Additionally, the searches were all conducted using a desktop browser, as opposed to a mobile browser. Using a desktop version of the search engine allows for more search results on page over using a mobile device browser. Future research may want to compare results between different search engines such as Bing and Yahoo in addition to Google.

For the transparency value, the five observable measures chosen for this exploration focused on the areas where the public had the ability to quickly and easily examine the workings of an advisory board. As mentioned earlier, these five measures were chosen over other possibilities, and each has potential limitations. The five measures that were chosen were: 1. Open meetings data; 2. Having a dedicated website for the advisory board; 3. Public meeting notices and minutes published on a website; 4. Published board membership list; and 5. Published board contact information for the general public.

Other transparency measures that were considered but not used included use of social media by boards and the measuring of published reports by boards. A search could have been conducted to see if boards communicate through social media, which is becoming more commonplace today for government. However, this data would have required substantially more time for the project to search various social accounts. Additionally, with many advisory committees publishing regular reports of their work, a review could have been done to investigate which committees have actually published reports and their frequency. This was ultimately not chosen as a measure, as there is not a consistent requirement for reports to be published by boards.

Theory helps provide the basis for the selection of the various data points in this transparency section. The first three data points were selected because of how they coincide with Koppell's view that openness and regular inspection of government is ingrained in our societies belief in how government should operate (Koppell, 2005). The final two areas in this section were selected as they relate to Curtin's and Meijer's views that transparency adds to the public's ability to monitor and participate in the policy process. (Curtin & Meijer, 2006.)

1. Open Meetings Data: This data point was researched by accessing the FACA Database (<https://www.facadatabase.gov>), which is the central repository of data on federal advisory boards administered by GSA. After navigating to the main website, the data is obtained by first selecting "Agencies/Committees" from the menu at the top of the page; followed by selecting the agency of interest; followed by selecting the advisory board of interest in that agency.

Once the correct advisory board is located, a link entitled “MEMBERS, MEETINGS AND ADVISORY REPORTS” will take researchers to a chart of committee members, meetings and advisory reports. The tab on meeting will list the meetings for the fiscal year and indicate if meetings were open or closed to the public. A result of one was given to boards that had at least 75% of their annual meetings open to the public; while a level of 74% and lower received a zero.

2. Having a Dedicated Website for the Advisory Board: This data point was researched by utilizing the Google search engine on desktop computer. The full name of the advisory board was entered in the search box with quotation marks around the name, to ensure the search was made exclusively for the advisory board, and not for research results that simply contained the different words listed. The first three pages of the Google desktop search results were examined to see if a dedicated website was found for the advisory board. A result of one was given to boards that had a dedicated website for public information on the board, either within the governing department's existing website or independent from the agency. If no results could be found for a board, the advisory committee received a zero result.
3. Public Meeting Notices and Minutes Published on a Website: This data point was researched by conducting a visual search on the dedicated website of the advisory board, if one was found, using a desktop web browser. While meeting notices are required to be published in the Federal Register, that publication is not user friendly site for the public, and publishing a notice on

the committee's dedicated website would demonstrate a higher level of transparency. If notices for upcoming meetings were posted on the committee's website or the governing department's website (e.g. HHS), or if previous board meeting minutes were posted online, the board received a result of one. If neither the meeting notices nor previous meeting minutes were posted, a zero was entered.

4. Published List of Board Membership: This data point was researched by conducting a visual search on the dedicated website of the advisory board, if one was found, using a desktop web browser. Having a published list of committee members easily accessible to the public on the committee's website adds more transparency to the operations of the advisory board. If a list of members of the board was available on the board's or governing agency's website, a result of one was entered. If no lists of members were available after conducting the search, a zero was entered.
5. Published Contact Information for the General Public: This data point was researched by conducting a visual search on the dedicated website of the advisory board, if one was found, using a desktop web browser. Having published contact information for the board allows the public the ability to contact someone (e.g. the designated federal officer for the board), when questions or concerns arise about the boards operation. If a method is listed on the board's website or the governing department's website for the general public to contact the board (e.g., email; phone number; web form), the result

was entered as a one. If no method of contact was listed, then a result of zero was recorded.

| Observable Data Points of Federal Boards | | |
|---|---------------------------|----------------------------------|
| | <i>Yes-Meets Criteria</i> | <i>No-Does Not Meet Criteria</i> |
| <u>Transparency</u> | | |
| a. Open Meetings | 1 | 0 |
| b. Use of Websites | 1 | 0 |
| c. Meeting Notices/Meeting Minutes | 1 | 0 |
| d. Board Membership List | 1 | 0 |
| e. Contact for the General Public | 1 | 0 |
| <u>Financial Efficiency</u> | | |
| a. Staffing Costs | 1 | 0 |
| b. Travel Costs | 1 | 0 |
| c. Membership Costs | 1 | 0 |
| d. Consultants Costs | 1 | 0 |
| e. PART Savings Reported | 1 | 0 |
| <u>Balance & Diversity of Stakeholders</u> | | |
| a. Membership Balance Plan | 1 | 0 |
| b. Membership Criteria in Charter | 1 | 0 |
| c. Appointment Authority | 1 | 0 |
| d. Membership Terms | 1 | 0 |
| e. General Public Member | 1 | 0 |
| Possible Range of Scores | 15 | 0 |

For the financial efficiency value, theory also helps provide the basis for the selection of the various data points for this section. Waldo wrote on how efficiency is a value in public administration, which needs to be carefully balanced to not hinder other values, such as participation. (Waldo, 1952.) The data points chosen were an attempt to help find a balance of financial efficiency indicators across all advisory boards.

The five observable measures chosen were all researched using the FACA Database website, utilizing the financial data reported by each board. Federal advisory boards report annually on the FACA Database regarding overall spending in several categories including federal staffing costs, travel costs for members and staff, and payments made to consultants who are hired to assist the board in their duties. By examining this financial data, a better understanding of how financial efficient the operations of the boards may be compared to other advisory boards. The five measures chosen for the financial efficiency value were: 1. The budget spent on federal staffing for the board; 2. The budget spent on travel costs for the board; 3. The budget spent on member costs for the board; 4. The budget spent on consultants for the board; and 5. The annual reporting on cost savings for each board.

Given that all the data for these five values come from the FACA Database, limitations do apply to their usefulness. Namely, the accuracy of the reporting is the noteworthy, as mentioned previously. However, for this research, the data is assumed to be accurate, and future study could assess reliability of the reported data. Other measures were considered for the financial efficiency value but ultimately not used. These alternatives included research into multi-year observations of board spending to review how costs may have increased or decreased. The time needed to compile and review the data was determined to be considerable, and it is left for a future investigation.

Another financial efficiency value that was considered was the use of alternative meeting methods such the use of telephone conference calls and Skype rather than

in-person meetings. This data could indicate savings on travel costs. While some boards have begun to implement these methods, this measure was not chosen, as extensive research into each board's operations would have been necessary to ascertain if these technologies were being implemented. It is left for future research on financial efficiency methods of operations.

The details of the five financial efficiency measures are:

1. The Budget Spent on Federal Staffing Costs: The FACA Database was used to obtain the financial data for the advisory board to examine if the spending on federal staffing costs by a board was similar to other boards in its same category of advisory boards. This research will reflect if any efficiencies may be seen compared to other similar boards. The data was obtained by accessing the website (www.facadatabase.gov) and using the search function at top menu of the page. The search page gives researchers the ability to find spending totals including the amount spent on federal staffing costs (e.g. the designated federal officer for the board), and export the data in an excel database for review. For this measure, several steps were needed to obtain the result for the board. First, the average spending on total advisory board costs was calculated after totaling up what was spent by boards within each of the seven FACA board categories (e.g. grant review board; national policy board; etc.). Next, using the amount reported on federal staffing costs, if the amount of money the advisory board spent on federal staffing costs compared to its overall budget was within the standard deviation of others boards within its category, the recorded result was a half point; if the amount

spent was less than the standard deviation, the recorded result was one (showing greater financial efficient than its peers); and if the amount spent is greater than the standard deviation, the recorded result was zero (showing less financial efficiency than its peers).

2. Budget spent on travel costs: The FACA Database was used to obtain the financial data for the advisory board to examine if the spending on travel costs by a board was similar to other boards in its same category of advisory boards. This will research will reflect if any efficiencies may be seen on travel costs compared to other similar boards. The data was obtained by accessing the website (www.facadatabase.gov) and using the search function at top menu of the page. The search page gives researchers the ability to find spending totals including the amount spent on travel costs (e.g. hotel, airplane, mileage, etc.), and export the data in an excel database for review. For this measure, several steps were needed to obtain the result for the board. First, the average spending on total advisory board costs was calculated after totaling up what was spent by boards within each of the seven FACA board categories (e.g. grant review board; national policy board; etc.). Next, using the amount reported on travel costs, if the amount of money the advisory board spent on travel costs compared to its overall budget was within the standard deviation of others boards within its category, the recorded level was a half point; if the amount spent was less than the standard deviation, the recorded level was one (showing greater financial efficient than its peers); and if the amount spent is greater than the

standard deviation, the recorded level was zero (showing less financial efficiency than its peers).

3. Budget spent on member costs: The FACA Database was used to obtain the financial data for the advisory board to examine if the spending on member costs by a board was similar to other boards in its same category of advisory boards. This will research will reflect if any efficiencies may be seen on member costs compared to other similar boards. The data was obtained by accessing the website (www.facadatabase.gov) and using the search function at top menu of the page. The search page gives researchers the ability to find spending totals including the amount spent on member costs (i.e. costs incurred for members that are not related to travel), and export the data in an excel database for review. For this measure, several steps were needed to obtain the result for the board. First, the average spending on total advisory board costs was calculated after totaling up what was spent by boards within each of the seven FACA board categories (e.g. grant review board; national policy board; etc.). Next, using the amount reported on member costs, if the amount of money the advisory board spent on member costs compared to its overall budget was within the standard deviation of others boards within its category, the recorded result was a half point; if the amount spent was less than the standard deviation, the recorded result was one (showing greater financial efficient than its peers); and if the amount spent is greater than the standard deviation, the recorded result was zero (showing less financial efficiency than its peers).

4. Budget spent on consultants: The FACA Database was used to obtain the financial data for the advisory board to examine if the spending on consultant costs by a board was similar to other boards in its same category of advisory boards. This research will reflect if any efficiencies may be seen on consultant costs compared to other similar boards. The data was obtained by accessing the website (www.facadatabase.gov) and using the search function at top menu of the page. The search page gives researchers the ability to find spending totals including the amount spent on consultant costs (i.e. outside experts assisting the board for specific functions), and export the data in an excel database for review. For this measure, several steps were needed to obtain the results for the board. First, the average spending on total advisory board costs was calculated after totaling up what was spent by boards within each of the seven FACA board categories (e.g. grant review board; national policy board; etc.). Next, using the amount reported on consultant costs, if the amount of money the advisory board spent on consultant costs compared to its overall budget was within the standard deviation of others boards within its category, the recorded result was a half point; if the amount spent was less than the standard deviation, the recorded result was one (showing greater financial efficiency than its peers); and if the amount spent is greater than the standard deviation, the recorded result was zero (showing less financial efficiency than its peers).
5. Annual PART Reporting on Cost Savings: The FACA Database was used to research how each board answered the annual question in the Program

Assessment Rating Tool required by each board. The answer demonstrates if the board can report any savings in its operations from the previous year. After navigating to the FACA database main website, the data is obtained by first selecting “Agencies/Committees” from the menu at the top of the page; followed by selecting the agency of interest; followed by selecting the advisory board of interest in that agency. Navigating down the section of the page under “PERFORMANCE MEASURES,” the question is asked of board if cost savings could be determined. If a board was able to report any cost savings in their operations, a level of one was recorded. If no savings were reported, or if they are unable to determine any savings, a zero was recorded.

For the membership diversity value, all five of the chosen measures were found by examining the data found in the FACA Database (www.facadatabase.gov). The five observable measures focused on the methods members are recruited, appointed, and retained on the board. Again, similar to other data obtained from the database, there are limitations to the information found, including the accuracy of the reported data. The five measures used for membership diversity are: 1. Having a membership balance plan; 2. Having specific membership criteria listed in the charter document; 3. Having multiple individuals making appointments to the board; 4. Having designated terms of service for board members; and 5. The appointment of a general public member to the board.

Other measures were considered but not used for this dissertation. These other measures including researching if boards allowed reappointments after terms expire. Having reappointments would indicate fewer new members being

appointed to boards. The time examining board documents and reports would have been extensive so more accessible measures were chosen. Additionally, examining the size of boards was also considered and would be an area for future research.

Similarly to the other previous two sections on transparency and financial efficiency, theory helps provide the basis for the selection of these data points. For the first two measures, Burby's work gives foundation to why a membership balance plan and specific criteria are helpful in supporting this value of balance. Burby emphasized that boards are more successful in achieving their goals when a broad set of stakeholders are included in the process. (Burby, 2003.) For the third measure regarding the appointment process, Brown's work emphasized the need to minimize the politicization of the appointment process. (Brown, 2008). Having multiple people responsible for the appointments may help minimize that occurrence.

Regarding set terms of membership length, Daniels' research on ensuring fresh perspectives on boards to reach their goals helps support the need for regular turnover. (Daniels, 1972.) And finally, the data point on a general public member appointed to boards is based on the literature from Laski who wrote that having members appointed to boards who are not vitally concerned with the subject matter at hand is essential to get fresh perspectives for the group. (Laski, 1925.)

The details of the five measures for membership diversity are:

1. Membership Balance Plan: After navigating to the FACA database main website, the data is obtained by first selecting "Agencies/Committees" from the menu at the top of the page; followed by selecting the agency of interest;

followed by selecting the advisory board of interest in that agency. Once the correct board is found, navigating down to the section on the page entitled “CHARTER AND RELATED DOC,” all the documents on file with GSA for the advisory board are found. If the board created and published a Membership Balance Plan, which outlines how a diverse and balanced group of stakeholders are appointed to the advisory board, the board received a result of one. If no formal plan is in place on the database, the board received a zero.

2. Specific Membership Criteria in Charter Documents: After navigating to the FACA database main website, the data is obtained by first selecting “Agencies/Committees” from the menu at the top of the page; followed by selecting the agency of interest; followed by selecting the advisory board of interest in that agency. Once the correct board is found, navigating down to the section on the page entitled “CHARTER AND RELATED DOC,” all the documents on file with GSA for the advisory board are found. By reviewing the charter document for the advisory board, a researcher can determine if membership criteria was written into the charter. If the charter documents on file have detailed membership criteria or specific categories of members to be appointed, the board received a result of one. If membership criteria or categories for appointment are not explicit, then the board received a zero.
3. Appointment Process: Some boards have more than one person having authority for appointments to the board to ensure that a diverse set of stakeholders are selected. To measure this, reviewing the documents in the

FACA Database is necessary. After navigating to the FACA database main website, the data is obtained by first selecting “Agencies/Committees” from the menu at the top of the page; followed by selecting the agency of interest; followed by selecting the advisory board of interest in that agency. Once the correct board is found, navigating down to the section on the page entitled “CHARTER AND RELATED DOC,” all the documents on file with GSA for the advisory board are found. By reviewing the charter document for the advisory board, a researcher can determine who is responsible for making the appointment to the board. If the board has more than one person responsible for appointments, the board will receive a one. If one person is solely responsible, it will receive a zero.

4. Terms of Membership: Length of service on advisory boards varies, depending on the committee. Some boards have fix criteria for terms of service to ensure a steady mix of members while others are discretionary. Having explicit terms of service ensures turn over and a mix of views on the committee. To obtain this measure, a review of the information in the FACA Database is necessary. After navigating to the FACA database main website, the data is obtained by first selecting “Agencies/Committees” from the menu at the top of the page; followed by selecting the agency of interest; followed by selecting the advisory board of interest in that agency. Once the correct board is found, navigating down to the section on the page entitled “CHARTER AND RELATED DOC,” all the documents on file with GSA for the advisory board are found. By reviewing the charter document for the

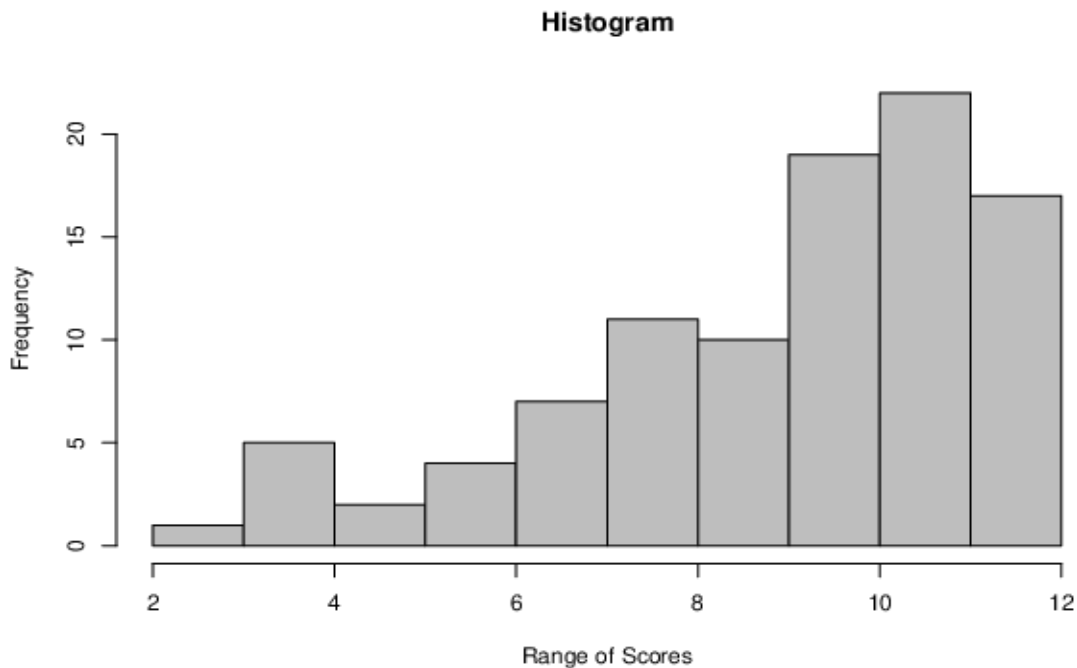
advisory board, a researcher can determine if the board has fixed length of terms for its members. If a board has fixed criteria for length of membership, it received a result of one. If the length is discretionary or not explicit, it received a zero.

5. General Public Member: Some boards require a general public member, with no affiliation to the board's subject matter, be appointed to ensure broad viewpoints are represented. To find this measure, a review of the FACA Database is necessary. After navigating to the FACA database main website, the data is obtained by first selecting "Agencies/Committees" from the menu at the top of the page; followed by selecting the agency of interest; followed by selecting the advisory board of interest in that agency. Once the correct board is found, navigating down to the section on the page entitled "CHARTER AND RELATED DOC," all the documents on file with GSA for the advisory board are found. By reviewing the charter document for the advisory board, a researcher can determine if a public member is required to be appointed to the board. If a board requires a general public member, it received a result of one. If no requirement, it received a zero.

The observable measurers were collected on the 98 cases selected in the sample by reviewing the FACA Database for each board; reviewing the charter documents published for each board; and, conducting a search in Google for each board. After each board was researched, every board had a final number on the scale from zero to fifteen. (See Appendix.)

The results of the exploration indicate that gaps and inconsistencies may exist in the way boards have operationalized the foundational values from the FACA law. No board received full values in all fifteen categories. Totals ranged from a low of 2.5 to a high of twelve. The average result for boards was calculated at 8.6, and the median result was calculated to be nine.

A histogram was prepared to pictorially describe of the distribution of the data, showing where the results landed on the scale. The visual distribution appears to indicate that a large clustering near the top of reported values, while a smaller group populates the bottom end of the spectrum.



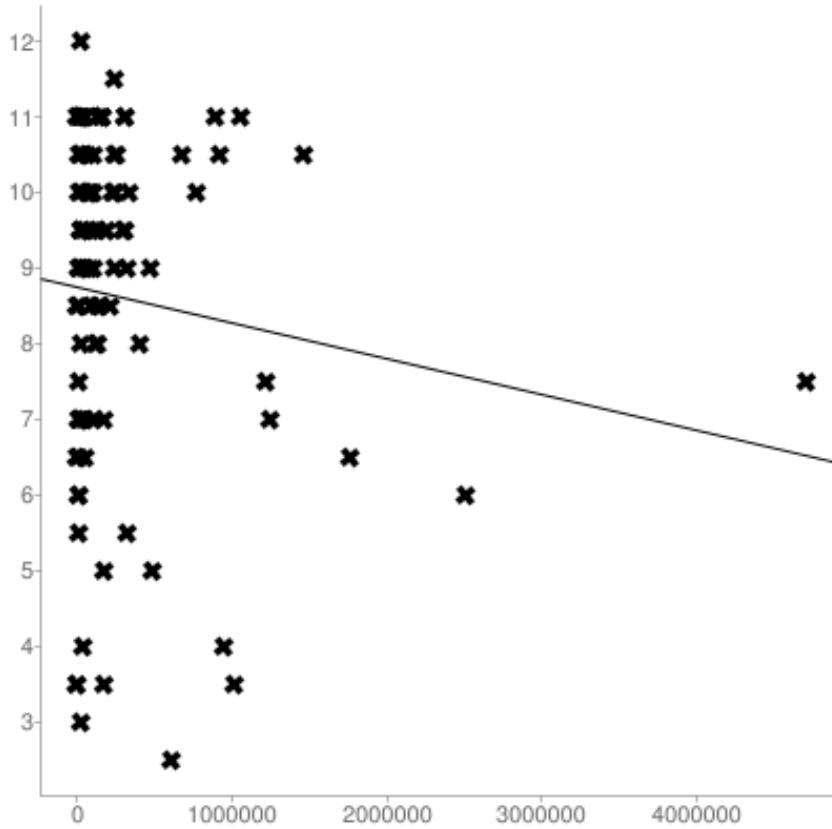
Source: Data from Appendix B

Lower values may indicate lesser adherence to congressional intent on the three foundational values, while higher values may potentially indicate better adherence to congressional intent on the values. Through the qualitative

exploration portion of the research, the dissertation examines how the results may reflect in the operation of the boards.

To consider more potential relationships in the data, a scatter plot was created comparing the Congressional values totals and the overall costs spent on the boards (Stangroom, 2018). The x-axis charts the spending, which ranged from zero to nearly \$5 million in the sample (mean of \$297,675). The y-axis on the graph plots the final values from the observable data of the three categories, which ranged from 2.5 to twelve (mean of 8.6). Viewing the graph, a large cluster of boards with high totals can be observed with low overall costs. Calculating a simple linear regression from the sample, a negative sloping line is noted (slope (b): -4.73), demonstrating that the more money that is spent on board operations did not translate into higher results on the observable values. Investigating the relationship between spending and other variables related to advisory boards could be an area of further research.

Scatter Plot and Simple Linear Regression Congressional Values Results and Advisory Board Spending



Sample size: 98

Mean x (\bar{x}): 297675.09183673

Mean y (\bar{y}): 8.6071428571429

Intercept (a): 8.7479392668637

Slope (b): -4.7298686918043E-7

Regression line equation: $y=8.7479392668637-4.7298686918043E-7x$

Source: Data from Appendix B

The data obtained from the quantitative exploration section also helps inform how GSA's categories of advisory boards may, in general, be operationalizing the Congressional values. The seven categories of federal advisory board functions, as categorized by GSA, are: Non-Scientific Program Advisory Boards; Scientific Technical Program Advisory Boards; National Policy Issue Advisory Boards; Grant

Review Boards; Special Emphasis Panels; Regulatory Negotiation Boards; and a category entitled “Other” when a board does not fit into the other categories.

Using the data from the quantitative exploration, the mean for each of the seven categories of Federal Advisory Boards was calculated. The results are displayed in the following chart.

Seven Categories of Federal Advisory Boards

| Average Score | Categories of Federal Advisory Boards |
|---------------|---|
| 9.8 | National Policy Issue Advisory Board |
| 9.8 | Scientific-Technical Program Advisory Board |
| 8.6 | Non-Scientific Program Advisory Board |
| 8.6 | Other Category |
| 6.8 | Special Emphasis Panel |
| 4.7 | Grant Review |
| N/A | Regulatory Negotiation |

Source: Data From Appendix B

The National Policy Issue Advisory Boards, along with the Scientific-Technical Program Advisory Boards, had the highest average results, while Grant Review panels had the lowest recorded average results. The qualitative exploration in the case studies of Chapter 4 investigates why these categories may have resulted in the high and low totals as they did.

Using the data from this quantitative exploration, six boards were selected for case studies for the next chapter. These case studies provide additional examination into the totals and probe how authentic the boards operations align with FACA’s founding values.

The first three cases chosen for case studies were done so by using a systematic method of selection to minimize bias. Yin (2009) states that bias can happen when researchers fail to follow systematic procedures in choosing cases. Controlling for error and bias in choosing case studies is essential to minimize potential errors and skewed results. As Coggon, Rose and Barker (1997) stated, “The possibility of selection bias should always be considered when defining a study sample.” Ensuring that bias is controlled is crucial because bias can impact results. Mendonça (1995) tells us, “The presence of selection bias may influence the results of a given study.”

Bias can occur in numerous forms in the selection and measurement process. Hammer and Blettner (2009) detailed some of the items that influence bias. The authors said “Factors that may bias the results of observational studies can be broadly categorized as: selection bias resulting from the way study subjects are recruited or from differing rates of study participation depending on the subjects’ cultural background, age, or socioeconomic status, information bias, measurement error, confounders, and further factors.”

Using the results from the quantitative exploration, the first advisory board selected for a case study was the advisory board that received the highest results from the gathering of observable data, the Eastern Montana Resource Advisory Council. This board falls under the auspices of the Bureau of Land Management in the Department of the Interior. Having the highest results, it is hypothesized that the board would demonstrate more adherences to the congressional values in FACA than the rest of the boards.

For the second case study, the advisory board closest to the median result of the sample was selected for examination. That board was the Columbia County Resources Advisory Committee, which falls under the administration of the Department of Agriculture and the US Forest Service. The final systematically selected board was the advisory committee that had the lowest result in the sample. This lowest result went to the Neurological Sciences Training Initial Review Group, which is a grant review panel at the National Institute of Health under the Department of Health and Human Services.

Selection of cases that are at the extreme ends of the scoring spectrum for additional review has basis in the literature. Laird argued that you can learn from these case studies in unique ways. Laird states, “If you use extreme case sampling you can learn lessons about unusual conditions or extreme outcomes that are relevant to improving other, more typical projects or programmes.” (Laird 2012.) Additionally, other scholars point to the need to get a variety of cases selected from across the spectrum to get the best perspective on issues. Seawright and Gerring state that, “Encompassing a full range of variation is likely to enhance the representativeness of the sample of cases chosen by the researcher.” (Seawright and Gerring, 2008.)

Boards Selected for Case Study Review

| Score | Department | Category of Advisory Board | Advisory Board |
|-------|------------|---|--|
| 2.5 | HHS | Grant Review Board | Neurological Sciences Training Initial Review Group |
| 6 | CCR | Non Scientific Program Advisory Board | Nevada Advisory Committee |
| 9 | USDA | Other | Columbia County Resource Advisory Committee |
| 10.5 | DOC | National Policy Issue Advisory Board | President's Export Council |
| 11 | HHS | Scientific-Technical Program Advisory Board | Board of Scientific Counselors Office of Public Health Preparedness and Response |
| 12 | DOI | Non-Scientific Program Advisory Board | Eastern Montana Resource Advisory Council |

Source: Data From Appendix B

To achieve a fuller range of cases, three additional advisory boards were chosen for case study examination based on their curious results. The Nevada Advisory Committee, under the auspices of the US Commission on Civil Rights, was chosen for a case study due to its lower than expected result of six, which was below the median mark of nine.

The President's Export Council was selected for a case study, as it had the highest results for a board that was created by Presidential authority. Advisory Boards are formed by one of three founding authorities: Presidential executive order; legislatively by Congress; or an agency that was given authority to create advisory boards.

And the final chosen board for a case study was the Board of Scientific Counselors-Office of Public Health Preparedness and Response, under the Department of Health and Human Services. This board is one of the highest results from the Scientific-Technical Program Advisory Boards category in the sample.

Chapter Four

Six Case Studies: An Exploration How FACA's Values Are Operationalized

The six case studies in this chapter allow for greater examination of how advisory boards operate across the federal government. They give insight into how the foundational values of FACA are operationalized and what gaps may exist with the current processes in applying those values.

Yin states that the use of case studies is appropriate when researchers "deliberately want to cover contextual conditions -- believing that they might be highly pertinent to your phenomenon of study" (Yin, 2003). In these case studies, the research will explore the context under which these boards operate and how that context may impact to what extent the congressional foundational values in FACA are applied.

Case studies permit researchers to examine "what happened, why, and what it means broadly" (Rubin and Rubin, 2005). For this dissertation, case studies examine why the boards may have had higher or lower results on the metrics for observable faithfulness to congressional intent. The case studies illuminate how appropriate the chosen metrics were in the quantitative exploration.

Moreover, to ensure a practical and useful examination of advisory boards, an Institutional Review Board (IRB) approved series of interviews was conducted to enhance the research. The interviews were conducted with over a dozen informants who are current or former members of advisory boards, as well as, government officials who have administered advisory boards directly. Only first-hand knowledge of serving on or administering an advisory board was necessary for the desired informant. (See Appendix List for IRB Background).

Questions in the interviews focused on the operations of the boards and how prevalent the values of transparency, financial efficiency, and membership diversity looked in practice. The research informants were identified using publicly available listings on the FACA database website. Additional informants were identified through snowballing sampling, where referrals to other informants were made. The information garnered from the interviews, coupled with the information uncovered through the case studies, helped inform the policy recommendations in Chapter Five for improvements to the operations in advisory boards

Case Study One: Neurological Sciences Training Initial Review Group (NSTIRG)

The NSTIRG was chosen as one of the case studies because its results as the lowest on the scale in the sample from the quantitative exploration, with a result of

2.5. The breakdown of there is as follows:

| | |
|--|------------|
| Transparency Observable Values | |
| Open Meetings | 0 |
| Dedicated Website | 0 |
| Public Notices on Website | 0 |
| Member List on Website | 0 |
| Public Contact Information | 0 |
| Transparency Total | 0 |
| | |
| Financial Efficient Observable Values | |
| Staff Costs | 0 |
| Travel Costs | 0.5 |
| Member Costs | 0.5 |
| Consultants Costs | 0.5 |
| PART Review / Savings | 0 |
| Financial Efficient Total | 1.5 |
| | |
| Stakeholder Diversity Observable Values | |
| Membership Balance Plan | 0 |
| Criteria for Membership Slots | 0 |
| Appointments Made by Multiple People | 0 |
| Term Limits for Board Members | 1 |
| General Public Member for Board | 0 |
| Stakeholder Total | 1 |
| | |
| TOTAL out of 15 | 2.5 |

Source: Data From Appendix B

The case study reviewed the reasons behind the creation of the board, how it typically operates during the fiscal year, and investigates if the data is reflective of how the board operationalizes the values of FACA and achieves its mission.

The NSTIRG was created under agency authority granted to the Secretary of the Department of Health of Human Services (HHS). It was mandated to operate under section 301 of the Public Health Service Act for the secretary "*to conduct and support through grants, cooperative agreements, and contracts, research relating to the neurological disorders and stroke.*" (Charter document) Also, the Secretary is authorized under the Public Health Service Act to support research and training through grants awarded through National Research Service Awards. It is through this statutory authority that the advisory board was created to assist in the grant awards.

The Neurological Sciences Training Initial Review Group (NSTIRG) is an advisory board that located under the National Institute of Neurological Disorders and Stroke (NINDS). NINDS falls under the umbrella of the National Institute of Health (NIH) which is part of HHS (i.e., HHS -> NIH -> NINDS -> NSTIRG). NINDS was established "to conduct and support research and training related to the causes, prevention, diagnosis, and treatment of neurological disorders and stroke and support basic and clinical research in related scientific areas." (Charter document) NSTIRG advises NINDS on grant applications.

Created by the U.S. Congress in 1950, NINDS was initially named the National Institute of Neurological Diseases and Blindness. It had several name changes over the years until its present name was used starting in October 1988. (nih.gov). The NSTIRG advisory board was created in 1985 to review grant applications at NINDS. In 1985, it was initially named the "Training Grant and Career Development Review Committee." In 2008, the name was changed to current NSTIRG designation.

Concerning the board's membership, NSTIRG has one of the largest membership rosters for advisory boards that was researched. In fiscal year 2017, the advisory board had 139 different members participate during grant review meetings during the course of the year. Members participate at various meetings during the year based on the expertise needed to evaluate the various grant applications. While not always common, some members attend multiple meeting throughout the year.

The NIH Director has the exclusive authority to name members to the panel. The charter documents show the NIH director has considerable latitude in making appointments. The document states: "Members, the Chair, and the Chairs of its subcommittees will be selected by the Director, NIH, or designee, from authorities knowledgeable in the various disciplines and fields concerning training and career development programs and activities in the areas of neurological disorders and stroke."

While many federal advisory boards have added balanced membership plans (MBP) to their charter in order to strive for diversity in membership, this board does not have such a document in its charter. Additionally, no general public members are required explicitly on the board.

In fiscal year 2017, the advisory board met seven times. Board meetings are conducted under strict confidentiality guidelines for its members. NIH published a notice (Notice Number: NOT-OD-14-073) on March 28, 2014, which informs this privacy process. In many of the grant requests, applicants include information that

is considered either privileged or confidential in nature, and NIH pledges to keep all information private and for use only in the grant review process.

As part of this privacy process, all meetings of the advisory board are closed to the public, as standard practice. While the Government in the Sunshine Act of 1976 provided greater transparency to government meetings for the public, several exemptions are allowed under the legislation. NIH has utilized those exemptions to keep the NSTIRG meeting closed. The privacy notice states: “At NIH, peer review meetings are closed under these exemptions to ensure the confidentiality of trade secrets, commercial or financial information, and personal information about individuals submitting grant applications or contract proposals.” (National Institutes of Health, 2014).

The seven meetings in fiscal year 2017 were held at several locations around the country (FACA Database). Most of the meetings were conducted over two days.

1. October 10-11, 2016 in Alexandria, Virginia. 44 members were on the attendance roster.

2. October 24, 2016, in Alexandria, Virginia. Thirty-two members were on the attendance roster.

3. February 27-28, 2017 in San Diego, California. Forty-three members were on the attendance roster.

4. March 13-14, 2017 in Alexandria, Virginia. Forty-six members were on the attendance roster.

5. June 5-6, 2017 in Alexandria, Virginia. Thirty-seven members were on the attendance roster.

6. June 19, 2017, in Chicago, Illinois. Thirty members were on the attendance roster.

7. September 25-26, 2017 in Chicago, Illinois. 31 members were on the attendance roster.

During the course of the meetings, 278 applications were reviewed, and a total value of grants recommended by the board was \$190,120,239.00. (FACA Database) The total reported operational costs for the fiscal year were nearly \$600,000 for the board. The reported breakdown of the costs to GSA are:

| | |
|--|--------------|
| Payments to Non-Federal Members | \$82,600.00 |
| Payments to Federal Members | \$0.00 |
| Payments to Federal Staff | \$229,515.00 |
| Payments to Consultants | \$0.00 |
| Travel Reimb. For Non-Federal Members | \$222,773.00 |
| Travel Reimb. For Federal Members | \$0.00 |
| Travel Reimb. For Federal Staff | \$4,551.00 |
| Travel Reimb. For Consultants | \$0.00 |
| Other Costs | \$53,326.00 |
| Total Costs | \$592,765.00 |
| Federal Staff Support (FTE) | 1.7 |

Source: FACADatabase.gov

On the transparency values, the board had very low totals in the quantitative explorations, and it did not acquire any value with the metric in this section. With the board not having a dedicated website for the public to review, it was unable to achieve marks in the other areas of this category. The public can search through the NIH website to find additional information about its advisory boards and use general contact information to inquire, but the process is not streamlined for the public. Simply putting in the search term "NIH advisory committees" into Google

brings back as the top hit as the dedicated website to the Advisory Committee to the NIH Director, but nothing else of relevance. Moreover, nothing on of the first page of results in the search links to areas for the NSTRIG board.

Nevertheless, given that the NSTIRG board conducts only closed meetings, the priority of the NIH may not be to publicize the meetings in any additional way than is necessary under the law. The meeting notices were posted in the Federal Register, which a requirement under FACA, but nowhere else that was found. Also, by perusing the NIH websites, a listing of other NIH review panels that fall under FACA was uncovered (NIH), though it was not listed on the primary page of the NIH. However, having a centralized website for NIH to list all advisory boards along with links to relevant sites would add a higher level of transparency that does not currently exist.

On the financial efficiency values, the board was average in its results for that category. It had points for spending within the standard deviation of other boards in the same category in terms of travel costs, member costs, and consultant costs. However, under the review question of whether it was able to achieve any savings, it received no value.

Given the nature of the board, cost controls can be of particular significance. This board had 139 members who reside in various parts the country. Meetings for the board during the year were spread out across the United States, with a meeting on the west coast, two meetings in the Midwest, and the remainder in the Washington, DC metropolitan area. After federal staffing costs, travel reimbursement was the largest spending item in their budget. Similarly, most

advisory boards investigated in this research, regardless of the area, did not achieve any reportable cost savings. With committee members potentially living in high-cost transportation areas, and the need of different members for different topics of grant review meetings, predicting the cost of transportation costs for members would be a difficult budgeting endeavor.

On the stakeholder diversity values, the board only received one point from the five potential areas. A point was given because the charter documents sets out fixed terms for membership. The board did not gain any additional points because it does not have a balanced membership plan, nor does it have any general public members required to be on the panel. Additionally, all the appointments are made exclusively by the director the NIH.

However, the NSTIRG seems to operate similarly to other grant review boards. The lack of a formal membership balance plan is common for other grant review advisory boards at NIH. With the goal of getting specialized candidates who are qualified to serve in a peer-review manner, having a membership balance plan like other advisory boards from different categories (e.g., National Policy Issue advisory board) may not be feasible. Additionally, the pool of candidates in this field may be minimal due to the specialized area of healthcare needed for the specialized grant review process. Still, an additional investigation into areas such as the geography of participants serving on grant review boards could be done to ensure that a geographic balance of membership is attained, for example.

Moreover, regarding the potential selection of a general public member for the board, this may not be practical. Given the very technical details and medical

information being discussed in the grant review meetings, it may be appropriate not to have general public members slotted into membership. Their lack of understanding of the material at hand would not lend them to be of any assistance in deliberations of where grant monies would be best applied.

Despite the low results in the quantitative exploration, the literature tells us that the work the board is performing adds to legitimacy of the grant making process. The literature on legitimacy supports the use of peer review panels to determine recommendations for research funding grants by the government. Virelli writes that "legitimacy depends on agencies providing reasoned explanations for their decisions." (Virelli, 2009) Using an advisory board of scientists to help in that process fits into that reasoned explanation process. "The use of scientific information to justify agency action appears to be an ideal tool for promoting administrative legitimacy." (Virelli, 2009)

Nevertheless, modifications could be made on how this board and potentially other NIH boards are administered could be made in order to support the values of transparency, financial efficiency, and diversity of membership in the FACA law. Having a centralized website for all advisory boards under the HHS umbrella would be a significant step toward greater transparency of the work of the boards. While the grant review boards like NSTIRG are closed to the public for meetings, the disclosure of the operations of the boards could be done with greater transparency. Currently, the public must monitor several websites across different agencies to determine the operations and membership of the NSTIRG.

Concerning the financial efficiency value, the NSTIRG could look for potential savings on their most significant expense, which are travel expenses. The exploration into the use of Skype and other methods for some meetings may be useful in looking for ways to find savings.

On stakeholder and membership diversity, the charter gives the NIH director broad discretion on appointments to get the subject matter experts needed for the particular grant review meetings. While that latitude may be necessary to achieve its goals, adding language in the charter to at a minimum acknowledge the need for diversity in membership could be a starting point.

Case Study Two: Nevada Advisory Committee (NAC)

The NAC was chosen as one of the advisory boards for further review because its results were below the average of the sample, with a mark of six in the quantitative exploration. Being an advisory board under the auspices of the US Commission on Civil Rights which promotes equality and freedom, the low result was an unexpected outcome that prompted additional review. Additionally, the board had no points in the membership section of the review, which also piqued interest for more review. The breakdowns of the results are as follows:

| | |
|--|----------|
| Transparency Observable Values | |
| Open Meetings | 1 |
| Dedicated Website | 1 |
| Public Notices on Website | 1 |
| Member List on Website | 1 |
| Public Contact Information | 0 |
| Transparency Total | 4 |
| | |
| Financial Efficient Observable Values | |
| Staff Costs | 0.5 |
| Travel Costs | 0.5 |
| Member Costs | 0.5 |
| Consultants Costs | 0.5 |
| PART Review / Savings | 0 |
| Financial Efficient Total | 2 |
| | |
| Stakeholder Diversity Observable Values | |
| Membership Balance Plan | 0 |
| Criteria for Membership Slots | 0 |
| Appointments Made by Multiple People | 0 |
| Term Limits for Board Members | 0 |
| General Public Member for Board | 0 |
| Stakeholder Total | 0 |
| | |
| TOTAL out of 15 | 6 |

Source: Data From Appendix B

NAC is a Non-Scientific Program advisory board, as classified by the GSA. Non-Scientific Program advisory board designation is assigned to committees dedicated to advising agencies on the implementation of non-scientific programs. These types of boards made up approximately 25% of the sample in the quantitative exploration, and overall results varied across the boards in this category.

The mission of the US Commission on Civil Rights (USCCR) is to develop national civil rights policies and to provide supervision and oversight on enforcement of federal civil rights laws. It was created over a half-century ago in 1957 as part of the Civil Rights Act that year. The legislation creating the USCCR, signed by President Eisenhower, was the first significant civil rights legislation passed in the US since the Reconstruction following the Civil War.

The new law instituted the Civil Rights Division inside the US Department of Justice. It also gave authorization and support to federal officials to prosecute when an individual's right to vote was being curtailed or denied. (Civil Rights Digital Library) While the new law established the US Commission on Civil Rights, it also tasked the new Commission to create advisory committees across the country in all fifty states to support in its mission.

According to the disclosure in the FACA database, the NAC "accomplishes its purpose through information-gathering activities include fact-finding activity, public hearings, and the solicitation of a broad cross-section of viewpoints about civil rights issues in its state and then reports on its findings and recommendations to the Commission." (FACA Database)

The responsibilities for the committee are extensive, as described in the charter document. The duties listed are:

Each [advisory]committee shall (1) advise the Commission in writing of any knowledge or information it has of any alleged deprivation of voting rights or alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice; (2) advise the Commission concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal government with respect to equal protection of the laws; (3) advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; (4) receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the committee, (5) initiate and forward advice and recommendations to the Commission upon matters that the committee has studied; (6) assist the Commission in the exercise of its clearinghouse function and with respect to other matters that the committee has studied, and (7) attend, as observers, any open hearing or conference that the Commission may hold within the State. (FACA Database)

According to its charter, the committee is expected to meet at least twice a year, unless events call for additional meetings. In fiscal year 2017, ten meetings were convened of the NAC. Nine of the meetings were virtual meetings with the use of conference calls. An additional meeting was held in-person in Las Vegas, which was held jointly with another location in Reno via internet video conferencing. All of the meetings were open to the public to call in, listen, and give comments if desired, though the public participated in less than half of the meetings.

The meetings for FY 2017 were:

1. October 27, 2016 – Virtual/Conference Call; nine members present; No public participants.
2. December 8, 2016 - Virtual/Conference Call; nine members present; No public participants.
3. January 19, 2017 - Virtual/Conference Call; eight members present; No public participants.

4. February 7, 2018 - Virtual/Conference Call; seven members present; Two public participants.
5. March 9, 2017 - Virtual/Conference Call; Eleven members present; No public participants.
6. March 15, 2017 – Mixed/In-person Las Vegas and Reno joined by videoconference; Nine members present; Seven public participants.
7. March 29, 2017 - Virtual/Conference Call; 5 members present; 1 public participant.
8. April 20, 2017 - Virtual/Conference Call; 6 members present; No public participants.
9. May 11, 2017 - Virtual/Conference Call; 6 members present; 1 public participant.
10. May 25, 2017 - Virtual/Conference Call; 8 members present; No public participants.

Meeting notices are announced through several channels to the public, depending on the type of meeting. For the nine virtual meetings, an announcement in the Federal Register publicized each of the upcoming meetings. Additionally, the notices were listed on the website of the US Commission on Civil Rights under their section of advisory committees. However, when it came to the one in-person meeting, the regional office of the US Commission on Civil Rights in Los Angeles sent out a press release to the media to add extra efforts to inform the public about the ability to join the open meeting.

The ten meetings focused on the topic of enforcement of municipal fines and fees and the potential for differing impacts on citizens in federally protected categories. The culmination of the committee's work for this year resulted in the issuing of a report to the US Commission of Civil Rights. The 18-page report included twelve recommendations for the Commission to address regarding civil rights concerns at the state and federal level about municipal fines and fees.

Membership diversity was an area where the NAC had low marks in the quantitative exploration, and the findings of the research reflected that outcome.

For fiscal year 2017, fourteen members served on the advisory committee. With several of the meetings having only five or six members in attendance, overall participation levels were low.

After reviewing the charter documents, details of the appointments process are not very transparent. Unlike other advisory boards, the charter documents are silent on numerous details such as the desired number of committee members to serve, what the length of service on the board would be, and who is responsible for making the appointments. Additionally, no balanced membership plan has been filed with GSA to demonstrate how the board is achieving a diverse membership. The addition of a formal plan would assist in that effort.

Through researching the other reportable annual data in the FACA database, additional information on how the NAC's operates can be obtained. The fourteen members of the advisory committee were all appointed on June 16, 2016, for a four-year term. Reviewing data prior to 2016, it shows that some members were reappointed after previous service on the NAC. However, no information on requirements or limitations for potential reappointments could be found in the FACA database reporting or on the US Commission's website.

Despite the lack of explicit requirements in the committee's charter documents on creating a balanced membership, the annual reporting requirements by GSA for the FACA database asks boards to answer the question of how balanced membership is achieved. For the NAC, the answer given was for 2017 was:

“Consideration is given to a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of the

committee. No person is denied an opportunity to serve because of race, age, sex, religion, national origin, or disability. Members include individuals with a demonstrated interest in the civil rights issues of color, race, religion, gender, age, disability, national origin, and voting rights. Membership is fairly balanced in terms of the points of view represented and the functions to be performed, and both major political parties are represented.” (FACA database)

Many advisory committees include in their charter documents language similar to what the NAC answered above. It was surprising that the NAC has neither a membership balance plan nor an explicit balancing framework mentioned as part of the charter.

Regarding financial efficiency, the NAC has kept costs to a minimum overall. Nine of the ten meetings were conducted by conference call, which eliminated the need for travel costs. The significant expenses for the committee surrounded the in-person meeting in Las Vegas to hear public testimony on the municipal fee issue.

Since committee members are all residents of the state of Nevada, no air travel reimbursements were needed, and no other non-federal member travel expenses were recorded. Federal staff representatives and consultants were the only categories that needed to be reimbursed for travel expenses.

| Nevada Advisory Commission 2017 Costs | |
|--|--------------------|
| Payments to Non-Federal Members | \$0.00 |
| Payments to Federal Members | \$0.00 |
| Payments to Federal Staff | \$11,000.00 |
| Payments to Consultants | \$0.00 |
| Travel Reimb. For Non-Federal Members | \$0.00 |
| Travel Reimb. For Federal Members | \$523.00 |
| Travel Reimb. For Federal Staff | \$3,603.00 |
| Travel Reimb. For Consultants | \$894.00 |
| Other Costs | \$17,210.00 |
| Total Costs | \$33,230.00 |
| Federal Staff Support (FTE) | 0.1 |

Source: FACADatabase.gov

On transparency value, the NAC had a result of four out of the possible five areas of observable values. Most of this is reflective of how the US Commission on Civil Rights organizes their main website. If a citizen first searched and went to the Commission's website, it would very easy to locate all the advisory boards. The main page of the Commission has a notable heading and link to the advisory board section of their site, which makes it very accessible to the public to track happenings at the various committees.

Still, some improvements could be made to ensure the public can find the correct advisory board without much confusion. An initial internet search for the NAC did not return the US Commission's main site until the search was modified. For example, if a researcher simply searched for Nevada Advisory Committee without quotes on the Google search engine, none of the site on the first page of results would be connected to the advisory committee connected to the US Commission on Civil Rights. However, if quotes were added to the search, the

results would lead to the Federal Registry on meeting notices and a broken link to a page on the US Commission's website.

Simple modifications to the USCCR's website with additional search engine optimization techniques could assist in ensuring people find the website with greater ease. Adding additional keywords enhancement for the USCCR's website for search engines is a low-cost way to ensure the public can find the correct site they are seeking.

Additional improvements on general transparency could be achieved by the NAC by increasing promotion of its meetings. A press release was only sent out once during the course of the year for the in-person meeting in Las Vegas. That meeting had the highest public participation of any of the other meetings that fiscal year. If press releases were done, they were not contained in any of the archived material on the FACA database, and none were found during internet searches for the meetings.

Furthermore, while the US Commissions website does a notable job in highlighting the advisory boards, there are inconsistencies between in the information contained on the Commission's website about the state advisory boards, and what is contained in the FACA Database website for the annual GSA reporting.

For example, the Commission's website has a link to transcripts for each state advisory committee. Nevertheless, after reviewing the link for Nevada, it was not are not comprehensive in the materials it contained, when compared to what was found on FACA Database site. The link for Nevada on the Commission site only

has two transcripts, While the FACA database, has meetings minutes and more details on past meetings.

On financial efficiency value area, the NAC received credit in four of the five areas on values for financial efficiency. The board's costs were inline within one standard deviation of other boards in its category of non-scientific program advisory boards. And similar to almost all other advisory boards in the study regardless of category, it was not able to demonstrate any cost savings in its yearly performance evaluation. That being stated, the NAC's use of virtual meetings by telephone and video conferencing is an excellent example of a method to keep costs at minimal levels.

On the membership diversity section of the observable values, the NAC received no points out of the possible five. Given that this advisory board is concerned with civil rights, it is noteworthy that it had such a low result. While the annual reporting to GSA demonstrates that balance in membership is endeavored, the official charter documents do not address the issue. Moreover, neither the charter documents nor the US Commission's website discloses any information on the length of service for appointments or any categories of membership. Only by going researching the FACA Database can someone uncover additional information on appointment dates for members of the NAC. The advisory committee may have indeed had a diverse membership that represents a cross section of the state's population concerned with civil rights, however, very little of the supporting documents help ensure that is accurate or ongoing.

Despite the shortcomings on some of the observable values, the NAC allows citizens to have the opportunity to have their voices heard on civil rights issues. The open meetings make it accessible. However, throughout the fiscal year, there was very little public participation in any of the meetings. While further examination would be needed, one hypothesis would be that public knowledge of the scheduled board meetings is meager, which would account for the low public participation.

Regardless, the committee is achieving its mission by meeting openly about civil rights issues in Nevada and reporting those findings back the Commission. In the annual reporting to GSA for the FACA database, the committee each year states how it has accomplished its mission. The reporting for fiscal year 2017 states, "The committee supports the agency's mission and strategic plan by advising the agency about civil rights matters within the state that are within the agency's jurisdiction."

It continues by adding the justification that, "The Committee's advisory function to the agency is satisfied when it reports its findings and recommendations to the Commission in writing or orally." With the NAC submitting their report to the Commission the topic of municipal fees in Nevada, they can demonstrate they have met the goal of their committee's mission. Still, with the NAC being an advisory board focused on civil rights, a few addition procedures and actions could bring it to a higher level of transparency and a greater explicit focus on membership diversity.

Case Study Three: Columbia County Resource Advisory Committee (CCRAC)

The CCRAC falls under the authority of the US Department of Agriculture (USDA), and it is one over 100 resource advisory committees that the USDA maintains as part of the advisory committees that impact the US Forest Service. Columbia County in the State of Washington contains part of the Umatilla National Forest, which is the reason for its existence. The CCRAC was chosen for further examination because of its overall result of nine, which was the median result of all boards surveyed in the quantitative exploration section. The breakdown of the points are as followed:

| | |
|--|----------|
| Transparency Observable Values | |
| Open Meetings | 1 |
| Dedicated Website | 1 |
| Public Notices on Website | 0 |
| Member List on Website | 0 |
| Public Contact Information | 1 |
| Transparency Total | 3 |
| | |
| Financial Efficient Observable Values | |
| Staff Costs | 0.5 |
| Travel Costs | 0.5 |
| Member Costs | 0.5 |
| Consultants Costs | 0.5 |
| PART Review / Savings | 0 |
| Financial Efficient Total | 2 |
| | |
| Stakeholder Diversity Observable Values | |
| Membership Balance Plan | 1 |
| Criteria for Membership Slots | 1 |
| Appointments Made by Multiple People | 0 |
| Term Limits for Board Members | 1 |
| General Public Member for Board | 1 |
| Stakeholder Total | 4 |
| | |
| TOTAL out of 15 | 9 |

Source: Data From Appendix B

The committee was created by Public Law 106-393, the “Secure Rural Schools and Community Self-Determination Act of 2000,” which directed the Secretary of Agriculture to establish advisory committees to improve collaborative relations on the local level between the public and the US Forest Service. The advisory board is to provide advice and recommendations on projects in US Forests.

In the FACA Database, the narrative description of the committee’s purpose states:

“By recommending projects that maintain and improve the health of national forest ecosystems and improve cooperative relationships among the people who use and care for the national forests, the Secure Rural Schools resource advisory committees support the Forest Service mission to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The committees specifically support Forest Service strategic goals to 1. Restore, sustain, and enhance the national forests; and 2. Provide and sustain benefits to the American people.”

The GSA classifies the CCRAC and the rest of the resource advisory committees as part the "other" category of its seven different groupings of advisory boards. There is no written explanation in any of the documents on the GSA website as to why the CCRAC has the “other” classification. Its mission appears to be similar to Non-Scientific Program Advisory Boards. Furthermore, the number of resource advisory committees under USDA jurisdiction is not insignificant. Nearly ten percent of the number of active advisory boards are similar resource advisory committees, and all are classified as “other.” GSA should clarify the designation for CCRAC and the other resource advisory boards given the large number in operation.

Prior 2017, CCRAC meetings were infrequent due to increased forest fire activity within the Umatilla National Forest, which dominated activities for the Forest Service. On January 1, 2017, 13 new members were appointed on to the board, each with a two-year term.

For fiscal year 2017, two meetings were convened, one on June 26, 2017, and the other on August 14, 2017. Both were in-person meetings and open for the public to attend. The Columbia County Fire Department in Dayton, Washington was where the meetings were held.

Public notes on the activities from the meetings were posted on the CCRAC's website, which is hosted as part of the US Forest Service's webpage on the Umatilla National Forest. The notes indicate that no members of the public attended either of the meetings. The notes, however, do not indicate which members of the CCRAC were in attendance at either meeting.

The first meeting on June 26th was primarily focused on new member orientation of the board. Given that all 13 members were newly appointed, and none were reappointments, the bulk of the meeting centered on ethics for advisory board members, as well as, the duties of resource advisory committees like the CCRAC.

Additionally, the June meeting allowed the CCRAC members to elect a chair and vice chair of the committee. Presentations also occurred on various projects within the Umatilla National Forest, including the replacement project of old bulletin boards and fire rings at campgrounds.

The August meeting focused on how grant money is allocated and spent on projects, as well as, a discussion of new projects proposed for the national forest. The committee agreed to conduct site visits for several of the proposed projects soon. No additional meetings were conducted before the fiscal year ended at the end of September.

On the transparency values, the committee totaled on three out of the five potential values. It has a website; the meetings are all open to the public; and, you can easily find a contact name and telephone number to learn more about the committee. The website was not consistent in providing public notices of its upcoming meetings, and you could not find a listing of committee members. Only by researching in the FACA database was a list of members and their terms of service accessible.

Despite the shortcomings on the transparency results, the website for the CCRAC was one of more educational and informative that was encountered during this research. The website had information for the public on the background on the board's origin, how appointments to the board can be made, and procedures of operation for the committee. Additionally, the BLM website has a substantial link to the advisory committee section as part its main menu, which makes it easy for the public to find it.

The website site has a section for applications for people interested in applying with a link to an application. The website also has project application forms if someone has an idea they would like consideration and reference materials

for members of the advisory committee on various subjects such as ethics, bylaws, and procedures.

On the financial efficiency value, the CCRAC had points in each category with the exception of the PART question on finding savings, where it had none. Its result of two out of five in this section actually belies the fact that, with the exception of the federal staff assigned to administer the board, the operating costs could not be any lower than they currently are, which are zero.

All meetings were held at the local fire station, which provided free space. Moreover, with members on the panel being local to the area, no travel reimbursements were needed. The only recorded costs for the board were for the designated federal officer who administers the board.

| | |
|---|-------------|
| Payments to Non-Federal Members* | \$0.00 |
| Payments to Federal Members* | \$0.00 |
| Payments to Federal Staff* | \$10,440.00 |
| Payments to Consultants* | \$0.00 |
| Travel Reimb. For Non-Federal Members* | \$0.00 |
| Travel Reimb. For Federal Members* | \$0.00 |
| Travel Reimb. For Federal Staff* | \$0.00 |
| Travel Reimb. For Consultants* | \$0.00 |
| Other Costs | \$0.00 |
| Total Costs | \$10,440.00 |
| Federal Staff Support (FTE)* | 0.1 |

Source: Data From FACADatabase.gov

On the membership diversity value, the CCRAC received a total of four out of the five possible points, and that high result reflects the high priority the board places on recruiting a diverse set of stakeholders for members. The statute that created the CCRAC explicitly states the need for diversity of opinions in the

membership. In Section 205 of Public Law 106-393, it states that the committees must "ensure that membership can be balanced in terms of the points of view represented."

The committee's website highlights the diversity needed for proper operation. Additionally, the charter document (see Appendix), as well as, its membership balance plan, outlines the categories where members must be representative:

Category One:

Organized labor

Developed outdoor recreation, off-highway vehicle users, or commercial recreation

Energy and mineral development

Commercial timber industry

Federal grazing permit holders or land use permit holders within the RAC area

Category Two:

Nationally recognized environmental organizations

Regionally or locally recognized environmental organizations

Dispersed recreation activities

Archaeological and historical interests

Nationally or regionally recognized wild horse or burro groups

Category Three:

State-elected office holders or their designee

County or local elected office holders

American Indian tribal representatives from tribes within or adjacent to RAC areas

School officials or teachers

Citizens representing the affected public at large

The operation of the committee appears to support the foundational values in FACA of transparency, financial efficiency and membership diversity, though some areas could be modified to strengthen it.

Additionally, the research uncovered careless mistakes and inaccurate information in the FACA database about CCRAC. For example, the charter document

from 2005 that is attached to the CCRAC file is for a different region than the CCRAC. Moreover, the FACA database does not refer to the Public Law 106-393 as the originating law that created the committee but instead refers to the reauthorization bills PL 110-343 and PL 112-141. While these inconsistencies do not impact the operation of the board, and could be classified as minor, they should be corrected to ensure proper administration of the board.

An additional item that stands out is the number of members on the CCRAC. The committee documents call for fifteen members to be appointed, with five coming from each of the three categories. However, for fiscal year 2017, only thirteen members were appointed. While no explanation is given in any of public documents, possibilities for the smaller number may be a lack of qualified candidates or simply the appointments were not made in a timely manner.

Case Study Four: President's Export Council

The President's Export Council (PEC) is an advisory board under the Department of Commerce and its sub-agency, the International Trade Administration. According to the PEC's website, the committee is the "principal national advisory committee on international trade" for the country. (International Trade Administration) The FACA database adds "the PEC advocates export expansion and explores options for the improvement of trade relationships with the global trading partners of the United States." (FACA Databases)

The PEC was chosen as case study for several reasons. Most notable is the fact that the PEC was created by Presidential executive order, and including it as a case study ensures that at each of three founding authorities (president; Congress; and agency authority) for advisory boards are examined in this study. Additionally, the high results it had in the quantitative exploration may indicate some supportive examples of how the three foundational values of FACA are being operationalized.

In the data from the quantitative exploration, the PEC recorded the highest in the review of boards created by presidential authority with a result of 10.5. This number is also higher than the mean and median results of the sample. Classified as a "National Policy Issue Advisory Board" by GSA, the PEC also had a result above the mean of this category of boards (a 10.5 total versus a category average of 9.8).

| | |
|--|-------------|
| Transparency Observable Values | |
| Open Meetings | 1 |
| Dedicated Website | 1 |
| Public Notices on Website | 1 |
| Member List on Website | 1 |
| Public Contact Information | 1 |
| Transparency Total | 5 |
| | |
| Financial Efficient Observable Values | |
| Staff Costs | 0 |
| Travel Costs | 0.5 |
| Member Costs | 0.5 |
| Consultants Costs | 0.5 |
| PART Review / Savings | 0 |
| Financial Efficient Total | 1.5 |
| | |
| Stakeholder Diversity Observable Values | |
| Membership Balance Plan | 1 |
| Criteria for Membership Slots | 1 |
| Appointments Made by Multiple People | 1 |
| Term Limits for Board Members | 1 |
| General Public Member for Board | 0 |
| Stakeholder Total | 4 |
| | |
| TOTAL out of 15 | 10.5 |

Source: Data From Appendix B

The PEC was first created in 1973 under President Richard Nixon by Executive Order 11753 on December 20, 1973. However, the origins of the PEC come from an older committee named the Interagency Committee on Export Expansion. That committee was created by President Lyndon Johnson in December 1963, in one of his first executive orders after assuming the presidency after President Kennedy was assassinated.

While the Interagency Committee on Export Expansion had only government officials serving on the board, the PEC expanded the membership to include business leaders to the roster. Over the years, the presidents have continued the PEC but have at times added amendments to the charter. For example, when President Nixon first created the board, the President made all the appointments.

Today, the Speaker of the House of Representatives and the President of the Senate each have appointments to the board, in addition to the President.

Over the last decade, the PEC on average has about two meetings per fiscal year. For fiscal year 2017, the new Trump administration did not complete appointments for the board, so this case study centered on the meetings in fiscal year 2016.

The charter for the PEC notes that membership for the board is comprised of no more than forty-seven members, with a mix of government and private sector representatives, appointed by a variety of people. Up to twenty-eight members are selected from the private sector by the President. The charter documents and the membership balance plan call for these private sector members to be representative of business and industry, as well as, the agriculture and labor sectors. The documents also call for considerations to be made for diversity in terms of geography and size of businesses represented. The President names the chairman and vice chairman of the PEC from these private sector appointees.

Of the public sector members, ten are members of Congress. The President of the Senate appoints five sitting Senators, and the Speaker of the House appoints five sitting Representatives. Members of both political parties in Congress are represented in these appointments. For example, in FY2016, House Speaker John Boehner named three Republicans and two Democrats to the panel. Appointments are also given to the chairmen of the National Governor's Association and the US Conference of Mayors to ensure state and local levels of government are represented in the discussions.

From the executive branch, seventeen membership slots are designated for the Secretaries of Agriculture, Commerce, Energy, Homeland Security, Labor, Treasury, Transportation, and State; the U.S. Trade Representative; the Administrator of the Small Business Administration; the President of the Export-Import Bank of the United States; the President and Chief Executive Officer of the Overseas Private Investment Corporation; the Director of the United States Trade and Development Agency; the Director of the Office of Management and Budget; the Chairman of the Council of Economic Advisors; the Director of the National Economic Council; and the Assistant to the President for National Security Affairs.

In FY2016, three meetings were held of the PEC, and all were designated as open meetings for the public to observe the proceedings. The first meeting was held on December 3, 2015, at the Eisenhower Executive Office Building in Washington, DC. Thirty-five people were present, and the public was able to watch the meeting through a live feed broadcasted over the internet by the White House. The two-hour meeting reviewed progress on the Trans-Pacific Partnership (TPP) trade agreement on which the Administration had concluded negotiations. The private sector members also agreed to send a letter to the President that listed trade-related priorities, which they believe the Administration should focus on in the coming year. The topics included a national infrastructure program and workforce development ideas. The PEC also agreed to schedule on a fact-finding trip to Japan and Vietnam in March 2016 as part of the committee's review of the TPP negotiations.

The second meeting was held on June 8, 2016, but it was conducted only as a virtual meeting by telephone. Members of the public were given access to listen to

the proceedings. The meeting was called to discuss the American trade policy with Cuba. President Obama visited Cuba in March 2016, and the chairman and vice chairman of the PEC accompanied the President on the trip. The two members shared their trip report with the committee, and the PEC's private sector members adopted a letter of recommendation on actions the Administration should take on Cuba trade policy.

The third meeting took place on September 14, 2016, and it was held again on the White House campus in the Eisenhower Executive Office Building. Thirty-four people were present in the room and similar to the meeting in December, and the public was able to watch the proceedings on a live video broadcast on the internet.

The ninety-minute meeting was the last meeting of the PEC under President Obama's Administration. The private sector members adopted a recommendation letter urging the President to work with Congress on two issues before the end of his term. The first was the passage of the TPP agreement and the second was the appointments to the Export-Import Bank so it could function appropriately after its lapse in reauthorization.

On the transparency value, the PEC received five out of five on the results in the observable items. The PEC went further than most advisory boards, by not merely putting meeting notices and meeting summaries online, but by keeping links to the video broadcasts on its website. It also has verbatim transcripts of each meeting available, which adds to the transparency of its operations.

Even with the high transparency results, some essential items of the

committee's work were missing from public view. The letters of priority recommendations that were adopted at the various meetings referred to the work of subcommittees of the PEC. The PEC's website, nor the FACA database listed information on subcommittee membership or the times the subcommittees met. Having additional disclosure of these subcommittees would add to the strong transparency record the PEC already demonstrated.

On the financial efficiency value, the board had a 1.5 result out of 5 points using the scale. The federal staff costs were higher than most in its category, which resulted in a loss of a point, and also the board answered zero in the performance review on cost savings. A low overall result in this section belies the fact that the board operates with little costs outside of the federal staff support. Similar to the CCRAC findings, future evaluations may want to take into consideration situations like the PEC, where it is hard to achieve additional yearly savings when so little is actually spent.

Nevertheless, the costs reported on the FACA Database for the FY2016 expenses potentially may not reflect all the costs incurred with the meetings. Not knowing all the actions of the subcommittees leaves an incomplete picture.

Also, from the reported costs, it would assume that the telephone conference call for the June 8, 2016 meeting, the transcription costs for all three meetings were not charged to the workings of the PEC. While those expenses could have been part of a bulk package at the Department of Commerce or the White House that added no additional costs, additional research would need to be conducted to see if that were the case.

| | |
|---|--------------|
| Payments to Non-Federal Members* | \$0.00 |
| Payments to Federal Members* | \$0.00 |
| Payments to Federal Staff* | \$150,800.00 |
| Payments to Consultants* | \$0.00 |
| Travel Reimb. For Non-Federal Members* | \$0.00 |
| Travel Reimb. For Federal Members* | \$0.00 |
| Travel Reimb. For Federal Staff* | \$0.00 |
| Travel Reimb. For Consultants* | \$0.00 |
| Other Costs | \$0.00 |
| Total Costs | \$150,800.00 |
| Federal Staff Support (FTE)* | 1.3 |

Source: Data From FACADatabase.gov

On the membership diversity value, the board had points in four of the five categories. By not having general public member for the board, it came up just shy of five. The PEC did file a membership balance plan, which lays out the needed for a diverse, balanced membership of the board. Also, while the President does appoint all the private sector members, the slots allocated for the National Governors Association, US Council of Mayors and Congressional members, allow someone other than the President to add members to the board.

The PEC did gain a point for having fixed terms of service for the board, but that area could be strengthened on the PEC. The only precise term of service mentioned in the charter document was the two-year slots for Members of Congress. For the private sector appointments, no fixed term is mentioned in the charter. The membership balance plan states that private sector members will serve from the time of appointment until the end of the Administration at the pleasure of the President. Adding a specific length of terms could be another area for future examination to ensure balance and diversity of members.

Case Study Five: Board of Scientific Counselors - Office of Public Health

Preparedness and Response

The Board of Scientific Counselors, Office of Public Health Preparedness and Response (BSC-OPHPR) is an advisory committee under the Department of Health and Human Services and its sub-agency the Center for Disease Control and Prevention (CDC).

The BSC-OPHPR was chosen for a case study because of its classification by the GSA as a Scientific Technical Program Advisory Board. This type of FACA committees produced an average total of 9.8 from the sample, which is above the average of all boards (8.6). The BSC-OPHPR exceeded its category average with a result of eleven.

| | |
|--|-----------|
| Transparency Observable Values | |
| Open Meetings | 1 |
| Dedicated Website | 1 |
| Public Notices on Website | 1 |
| Member List on Website | 1 |
| Public Contact Information | 1 |
| Transparency Total | 5 |
| | |
| Financial Efficient Observable Values | |
| Staff Costs | 0.5 |
| Travel Costs | 0.5 |
| Member Costs | 0.5 |
| Consultants Costs | 0.5 |
| PART Review / Savings | 1 |
| Financial Efficient Total | 3 |
| | |
| Stakeholder Diversity Observable Values | |
| Membership Balance Plan | 1 |
| Criteria for Membership Slots | 1 |
| Appointments Made by Multiple People | 0 |
| Term Limits for Board Members | 1 |
| General Public Member for Board | 0 |
| Stakeholder Total | 3 |
| | |
| TOTAL out of 15 | 11 |

Source: Data From Appendix B

BSC-OPHPR traces its origins from the government's response to the September 11, 2001 attacks in our country. The Coordinating Office for Terrorism Preparedness and Emergency Response (COTRER) at the CDC was created in 2002 following the terrorist attacks. In FY 2008, the Secretary of HHS created the advisory committee "Board of Scientific Counselors, COTRER" to provide external advice to the office. In FY2010, the COTRER's name was changed to the Office of Public Health Preparedness and Response (ORHPR). The board was created under the authority in the Public Health Act (42 U.S.C. §217a) that allows the Secretary to create advisory boards.

The committee's website states that the board provides "advice and guidance about the public health preparedness and response activities conducted by CDC and Center for Preparedness and Response. (OPHPR) The charter document states that specific duties of the BSC-OPHPR are to:

Provide advice and guidance to the Secretary, Department of Health and Human Services (HHS), the Assistant Secretary for Health (ASH), HHS; the Director, Centers for Disease Control and Prevention (CDC); and to the Director, OPHPR, concerning strategies and goals for preparedness and response activities pertaining to programs and research within the divisions. The Board also administers and oversees peer-review of OPHPR scientific programs; and monitors the overall strategic direction and focus of the divisions and offices. The Board will submit an annual summary of the results of the reviews and recommendations to the Associate Director for Science and the Director, CDC. The Board may perform second-level peer review of applications for grants-in-aid for research and research training activities, cooperative agreements, and research contract proposals relating to the broad areas within the office. (FACA database)

According to the charter and MBP on file, the HHS Secretary appoints the members of the BSC-OPHPR. The board has up to eleven members with fixed four-year terms. One of the appointments can be a federal employee if the Secretary

desires, though, for FY2017, that prerogative was not utilized. Candidates for the board should be knowledgeable in the fields relevant to OPHPR, such as health policy and emergency response.

The HHS Secretary also appoints three ex officio voting members to the board from the executive branch, whom the Secretary considers critical to the board to carry out its mission. The charter indicated that these executive branch officials could come departments such as HHS, the Department of Homeland Security (DHS), and the Department of Defense (DOD), or any department the HHS Secretary feels necessary. For FY2017, the officials did come from these three suggested departments.

Additionally, the BSC-OPHPR's charter calls on the HHS Secretary to ask relevant external professional associations to designate liaisons to the board to give input as needed (see Appendix). These liaisons are not voting members, and come from groups including the Association of State and Territorial Health Officials and the Council of State and Territorial Epidemiologists. The FACA database and meeting minutes indicate that for FY2017, six other external groups had the designation as liaison organizations.

The charter also indicates the board should meet approximately twice each year, as determined by the designated federal officer assigned to the board. In the last several years, the meetings have varied between one and three meetings.

FY2013 – 2 meetings
FY2014 – 1 meeting
FY2015 – 1 meeting
FY2016 – 3 meetings
FY 2017 – 2 meetings

In fiscal year 2017, both meetings were held at the CDC's offices in Atlanta, Georgia. The first meeting was held over two days on December 14-15, 2016. The second meeting was held over two days on May 10-11, 2017. Both were classified as open meetings that allowed public to attend. The public had to preregister to attend in order to gain access to the secure campus of the CDC.

The agenda on the BSC-OPHPR's website provided detailed information on the topics being covered in the meeting for the public to view. For example, the December 2016 meeting agenda covered updates from the different divisions of OPHPR; discussion on public and private partnerships; and transition planning for the next administration.

The BSC-OPHPR received points for all five items in the transparency values section of the quantitative exploration. The research revealed that the committee went beyond simply having the meeting open to the public to attend. The CDC streamed the meeting over the internet for the public to view the proceedings. Having two options for the public to view the board proceedings is not a common occurrence for advisory boards. Most boards satisfy the requirement using one method but rarely multiple modes.

The board's dedicated website has a user-friendly design that provides simple access to information on the board's functioning. The site lists its members, minutes, notices for meetings, and contact information. Additionally, it was also the only board in this research that had a picture of board members on its webpage.

In addition to publishing the minutes of the board meetings, the attendance is listed for each member. Also, the minutes indicated whether the member was

attending in person or virtually. During FY2017, some members were conferenced in by telephone in order to participate. That extra information is a helpful disclosure for the public, as it can provide understanding into how the board is operating and using its resources.

For the financial efficiency values, the board had high results in each category: a half-point in four categories for spending in the average range for boards within the Scientific Technical Program Advisory Board classification, and one point for indicating that it found operational savings in its annual performance review with GSA. The BSC-OPHPR was only one of two advisory boards in the pulled sample that had indicated to GSA that it was able to find any financial savings in its annual operations.

Approximately seventy percent of the spending on the board in FY2017 was attributable to federal staff costs. From an operational perspective, the board was able to keep costs in check by having the meetings at the CDC headquarters rather than an off-site location where costs would have been incurred. Additionally, some members were able to attend virtually employing the telephone, which minimized travel costs.

| | |
|--|--------------|
| Payments to Non-Federal Members | \$8,719.00 |
| Payments to Federal Members | \$0.00 |
| Payments to Federal Staff | \$184,140.00 |
| Payments to Consultants | \$0.00 |
| Travel Reimb. For Non-Federal Members | \$15,252.00 |
| Travel Reimb. For Federal Members | \$0.00 |
| Travel Reimb. For Federal Staff | \$0.00 |
| Travel Reimb. For Consultants | \$0.00 |
| Other Costs | \$52,035.00 |
| Total Costs | \$260,146.00 |
| Federal Staff Support (FTE)* | 1.42 |

Source: Data From FACADatabase.gov

In the membership diversity values section, the board had points in three of the five areas. It only did not acquire a value on a general public slot nor on the appointment process since it only has a single person making the appointments to the board. As a scientific board, having the relevant technical and professional background appears necessary for membership to give germane advice, and having a general public board member without proper background may not be useful. The membership balance plan for the board has a detailed process for identifying qualified individuals for the board, and all appointed members have designated length terms for serving on the board.

Case Study Six: Eastern Montana Resource Advisory Council

The Eastern Montana Resource Advisory Council (EMRAC) is an advisory board under the authority of the US Department of Interior. EMRAC received the highest totals of all boards examined in the quantitative exploration section, with an overall result of twelve. Of the fifteen observable values, the board had points in fourteen of the categories. EMRAC is designated as a Non-Scientific Program board by GSA, and boards within this classification had very high results with an average level of eleven.

| | |
|--|-----------|
| Transparency Observable Values | |
| Open Meetings | 1 |
| Dedicated Website | 1 |
| Public Notices on Website | 1 |
| Member List on Website | 1 |
| Public Contact Information | 1 |
| Transparency Total | 5 |
| | |
| Financial Efficient Observable Values | |
| Staff Costs | 0.5 |
| Travel Costs | 0.5 |
| Member Costs | 0.5 |
| Consultants Costs | 0.5 |
| PART Review / Savings | 0 |
| Financial Efficient Total | 2 |
| | |
| Stakeholder Diversity Observable Values | |
| Membership Balance Plan | 1 |
| Criteria for Membership Slots | 1 |
| Appointments Made by Multiple People | 1 |
| Term Limits for Board Members | 1 |
| General Public Member for Board | 1 |
| Stakeholder Total | 5 |
| | |
| TOTAL out of 15 | 12 |

Source: Data From Appendix B

The EMRAC was founded in 1995, though its origins date back to 1976. In that year, Congress authorized through section 309 of the Federal Land Policy and Management Act in 1976 the creation of advisory councils on land use issues (USDA) In 1995, then-Secretary of the Interior Bruce Babbitt reformed the advisory committees that were focused on grazing issue into to the current resource advisory councils in use today across the country (Kister 1996). The Bureau of Land Management (BLM) at the Department of Interior presently maintains 37 advisory committees like EMRAC, covering federal lands in the western half of the country.

The fifteen-member board provides advice to the BLM and serves as a sounding board for the policy implementation for the field managers at BLM offices in Billings and Miles City, Montana. The FACA database reveals that the EMRAC typically meets up to three times annually at different venues in Montana. Additionally, the database states that the meetings allow members to stay up-to-date on BLM programs and issues; allows them to offer pertinent and timely advice to the BLM; and, training is also periodically conducted at the meetings. (FACA Database).

The general duties of EMRAC members are outlined in the charter document (see Appendix). The two main duties for members are: 1. Create recommendations regarding land use planning of public lands in the Eastern Montana region; and 2. Create recommendations on proposed fees for recreational access. Additionally, for FY2018, the updated charter added additional areas of for the board to make recommendations including the implementation of specific secretarial orders. (FACA Database).

Membership is capped to fifteen people, with each serving a three-year term. The charter document and membership balance plans are specific in that the board requires that members be selected in a balanced way among three classifications of interest groups (see Appendix).

Group A includes: those holding Federal grazing permits or leases in the EMRAC area; people related to shipping or rights-of-ways; people representing outdoor recreation or commercial recreation activities; people representing commercial timber industry; and people representing the energy and mineral development sector.

Group B includes: member representing regional or national environmental organizations; people in recreational activities like hunting; people in archaeological and historical interest groups; and people representing regional and national wild horse and burro interest groups.

Group C includes: elected officials from the local, county and statewide levels; an employee from a state government department with oversight for natural resources management; a representative from an Indian Tribes within or adjacent to the EMRAC; academics whose focus is natural resource management or the natural sciences; and a member of the public-at-large.

Over the past several years meeting of the EMRAC have rotated between the BLM offices in Billings and Miles City. In FY2016, three meetings were held: December 3, 2015, in Billings, MT; March 24, 2016, in Miles City, MT; and July 14, 2016, in Billings, MT. For FY2017, just one meeting was held on December 15, 2016, in Miles City, MT. All meetings were open to the public, and according to the

minutes, members of the public were present at each of the meetings except the July 14, 2016 meeting.

The board issued no formal reports or recommendations to the BLM during FY2016 or FY2017. Members were briefed at each meeting by BLM staff on various projects happening in the field offices, and members gave feedback to BLM staff.

On the transparency values, the EMRAC had marks on all five of the observable values. The research into the board reveals that the EMRAC makes transparency a priority in its operation. The details conveyed in the meeting minutes convey more information than most boards that were reviewed.

On the financial efficiency value, the board kept operational costs very low. It had values in every financial efficiency category in the quantitative exploration except on the question on savings. The predominant cost for the board was for the designated federal staff assigned to administer the board. Similar to other boards that were researched, it is hard to demonstrate savings when costs are already kept so low. However, one way the board was achieving potential savings was through the use of virtual attendance for members who could not attend in person. Allowing members to conference into meetings through the telephone or internet minimizes travel reimbursement amounts in the budget.

| | |
|--|-------------|
| Payments to Non-Federal Members | \$0.00 |
| Payments to Federal Members | \$0.00 |
| Payments to Federal Staff | \$13,728.00 |
| Payments to Consultants | \$0.00 |
| Travel Reimb. For Non-Federal Members | \$370.00 |
| Travel Reimb. For Federal Members | \$0.00 |
| Travel Reimb. For Federal Staff | \$169.00 |
| Travel Reimb. For Consultants | \$0.00 |
| Other Costs | \$150.00 |
| Total Costs | \$14,417.00 |
| Federal Staff Support (FTE) | 0.2 |

Source: Data From FACADatabase.gov

In the membership diversity value area, the board demonstrated a commitment to achieving a wide range of viewpoints to be assembled, which was reflective in the EMRAC achieving five out of five in that section of observable items. The EMRAC has a membership balance plan with specific criteria for selection, along with explicit terms of service. It also has a slot reserved for a general public member. The EMRAC's high total is reflective of the way it operates. Many of its practices can be used as examples for other advisory boards regarding operationalizing the foundational values of FACA.

Chapter Five

Study Finding & Areas For Further Research

This dissertation was an examination of how federal advisory boards operationalized the values Congress instilled in the Federal Advisory Commission Act of 1972, specifically focusing on the laws foundational values of transparency, financial efficiency, and membership diversity. The examination was driven by the review of reportable data on how advisory boards operate. Chapter One explored the history of advisory boards and focused on the events leading up to FACA's passage. Chapter Two reviewed the literature on the foundational values on how advisory boards add legitimacy to government operation. In Chapter Three, a framework was developed to explore the reportable data on advisory boards, and it attempted to examine how closely boards have adhered to the values Congress intended. In Chapter Four, the data from the exploration was used to pick six case studies to further investigate how boards operationalize the values. This final chapter summarizes the findings from the case studies and presents recommendations to policy makers on ways to strengthen the foundational values Congress attempted to codify in the FACA legislation.

As mentioned previously, limitations and bias are inherent in the design of the dissertation. Whenever choices are made biases are introduced. As Mendonça told us, selection bias has the ability to influence the results of a study. (Mendonça, 1995.) The selection of different data points may have resulted in different outcomes in the scores of the quantitative exploration.

Inconsistent application of foundational values

While limitations may apply to how the findings of this study can be generalized across all advisory boards, several significant results can be noted from the investigation can applies to how advisory boards operationalize FACA's foundational values. Through the quantitative and qualitative exploration in this study, the leading finding has been the inconsistent application and operationalization of the foundational values of FACA. The quantitative exploration demonstrated that the values of transparency, financial efficiency, and membership diversity varied greatly among advisory boards, and the case studies also demonstrated inconsistencies in practice.

As literature informs us, inconsistency can be a threat to legitimacy for organizations. Massey reasons, “consistent strategies are more effective than inconsistent ones for legitimacy management in organizations.” (Massey, 2001). By making practices of boards more consistent, it can further the legitimacy of the advisory board system. “Institutional rules function as myths which organizations incorporate, gaining legitimacy, resources, stability, and enhanced survival prospects.” (Meyer and Rowan, 1977)

On the transparency value, for example, not all advisory boards maintain public websites. While not a legal requirement, websites have become the minimum standard for disclosure to the general public across all levels of government. Citizens simply expect it. Technological advances over the past four decades since the FACA law passed include numerous tools that can assist the government in fulfilling disclosure and transparency ideals to citizens. Recent actions by the government have recognized the need to for greater transparency in the federal

government. One of the first actions of former President Barak Obama's administration was to issue the "Memorandum on Transparency and Open Government," on January 21, 2009. In the directive, President Obama announced that his administration would create "a system of transparency, public participation, and collaboration." (Obama, 2009)

On the financial efficiency value, a lack of consistent focus on finding efficiencies and leveraging new technology to save money is prevalent throughout boards. For example, inconsistencies are evident on the annual reporting to GSA on the question of finding financial savings in the operation of the advisory committee. As part of their yearly reporting to the GSA on the operation of the committee, a series of questions must be answered under the heading of performance measures. One question asks boards to indicate any costs savings. Some committees like the Board of Scientific Counselors - Office of Public Health Preparedness and Response attempted to determine an actual dollar figure of savings for their yearly answer, while most other boards indicate "unable to be determined."

If the question is specifically focused on the operation of the board, then cost comparisons from previous years should be able to be determined. However, some boards have interpreted the question to mean if the overall federal government was able to save money from their committee's recommendations, which is different from the savings on the operation of the advisory board itself. The Neurological Sciences Training Initial Review Group, for example, answered in 2015 that it was unable to determine any cost savings and included a narrative which stated, "NIH supported basic and clinical research accomplishments often take many years to

unfold into new diagnostic tests and new ways to treat and prevent diseases.” The aim needs to be consistent across all boards to answer the question.

On the membership diversity value, the inconsistency of boards having membership balance plans was the most noticeable item in this area. The absence of such plans can give the impression that the focus on balance and diversity is not a high priority for the board. This inconsistency can easily be resolved by having GSA require the filing of membership balance plans for each board.

Recommendations to Policymakers to Strengthen The Foundational Values of FACA

Based on the examination of the advisory boards examined in the case studies, as well as, in the quantitative exploration, a series of recommendations to policymakers is made to strengthen the operations, and in doing so, strengthening the legitimacy, of the federal advisory board system. These recommendations can help align advisory boards with the foundational values in FACA.

General Recommendations

1. Refresh The Requirement for the Annual Written Report on Advisory Boards

The FACA law in section 6(c) states that an annual report shall be given to Congress on the state of advisory boards.

“The President shall, not later than December 31 of each year, make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year.”

This written narrative was discontinued after 1998 in light of the creation of the FACA database. While the database contains the same quantitative information that the written report contained, it lacks any narrative on the vision the administration has on advisory boards. In the previous written reports, either the sitting President or his GSA Administrator wrote a cover letter to the Congress describing the state of advisory boards.

Many of these letters described themes such as the costs savings trying to be achieved; how government needs to be responsive to the public; and, the need for government to be accessible to the public. Since the discontinuation of these annual narratives, Congress and the public are left without any explicit regular discussion on advisory boards. The reinstatement of an annual written statement in conjunction with the annual updating of the FACA database would allow policymakers and the public a better understanding the state of advisory boards and the priorities the government has on them.

2. Create a New Classification for the USDA/US Forest Services Resource Advisory Boards

The GSA classifies all advisory boards into one of seven categories: National Policy Issue Advisory Board; Non-Scientific Program Advisory Board; Scientific-Technical Program Advisory Board; Special Emphasis Panel; Regulatory

Negotiation; Grant Review, or Other. The classification is meant to describe the function of the board, and it helps outside observers understand their purpose.

The US Forest Service's Resources Advisory Committees, which provide collaboration between the Forest Service and the local community on area projects impacting national forest land, comprise nearly ten percent of all advisory boards across the federal government. GSA classifies these boards in the "other" category rather than in one of the other six categories. It is recommended that, given that a large number of these committees exist, GSA should either create a new classification for them or include them in an existing category such as Non-Scientific Program Advisory Board.

The Department of Interior's Resource Advisory Committees are all classified as Non-Scientific Program Advisory Board, which act in a similar function to the Forest Service boards, with local collaboration on projects on federal lands. Utilizing the "other" category should be reserved for rare occasions when individual boards do not fit into any of the broad categories.

Recommendations To Strengthen The Transparency Value:

1. Require All Boards To Maintain Websites.

Over the last two decades, websites have become a fundamental and essential part of organizations presence, both in the public and private sectors. While many federal advisory boards maintain websites, many still do not. Even for the ones that have websites, information is not always updated regularly, nor is the information contained on the websites consistent across advisory boards.

It is recommended that each advisory board be required to maintain a website and that GSA issue guidelines on standards for the content. Best practices on content from other advisory board websites would include items such as membership lists, meeting notices, prior meeting minutes, press releases, and contact information for the designated federal officer in charge of the board. Additionally, this information needs to be updated on a regular basis.

2. Require all Department and Agency Main Websites to Incorporate Portal or Link to All FACA Boards Under Its Jurisdiction

Having a maintained website is one step in the transparency process for boards, but having them accessible to the public makes them useful. Agencies like the US Commission on Civil Rights maintain a visible link on their website's main home page to direct the public to their advisory committees under their jurisdiction. Conversely, the US State Department has numerous links on their department's home page to help navigation; however, none of them refer to the advisory boards under their jurisdiction.

It is recommended that the GSA require all departments and agencies to have a link on their main website that directs the public to a listing of all advisory boards, and their respective websites, under their jurisdiction.

3. Require Additional Record Keeping In Meeting Minutes

The level of detail in meeting minutes that are kept for advisory boards varies greatly across boards. Having standards for the level of information in

meeting minutes would add transparency to boards and how they function. Some boards not only record which members were present at meetings but record "how" the member was present – whether that be in-person or virtually, through an internet video conference or a telephone conference call.

GSA should issue basic standards for information that should be included in the minutes for advisory boards. In addition to membership attendance information, other best practices could include a report on the number of public attendees. Knowing this information would be helpful, in order to understand how interested the public may be on different issues.

4. Encourage Alternative Options for Public Participation of Open Meetings

With the new communication technology advancing at a rapid pace, some advisory boards have taken advantage of these opportunities to increase transparency for their meetings and encourage participation. For example, when the President's Export Council conducted its meetings inside a restricted meeting space in 2016, their meetings were broadcasted over the internet for the public to watch. Additionally, the board archives those broadcasts on their website for future viewing by others. Another example of a low-cost technology that allows public access is telephone conference calls. The US Commission on Civil Rights uses telephone conference calls often to allow the public to listen in on meetings of its advisory boards. Policymakers should require that alternative participation options, like conference calls and internet broadcasting, be used when appropriate. Use of these technologies can increase the ability of the public to participate in meetings that they would otherwise not have the ability to do so.

5. Submit Press Releases To Media For Announcements of Advisory Board Meetings

Advisory board meeting notices are currently only required to be published in the Federal Registry, the daily journal of the federal government's rulemaking, public notices, and other various documents. This daily look at the happening of the federal government is designed more for professionals who work in and around government than for the general public.

While researching advisory boards, rarely were their instances where boards issued press releases to local press organizations regarding meeting notices.

Although press releases may not be appropriate for grant making and scientific boards, other boards could benefit from greater transparency by the media.

Additionally, this small step would alert more of the public to the happenings of boards and could increase public participation. Policymakers should require agencies to do more than place a notice in Federal Registry for upcoming meeting notices for appropriate boards, whether that be a press release on their agency's website or a mention in a social media post.

Recommendations To Strengthen The Financial Efficiency Value

1. More Training and Guidance on Annual Performance Measurements Reporting

Each year the designated federal officer for an advisory board completes the questionnaire and performance measures evaluation that GSA requires for their online reporting site called the FACA database. While the questions are standard for each advisory board, the answers given by boards demonstrate that there is inconsistency in the interpretation of these questions. One standard question in the performance measurement section of this yearly questionnaire focuses on cost

savings. Each year, boards needs to answer if they were able to general any cost savings and also provide an explanation for that answer.

Some boards answer this question with the interpretation of whether the board helped save any money overall in the federal budget, while others answer the question in terms of whether the board saved money in its operation from the previous year. The following three examples illustrate this inconsistency.

The Eastern Montana Resources Advisory Council for its FY2017 questionnaire answered "unable to determine" regarding cost savings, and explained it with this statement: "An in-depth analysis has not been done to determine cost savings associated with the Eastern Montana RAC. However, the contributions of the RAC are of benefit to the BLM [Bureau of Land Management]." (FACA database) This answer implies that while cost savings were not calculated, the beneficial work done by the board should overshadow any cost savings or lack thereof.

For the Board of Scientific Counselors - Office of Public Health Preparedness Response, a different view was taken the question. They answered the question in terms of how much was saved in the board's operation from the previous fiscal year. For its FY2017 questionnaire, the board answered "Less Than \$100,000" for cost savings, and gave this explanation: "No added costs were incurred for meeting space in FY17 as all in-person meetings are held at CDC Headquarters in Atlanta." (FACA database)

Another board answered the question in terms of how their work can help save money in years to come to society, rather than any focus on how their board operates. The National Institute on Drug Abuse Special Emphasis Panel in FY2017 answered “Unable to Determine” for cost savings and then articulated: “NIH supported basic and clinical research accomplishments often take many years to unfold into new diagnostic tests and new ways to treat and prevent diseases.”

GSA should provide more training and guidance on compliance with the cost savings question for boards to avoid the inconsistency that is happening. While some boards are focused on cost savings in yearly board operations, other boards do not appear to have the same emphasis.

2. Encourage Use of Virtual Meetings For Savings in Travel Costs

Outside of federal staffing for advisory boards, travel expenses are one of the largest categories of costs for board operations. When appropriate, virtual meetings should be encouraged an option for boards, which could save money on travel expenses.

Some boards already utilize various technologies for members to participate in meetings such as Skype video conferencing and telephone conference calls. Nevertheless, either through GSA guidance or explicit mention in charter documents, virtual meetings should be expressly stated as cost savings options when boards are contemplating meeting location decisions.

Recommendations To Strengthen The Membership Diversity Value

1. Every Board Should Have A Membership Balance Plan Filed

Many advisory boards have a Membership Balance Plan filed with GSA along with their charter documents. These documents make explicit the goal of having a diverse membership of viewpoints represented on the board as well as an explicit method of how the goal will be operationalized.

However, inconsistencies exist regarding the filing of an MBP. First, not all advisory boards have an MBP filed with their charter documents in the FACA database at GSA. Policymakers should make this a requirement for all boards to have a plan filed. Additionally, of the boards that have MBPs, an inconsistency exists on how often MBPs are filed. Some advisory boards file new MBP with each charter renewal, while others do not. GSA should provide guidance on when new MBPs need to be filed.

2. Links to Applications for Board Membership

Identifying qualified individuals to serve on advisory board can be a continual task for departments and agencies that have multiple boards under their jurisdiction. Additionally, even with a pool of candidates, ensuring there is a broad range of viewpoints for potential appointments can also be a challenge.

The website for Department of Interior's Bureau of Land Management's Resource Advisory Councils has a link for interested people to apply for consideration of an appointment to a regional board. Having these application materials available allows the public to proactively seek appointment to the board rather than the agency exclusively doing its own search for members.

Few of the websites examined during this research followed the example of the Bureau of Land Management. While each board has different requirements,

having a link to an application or information on the appointments process would allow more people to apply and create a potentially larger pool of applicants to choose from for membership. GSA should require that each advisory board's website have applications or directions on how interested people can apply for membership.

Additional Areas Of Research

The scores from the quantitative exploration have limitations that require additional research. While scores aided in the selection of the case studies to help examine how boards are operating, the scores do not have the ability to paint the entire picture of what may be happening inside the operation of the boards. In other words, simply because a board has a low score, it does not necessarily mean that the board is not achieving its goals or lacks effectiveness or that it lacks legitimacy. For example, many of the grant review boards had low scores, but those scores should not imply that they are not accomplishing the goals of the agency.

This dissertation purposely did not attempt to investigate the effectiveness of advisory boards. However, this research can be starting point to look at factors in effectiveness of advisory boards. The Government Accountability Office started to look at this issue in a report it produced in 2012 that looked at factors that impacted effectiveness in advisory boards at the Department of Energy and the Department of Transportation. (US Government Accountability Office, 2012.) Those factors included securing a clear commitment from the agency on the board's mission and finding a balance between independence from the agency and responsiveness. (US Government Accountability Office, 2012.) These could be some of the factors that

could be examined in future research to paint a better picture of how the boards function and meet their goals across all agencies.

Additionally, several other areas were uncovered during this research that, while not in the direct purview of this research, could add additional insight to the workings of advisory boards and would be worthy for future research. The IRB interviews with individuals who served and administered advisory boards were particularly illuminating to these potential areas of further study.

One area for potential additional research is the role of the chair versus the designated federal officer for the advisory board. Most of the interviewees commented on how either the chair drove the overall agenda of the board or that alternatively, it was the designated federal officer assigned to the board that drove the agenda. Further investigation into how that impacts different variables such as reports, efficiency, the frequency of meetings, could be of value to policymakers.

Further research could also be initiated on travel costs of boards. As one of the biggest drivers of the overall costs of boards, little is publicly disclosed on how travel arrangements are made for board members to attend meetings. The IRB interviews revealed that boards did not follow uniform methods for travel arrangement for members. Research could focus on investigating how airfare is chosen for board members across boards. Airfares can vary significantly between refundable government fares and deeply discounted non-refundable fares. An IRB interview revealed that both methods of airline ticket purchasing were used at times for boards. Moreover, some interviewees paid personally for their travel

expenses to meetings and did not ask for reimbursement, which kept board costs lower. Finding out how often these scenarios happen

In the recommendations for policymakers earlier, it was noted that improvement in training on how the financial savings questions are answered in the annual questions for the FACA database. The same sentiment also applies to the rest of the more than one hundred disclosures on the FACA database for advisory boards. For example, each board is required to list in the database the legal authority that gives the board the right to exist. The Columbia County Resource Advisory Committee had inconsistencies in the database regarding the law that demonstrated its creation. A more thorough review of the data could demonstrate how widespread the inconsistencies may be in the other annual data points that committees report to the GSA.

The use of advisory boards in our federal government has been an essential participation tool in our republic since its beginning. After several years of reviewing how federal advisory boards operate, Congress took deliberate steps in 1972 with the passage of the Federal Advisory Committee Act to instill measures to foster legitimacy in the boards.

These measures in the new law focused on the values of transparency, financial efficiency, and membership diversity. Congress saw these values as lacking in committees operation, and the new law was intended to instill these values in order to shore up questions of legitimacy. Over the four decades, a portrait has emerged of the inconsistent focus on these foundational values. Policymakers can

reinvigorate how these boards operate to ensure consistency, and ultimately legitimacy, in one the important tools of citizen participation in our country.

Bibliography

Aberbach, J. D. (1990). *Keeping a Watchful Eye: The Politics of Congressional Oversight*. Washington, DC: The Brookings Institution.

Advisory Commission on Intergovernmental Relations (1979). *Citizen Participation in the American Federal System*.

Ansell, C. K. (2011). *Pragmatist Democracy: Evolutionary Learning as Public Philosophy*. Oxford: Oxford University Press.

Arnold, R. D. (1979). *Congress and the Bureaucracy: A Theory of Influence*. New Haven, CT: Yale University Press.

Balla, S. J., & Wright, J. R. (2001). Interest Groups, Advisory Committees, and Congressional Control of the Bureaucracy. *American Journal of Political Science*, 45(4), 799.

Bawn, K. (1997). Choosing Strategies to Control the Bureaucracy: Statutory Constraints, Oversight, and the Committee System. *Journal of Law, Economics, and Organization*, 13(1), 101-126.

Behn, R. (2001) *Rethinking Democratic Accountability*, Washington: Brookings Institution Press.

Bekkers, V. J., Dijkstra, A. G., Edwards, A., & Fenger, M. (2016). *Governance and the Democratic Deficit: Assessing the Democratic Legitimacy of Governance Practices*. Abingdon, Oxon: Routledge.

Borgida, E., Worth, K., Lippmann, B., Ergun, D., & Farr, J. (2008) *Beliefs about Deliberation: Personal and Normative Dimensions*, *Journal of Social Issues*, 64(3), 551-569.

Boschken, H.L. (1994). *Organizational Performance and Multiple Constituencies*, *Public Administration Review*, 54(3), 308-312.

Boyko, E. J. (2013). Observational Research — Opportunities and Limitations. *Journal of Diabetes and Its Complications*, 27(6), 642-648.

Brehm, J., & Gates, S. (2002). *Working, Shirking and Sabotage: Bureaucratic Response to a Democratic Public*. Ann Arbor, MI: The University of Michigan.

Brown, M. B. (2008). Fairly Balanced: The Politics of Representation on Government Advisory Committees. *Political Research Quarterly*, 61(4), 547-560.

Bryson, J. (2004). *What To Do When Stakeholders Matter*, Public Management Review, 6(1), 21-53

Bryson, J., Crosby, B. & Bryson, J (2009). *Understanding Strategic Planning*, International Public Management Journal, 12(2), 172-207.

Burby, R.J. (2003). *Making Plans That Matter: Citizen Involvement and Government Action*, Journal of the American Planning Association, 69(1), 33-41.

Cardozo, M., (1981) *The Federal Advisory Committee Act in Operation*, Administrative Law Review, 33(1),1-62.

Civil Rights Act of 1957. (n.d.). Retrieved from http://crdl.usg.edu/events/civil_rights_act_1957/

Coggon, David, Rose, G.A., & Barker, D.J.P. (1997). Epidemiology for the Uninitiated: BMJ.

Coglianesi, Cary, *Assessing Consensus: The Promise and Performance of Negotiated Rulemaking*, 46 Duke Law Journal, 1255-1349 (1997)

Congressional Budget Office. (2019, January). Budget and Economic Data. Retrieved from <https://www.cbo.gov/about/products/budget-economic-data>

The Congressional Record. (1972). Washington, D.C.: Congressional Research Service, Library of Congress.

Congressional Research Service, "Federal Advisory Committees: An Overview", June 12, 2012.

Congressional Research Service, "Trends in Discretionary Spending," January 24, 2014.

Croley, S. P., & Funk, W. F. (1997). *Federal Advisory Committee Act and Good Government*, The Yale J. on Reg., 14, 451.

Curtin, D. & Meijer, A.J., (2006). *Does Transparency Strengthen Legitimacy? Information Polity: The International Journal of Government & Democracy in the Information Age*, 11(2), 109-122.

Daniels, J. (1972) *Frontier on the Potomac*. New York. Da Capo Press Inc.

Diamond, L. (1993). "Introduction: Political Culture and Democracy." In *Political Culture and Democracy in Developing Countries*, Boulder: Lynne Rienner.

Diamond, L. J. (1994). *Political Culture and Democracy in Developing Countries*. Boulder: Lynne Rienner.

DiMaggio, P., & Powell, W. (1983). The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields. *American Sociological Review*, 48(2), 147-160.

Easton, D. (1965) *A Framework for Political Analysis*. Englewood Cliffs: Prentice-Hall.

Federal Advisory Committee Act of 1972, Public Act 92-463

Federal Advisory Committees, Fifth Annual Report of the President, Covering Calendar Year 1976, March 1977, (FIDO.gov).

Federal Advisory Committees, Eighth Annual Report of the President, Covering Calendar Year 1979, March 1980, (FIDO.gov).

Federal Advisory Committees, Ninth Annual Report of the President, Covering Calendar Year 1980, March 1981, (FIDO.gov).

Federal Advisory Committees, Twenty-Third Annual Report of the President, Covering Fiscal Year 1994, March 1995, (FIDO.gov).

Federal Land Policy and Management Act, 496 §§ 43-1701-1785.

Filtner, David (1986). *The Politics of Presidential Commissions*, New York: Dobbs Ferry, Transaction Publishers, Inc.

Follett, M. P. (2012). *The New State: Group Organization, The Solution of Popular Government*. Whitefish, MT: Kessinger.

Fry, B. R., & Raadschelders, J. C. (2014). *Mastering Public Administration: From Max Weber to Dwight Waldo*(2nd ed.). Los Angeles: Sage.

General Services Administration. (n.d.). GSA Federal Advisory Committee Act (FACA) Database. Retrieved from <https://www.facadatabase.gov/FACA/FACAPublicPage>

Gerring, J. & Thacker, S.C., (2004). *Political Institutions and Corruption: The Role of Unitarism and Parliamentarism*. *British Journal of Political Science*, 34 (2), 295-330.

Gruber, J. E. (1988). *Controlling Bureaucracies: Dilemmas in Democratic Governance*. Berkeley, CA: University of California Press.

Häikiö, L. (2007). Expertise, Representation and the Common Good: Grounds for Legitimacy in the Urban Governance Network. *Urban Studies*, 44(11), 2147-2162.

Hammer, G. P., du Prel, J.-B., & Blettner, M. (2009). Avoiding Bias in Observational Studies: Part 8 in a Series of Articles on Evaluation of Scientific Publications. *Deutsches Ärzteblatt International*, 106(41), 664–668.

Hammond, T. H., & Knott, J. H. (1996). *Who Controls the Bureaucracy?: Presidential Power, Congressional Dominance, Legal Constraints, and Bureaucratic Autonomy in a Model of Multi-Institutional Policy-Making*. *Journal of Law, Economics, and Organization*, 12(1), 119-166.

Haus, M., Heinelt, H., & Stewart, M. (2005). *Urban Governance and Democracy: Leadership and Community Involvement*. Abingdon: Routledge.

Jang, Y. S., Ott, J. S., & Shafritz, J. M. (2015). *Classics of Organizational Theory*. Australia: Wadsworth.

Jentoft, S. (2000). Legitimacy and Disappointment in Fisheries Management. *Marine Policy*, 24(2), 141-148.

Karty, K.D. (2005). *Membership Balance, Opening Meetings, and Effectiveness in Federal Advisory Committees*, *The American Review of Public Administration*, 35, 414-435.

Keister, R. (1996, September 16). Multicultural Grazing Boards Off To A Good Start. *High Country News*. Retrieved from <https://www.hcn.org/issues/106/3351>

Kelly, A. H., Harbison, W. A., & Belz, H. (2008). *The American Constitution: Its Origins and Development*(7th ed., Vol. 1).

Koppell, J.G. (2005). *Pathologies of accountability: ICANN and the Challenge of "Multiple Accountability Disorder."* *Public Administration Review*, 65(1), 94-108

Kostova, T., & Zaheer, S. (1999). Organizational Legitimacy Under Conditions of Complexity: The Case of the Multinational Enterprise. *Academy of Management Review*, 24(1), 64-81.

Rod Laird Organisation (2012, July 9). Extreme or deviant case sampling: an essential way to learn from both success and failure. *Rods Reflections*. Retrieved from <http://rodlaird.hostinguk.org/?page=1129>

Landis, J. (1938). *Administrative Process*. New Haven, CT: Yale University.

Laski, Harold (1925). *A Grammar of Politics*. New Haven: Yale University Press.

Lavertu, S., Walters, D., and Weimer, D. (2012). "Scientific Expertise and the Balance of Political Interests: MEDCAC and Medicare Coverage Decisions." *Journal of Public Administration Research and Theory* 22.1: 55-81.

Lavertu, S. & Weimer, D., *Federal Advisory Committees, Policy Expertise, and the Approval of Drugs and Medical Devices at the FDA*, *Journal of Public Administration Research and Theory*, August 2010.

Leiserson, A. (1942). *Administrative Regulation: A Study In Representation Of Interests*. Chicago: University of Chicago Press.

Light, P. (1998) *The Tides of Reform: Making Government Work, 1945-1995*, New Haven: Yale University Press

Limitations and Delimitations in Research. (2017, March 28). Retrieved from <http://blog.stcloudstate.edu/ims/2017/03/28/limitations-and-delimitations-in-research/>

Massey, J. E. (2001). Managing Organizational Legitimacy: Communication Strategies for Organizations in Crisis. *Journal of Business Communication*, 38(2), 153-182.

Mendonça, Gulnar Azevedo Silva. (1995). Selection of subjects in case-controls studies. *Sao Paulo Medical Journal*, 113(2, Suppl.), 41-42.

Meyer, J. W., & Rowan, B. (1977). Institutionalized Organizations: Formal Structure as Myth and Ceremony. *American Journal of Sociology*, 83(2), 340-363.

Nabatchi, T., (2010) "Addressing the Citizenship and Democratic Deficits: The Potential of Deliberative Democracy for Public Administration," *The American Review of Public Administration*, vol. 40 no. 4 376-399.

Nabatchi, T., & Farrar, C. (2011) *Bridging the Gap between the Public & Public Officials*, Kettering Foundation Report.

National Coalition for Dialogue & Deliberation (2010). *Resource Guide on Public Engagement*.

National Institutes of Health. (2014, March 28). *Maintaining Confidentiality in NIH Peer Review*. Retrieved from <https://grants.nih.gov/grants/guide/notice-files/not-od-14-073.html>

NIH Scientific Review Group (SRG) Roster Index. (n.d.). Retrieved from <https://public.era.nih.gov/pubroster/>

Nixon Presidential Library, "FACA Veto Draft," 1972.

Noah, L. (2000) "Scientific Republicanism: Expert Peer Review and the Quest for Regulatory Deliberation." *Emory Law Journal* 49: 1033.

Norris, P. S. (1999). *Critical Citizens: Global Support for Democratic Government*, New York: Oxford University Press.

Obama, B. H. (2009, January). *Transparency and Open Government*. Retrieved from <https://obamawhitehouse.archives.gov/realitycheck/the-press-office/transparency-and-open-government>

Olson, M. (1977). *The Logic of Collective Action*. Cambridge, MA: Harvard.

Pitkin, H. F. (1972). *The Concept of Representation*. Berkeley: University of California.

Prell, C., Hubacek, K., Quinn, C., & Reed, M. (2008). 'Who's in the Network?' *When Stakeholders Influence Data Analysis, Systemic Practice and Action Research*, 21(6), 443-458.

Presque, Y. (2005). *Stakeholder Theory In Perspective*, *Corporate Governance*, 5(2) 5-21

Quick, K., & Feldman, M. (2011). *Distinguishing Participation and Inclusion*, *Journal of Planning and Research*, 31 (3), 272-290.

Rossmann, D. & Shanahan, E. (2011). *Defining and Achieving Normative Democratic Values in Participatory Budgeting Processes*, *Public Administration Review*, 72 (1), 56-66.

Rubin, H. and Rubin, I. (2005). *Qualitative Interviewing: The Art of Hearing Data*, 2nd Edition, Thousand Oaks, CA, Sage Publications.

Russell, L. B., & Hubley, A. M. (2005). Importance ratings and weighting: Old concerns and new perspectives. *International Journal of Testing*, 5, 105–130.

Seawright, J., & Gerring, J. (2008). Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options. *Political Research Quarterly*, 61(2), 294-308.

Selden, S. C. (1997). *The Promise of Representative Bureaucracy*. Armonk: Sharpe.

Selznick, P. (1949) *TVA and the Grass Roots*. University of California Press, Berkley, CA.

Stangroom, J. (2018, November). Linear Regression Calculator. Retrieved from <https://www.socscistatistics.com/tests/regression/Default.aspx>

Stewart, M., Carmichael, L., Sweeting, D., Howard, J., & De Zeuw, C. (2004, September). *Participation, Leadership and Urban Sustainability: Final Research Report* (Rep.). Retrieved http://www.plus-eura.org/public_files/scientific_report.pdf

Suchman, M. C. (1995). Managing Legitimacy: Strategic and Institutional Approaches. *Academy of Management Review*, 20(3), 571-610.

Tonn, J. C. (2003). *Mary P. Follett: Creating Democracy, Transforming Management*. New Haven, CT: Yale University Press.

Tosi, H. L. (2009). *Theories of Organization*. Los Angeles: Sage.

Turabian, K. L. (1973). *A Manual for Writers of Term Papers, Theses, and Dissertations* (6th ed.). Chicago University Of Chicago Press.

U.S. Government Accountability Office, *Federal Advisory Groups: DOT and DOE Can Take Steps to Better Assess Duplication Risk and Enhance Usefulness*, GAO-12-472, March 2012

US House of Representative, Report Number 92-1017, 92nd Congress, 2nd Session.

US House of Representatives, Congressional Record, May 9, 1972, page, 16296.

US Inflation Calculator. (n.d.). Retrieved March 2, 2019, from <https://www.usinflationcalculator.com/>

U.S. General Services Administration (2010). *Federal Advisory Committee Act Management Overview*, retrieved from <http://www.gsa.gov/committeemanagement>.

Vernon, R., & Mansergh, N. (1940). *Advisory Bodies: A Study Of Their Uses In Relation To Central Government, 1919-1939*. London: Allen and Unwin.

Virelli, L. (2009). Scientific Peer Review and Administrative Legitimacy. *Administrative Law Review*, 61(4), 723-780.

Waldo, D. (1952). *Development of Theory of Democratic Administration*. American Political Science Review, 46(01), 81-103.

Waldo, D. (2017). *The Administrative State: A Study of the Political Theory of American Public Administration*. Routledge.

Wu, C. H. (2008). Can We Weight Satisfaction Score With Importance Ranks Across Life Domains? *Social Indicators Research*, 86, 468–480.

Yin, R. K. (2003). *Case Study Research: Design and Methods*, 3rd Edition, Sage Publications, Thousand Oaks, CA.

Yin, R. K. (2009). *Case study research: Design and methods*, 4th Edition, Los Angeles: Sage Publications.

Zaheer, S. (1995). Overcoming the Liability of Foreignness. *The Academy of Management Journal*, 38(2), 341-363.

Appendices

- A. Active List of Federal Advisory Boards for Sample Selection
- B. Pulled Sample of Advisory Boards with Quantitative Exploration Results
- C. Neurological Sciences Training Initial Review Group Charter
- D. Nevada Advisory Committee Charter
- E. Columbia County Resource Advisory Committee Charter and Membership Balance Plan
- F. President's Export Council Charter and Membership Balance Plan
- G. Board of Scientific Counselors - Office of Public Health Preparedness and Response Charter and Membership Balance Plan
- H. Eastern Montana Resource Advisory Council Charter and Membership Balance Plan
- I. Example FACA Database Annual Questions
- J. IRB Background

Appendix A

Active List of Federal Advisory Boards for Sample Selection

| Agency/Department | Agency/Department | Committee/Task Force | Establishment Authority | Total Members | Reports | Meetings | Staff | Travel | Fiscal Year | Members | Compliance | Other | Total | Request |
|-------------------|---------------------------|--|------------------------------|---------------|---------|----------|-------|--------|-------------|---------|------------|-------|-------|---------|
| USA | Department of Agriculture | United States Trade Representative | Statutory (Congress Created) | 18 | 1 | 1 | 0 | 0 | 2159 | 0 | 0 | 0 | 33 | 2159 |
| USA | Department of Agriculture | United States Trade Representative | Statutory (Congress Created) | 18 | 1 | 1 | 0 | 0 | 1114 | 0 | 0 | 0 | 43 | 1157 |
| USA | Department of Agriculture | United States Trade Representative | Statutory (Congress Created) | 15 | 1 | 1 | 0 | 0 | 1487 | 0 | 0 | 0 | 23 | 1487 |
| USA | Department of Agriculture | Western Hemisphere Resource Committee | Statutory (Congress Created) | 13 | 1 | 3 | 0 | 0 | 8650 | 0 | 0 | 0 | 150 | 11960 |
| USA | Department of Agriculture | Western Hemisphere Resource Committee | Statutory (Congress Created) | 13 | 1 | 1 | 0 | 0 | 5000 | 0 | 0 | 0 | 23 | 5235 |
| USA | Department of Agriculture | White Pine-Nev Resource Advisory Board | Statutory (Congress Created) | 14 | 1 | 1 | 0 | 0 | 2700 | 0 | 0 | 0 | 81 | 3612 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 14 | 1 | 1 | 0 | 0 | 12795 | 0 | 0 | 0 | 812 | 13947 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 24 | 1 | 4 | 0 | 0 | 12180 | 11210 | 0 | 0 | 4753 | 49262 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 15 | 1 | 1 | 0 | 0 | 9000 | 0 | 0 | 0 | 200 | 9200 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 15 | 1 | 1 | 0 | 0 | 2586 | 0 | 0 | 0 | 200 | 2786 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 34 | 1 | 1 | 0 | 0 | 13000 | 0 | 0 | 0 | 250 | 13250 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 29 | 1 | 1 | 0 | 0 | 7500 | 0 | 0 | 0 | 350 | 7850 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 29 | 1 | 1 | 0 | 0 | 15000 | 0 | 0 | 0 | 3000 | 18000 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 16 | 1 | 1 | 0 | 0 | 3200 | 4440 | 0 | 0 | 444 | 4084 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 11 | 1 | 1 | 0 | 0 | 4800 | 5040 | 0 | 0 | 8511 | 20712 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 10 | 1 | 1 | 0 | 0 | 24543 | 3450 | 0 | 0 | 770 | 28763 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 20 | 1 | 1 | 0 | 0 | 13458 | 9500 | 0 | 0 | 11640 | 32798 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 23 | 1 | 1 | 0 | 0 | 18090 | 13500 | 0 | 0 | 12787 | 34757 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 12 | 2 | 2 | 0 | 0 | 5167 | 39784 | 1200 | 0 | 46151 | 48344 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 5 | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 12 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 24 | 1 | 2 | 0 | 0 | 6172 | 12911 | 28250 | 0 | 1651 | 23741 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 12 | 1 | 2 | 0 | 0 | 4172 | 10142 | 281 | 0 | 270 | 2641 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 11 | 1 | 2 | 0 | 0 | 2481 | 3469 | 8430 | 0 | 13152 | 16072 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 12 | 1 | 2 | 0 | 0 | 4539 | 5400 | 10200 | 0 | 1152 | 8059 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 7 | 1 | 2 | 0 | 0 | 26128 | 68151 | 10200 | 0 | 9159 | 11438 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 22 | 1 | 2 | 0 | 0 | 595359 | 64153 | 117000 | 0 | 5013 | 148175 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 6 | 1 | 3 | 0 | 0 | 1217 | 4262 | 3750 | 0 | 4300 | 6289 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 67 | 2 | 2 | 0 | 0 | 418476 | 789735 | 68150 | 0 | 52474 | 1427860 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 14 | 2 | 2 | 0 | 0 | 4056 | 35000 | 10570 | 0 | 3500 | 38703 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 14 | 2 | 2 | 0 | 0 | 18195 | 80000 | 1500 | 0 | 3917 | 83175 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 12 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 4341 | 7937 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 8 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 19 | 1 | 1 | 0 | 0 | 3024 | 5064 | 1850 | 0 | 4164 | 3341 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 18 | 1 | 2 | 0 | 0 | 2342 | 4650 | 8750 | 0 | 0 | 7832 |
| USA | Department of Agriculture | Wyoming - Petroleum Resource Committee | Statutory (Congress Created) | 18 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Appendix B

Pulled Sample of Advisory Boards with Quantitative Exploration Scores

| Agency Name | Committee Name | Committee Function | Establishment | Transparency 1 | Transparency 2 | Transparency 3 | Transparency 4 | Transparency 5 | Efficiency 1 | Efficiency 2 | Efficiency 3 | Efficiency 4 | Efficiency 5 | Diversity 1 | Diversity 2 | Diversity 3 | Diversity 4 | Diversity 5 | TOTAL SCORE | |
|---|--|------------------------|----------------------|----------------|----------------|----------------|----------------|----------------|--------------|--------------|--------------|--------------|---------------|-------------|-------------|--------------|-------------|---------------|-------------|------|
| | | | | Open Meetings | Website | Public Notices | Member List | Contact Info | Staff Costs | Travel Costs | Member Costs | Consultants | Savings Found | MBP Filed | Criteria | Appointments | Terms | Public Member | | |
| Department of the Interior | Grand Staircase-Escalante National Monument | Scientific/Technical | Physiological | 1 | 1 | 1 | 1 | 1 | 0.5 | 0 | 0.5 | 0.5 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 9.5 |
| Department of Health and Human Services | Endocrinologic and Metabolic Drugs Advisory Committee | Scientific/Technical | Authorized by Agency | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 9.5 |
| Department of Health and Human Services | National Cancer Institute Board of Scientific Affairs | Scientific/Technical | Authorized by Agency | 1 | 1 | 1 | 1 | 1 | 0.5 | 0 | 0.5 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 9.5 |
| Department of Health and Human Services | Pulmonary Artery Drugs Advisory Committee | Scientific/Technical | Authorized by Agency | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 9.5 |
| National Science Foundation | Advisory Committee for Cyberinfrastructure | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 9.5 |
| National Science Foundation | Advisory Committee for Social Behavioral and Economic Research | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 9.5 |
| Department of Transportation | HTCA, Inc. (Utilized as an Advisory Committee) | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0.5 | 0.5 | 0 | 1 | 1 | 0 | 0 | 0 | 10 |
| Department of Health and Human Services | Antimicrobial Products Advisory Committee | Scientific/Technical | Authorized by Agency | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 10 |
| Department of Health and Human Services | Center for Scientific Review Advisory Council | Scientific/Technical | Authorized by Agency | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 10 |
| Department of Health and Human Services | Male Safety and Health Research Advisory Committee | Scientific/Technical | Statutory (Comp) | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 10 |
| Department of Veterans Affairs | National Research Advisory Council | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 10 |
| Department of Defense | Threat Reduction Advisory Committee | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 1 | 1 | 0 | 1 | 1 | 0 | 10.5 |
| Department of Energy | Basic Energy Sciences Advisory Committee | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 1 | 1 | 0 | 1 | 0 | 0 | 10.5 |
| Environmental Protection Agency | Federal Insecticide, Fungicide, and Rodenticide Act | Scientific/Technical | Statutory (Comp) | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 10.5 |
| Department of Health and Human Services | Advisory Committee on Heritable Disorders | Scientific/Technical | Statutory (Comp) | 1 | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 1 | 1 | 0 | 1 | 1 | 0 | 10.5 |
| Department of Defense | Board on Critical Engineering Research | Scientific/Technical | Statutory (Comp) | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 1 | 1 | 1 | 1 | 1 | 0 | 11 |
| Department of Health and Human Services | Board of Scientific Counselors Office of Public Health and Safety | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 1 | 1 | 0 | 1 | 0 | 0 | 11 |
| Department of Health and Human Services | National Committee on Vital and Health Statistics | Scientific/Technical | Statutory (Comp) | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 11 |
| Department of Energy | High Energy Physics Advisory Panel | Scientific/Technical | Agency Author | 1 | 1 | 1 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 1 | 1 | 1 | 1 | 1 | 0 | 11.5 |
| Department of Health and Human Services | National Institute on Drug Abuse Special Emphasis Panel | Special Emphasis Panel | Authorized by Agency | 0 | 1 | 0 | 1 | 1 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 0 | 1 | 0 | 0 | 0 | 8.5 |
| Department of Health and Human Services | National Institute of Biomedical Imaging and Bioinformatics Special Emphasis Panel | Special Emphasis Panel | Authorized by Agency | 0 | 1 | 0 | 0 | 1 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 1 | 1 | 0 | 1 | 0 | 8 |
| 8.607142857 Average | | | | | | | | | | | | | | | | | | | | |
| 9 Median | | | | | | | | | | | | | | | | | | | | |

Appendix C

Neurological Sciences Training Initial Review Group Charter



**AMENDED CHARTER
NEUROLOGICAL SCIENCES TRAINING INITIAL REVIEW GROUP**

AUTHORITY

42 U.S.C. 282(b)(16), section 402(b)(16) of the Public Health Service Act, as amended. The Neurological Sciences Training Initial Review Group (IRG) is governed by the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

OBJECTIVES AND SCOPE OF ACTIVITIES

The IRG reviews grant and cooperative agreement applications concerning training and career development programs and activities in the areas of neurological disorders and stroke.

DESCRIPTION OF DUTIES

The IRG provides advice and recommendations on the scientific and technical merit of applications for grants-in-aid for research training and career development programs and activities in the areas of neurological disorders and stroke. The members will survey as scientific leaders, the status of research and research training in their fields.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The IRG will advise the Director, National Institutes of Health (NIH), and the Director, National Institute of Neurological Disorders and Stroke (NINDS).

SUPPORT

Management and support services will be provided by the Scientific Review Branch, Division of Extramural Research, NINDS.

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

The estimated annual cost for operating the IRG, including compensation and travel expenses for members, but excluding staff support, is \$322,796. The estimated annual person-years of staff support required is 2.6%, at an estimated annual cost of \$331,824.

DESIGNATED FEDERAL OFFICER

The Director, NINDS, will assign a full-time or permanent part-time NINDS employee as the Designated Federal Officer (DFO) of the IRG. Each standing subcommittee will be assigned a Scientific Review Officer (SRO). In the event that the DFO or SRO cannot fulfill the assigned duties, one or more full-time or permanent part-time NINDS or NIH employees will be assigned these duties on a temporary basis.

The DFO or SRO will approve or call all of the IRG's or subcommittee's meetings, prepare and approve all meeting agendas, attend all IRG and subcommittee meetings, adjourn any meeting when it is determined to be in the public interest, and chair meetings when directed to do so by the Director, NIH, or the Director, NINDS.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

The full IRG will meet in plenary session as called by the DFO and meetings of each subcommittee will be held approximately three times within a fiscal year. Meetings will be open to the public unless determined otherwise by the Secretary of Health and Human Services (Secretary) in accordance with subsection (c) of section 552b of Title 5 U.S.C. In the event a portion of a meeting is closed to the public, as determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and FACA, a report will be prepared which will contain, as a minimum, a list of members and their business addresses, the IRG's functions, dates and places of meetings, and a summary of IRG activities and recommendations made during the fiscal year. A copy of the report will be provided to the Department Committee Management Officer.

DURATION

Continuing. This IRG is authorized by statute with no specified end date.

TERMINATION

In accordance with 42 U.S.C. 282(b)(16), section 402(b)(23), FACA does not apply to the duration of this peer review group. The Director, NIH determines if the IRG should be terminated.

MEMBERSHIP AND DESIGNATION

Members, the Chair, and the Chairs of its subcommittees will be selected by the Director, NIH, or designee, from authorities knowledgeable in the various disciplines and fields concerning training and career development programs and activities in the areas of neurological disorders and stroke.

Members will be invited to serve for overlapping terms of up to six years. All non-Federal members serve as NIH Peer Review Consultants.

The permanent membership of the IRG may be supplemented at any meeting through temporary members who have experience or expertise in the disciplines and fields related to the IRG's function and are appointed to review some or all of the applications considered at that meeting. The individual will have all the rights and obligations of IRG membership at that meeting, including the right to vote on recommendations in which the individual fully participated as a reviewer. Temporary members will not count towards a quorum. A quorum for the conduct of business by the full IRG is five members.

SUBCOMMITTEES

As necessary, standing and ad hoc subcommittees composed of members from the parent committee and working groups may be established by the DFO to perform specific functions within the IRG's jurisdiction. The advice/recommendations of a subcommittee/working group must be deliberated by the parent advisory committee. A subcommittee may not report directly to a Federal official unless there is statutory authority to do so. The Department Committee Management Officer will be notified upon establishment of each standing subcommittee and will be provided information on its name, membership, function, and estimated frequency of meetings. A quorum for each subcommittee will be five members.

RECORDKEEPING

Meetings of the IRG and its subcommittees will be conducted according to FACA, other applicable laws and Departmental policies. IRG and subcommittee records will be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

FILING DATE

May 14, 2009

APPROVED

Date

Acting Director, NIH

Appendix D

Nevada Advisory Committee Charter

CHARTER FOR THE
U.S. COMMISSION ON CIVIL RIGHTS
STATE ADVISORY COMMITTEES

1. COMMITTEES'S OFFICIAL DESIGNATION (Title): U.S. Commission on Civil Rights [State] Advisory Committee. Attachment 1 lists the states and District of Columbia utilizing this charter.

2. AUTHORITY: The U.S. Commission on Civil Rights (Commission) authorizing statute, 42 U.S.C. § 1975a, mandates the creation of an advisory committee in each of the 50 states and the District of Columbia (hereinafter "committees"). These committees operate under the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. Appendix 2.

3. OBJECTIVES AND SCOPE OF ACTIVITIES: The committees advise the Commission on matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of the equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice and aid the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

4. DESCRIPTION OF DUTIES: Each committee shall (1) advise the Commission in writing of any knowledge or information it has of any alleged deprivation of voting rights or alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice; (2) advise the Commission concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal government with respect to equal protection of the laws; (3) advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; (4) receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the committee, (5) initiate and forward advice and recommendations to the Commission upon matters that the committee has studied; (6) assist the Commission in the exercise of its clearinghouse function and with respect to other matters that the committee has studied, and (7) attend, as observers, any open hearing or conference that the Commission may hold within the State.

5. AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS: The committees report to the Commission.

6. SUPPORT: The committees shall receive support from the following Regional Offices:

a) Central Regional Office – Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma

b) Eastern Regional Office – Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia

c) Midwestern Regional Office – Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

d) Rocky Mountain Regional Office – Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming

e) Southern Regional Office – Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee

f) Western Regional Office – Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington

7. ESTIMATED ANNUAL OPERATING COST AND STAFF-YEARS: The estimated annual operating cost for each committee and the full-time equivalent (FTE) staff per committee is listed in Attachment 2. All members will receive travel expenses and a per diem allowance in accordance with the Federal Travel Regulation for any travel made in connection with their duties as members of the committee.

8. DESIGNATED FEDERAL OFFICER: The Designated Federal Officer (DFO), a full-time employee of the Commission assigned to a committee, will approve the schedule of all committee and subcommittee meetings. The DFO or a designee will be present at all committee and subcommittee meetings, and each meeting will be conducted in accordance with an agenda approved by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS: Depending upon resources, committees are encouraged to meet at least two times each year and more often, if possible.

10. DURATION: The committees are authorized by statute, 42 U.S.C. § 1975a, to operate for an indefinite period. This charter shall terminate two years from the date it is filed unless it is renewed or extended by appropriate action prior to that date.

11. COMMITTEE TERMINATION DATE: Continuing.

12. MEMBERSHIP AND DESIGNATION: Advisory Committees should not have more than 14 members except to accommodate members seeking reappointment or where achieving diversity or viewpoint balance requires more than 14. The committees will be comprised of no more than 19 members. The committees' membership will be composed of Special Government Employees who have demonstrated civil rights experience or interest with a variety of backgrounds and knowledge sufficient to provide adequate advice and guidance to the Commission. Members shall be appointed to four-year terms.

13. SUBCOMMITTEES: With the agency's approval, a committee is authorized to establish subcommittees to perform specific projects or assignments as necessary and

consistent with its mission. Subcommittees will report back to the respective committee and will not provide advice or work product directly to the Commission.

14. RECORDKEEPING: Committee records shall be handled in accordance with General Records Schedule 6.2. Those records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

15. FILING DATE: January 5, 2017

Attachment 1

List of Advisory Committees Using this Charter

1. Alabama Advisory Committee
2. Alaska Advisory Committee
3. Arizona Advisory Committee
4. Arkansas Advisory Committee
5. California Advisory Committee
6. Colorado Advisory Committee
7. Connecticut Advisory Committee
8. Delaware Advisory Committee
9. District of Columbia Advisory Committee
10. Florida Advisory Committee
11. Georgia Advisory Committee
12. Hawaii Advisory Committee
13. Idaho Advisory Committee
14. Illinois Advisory Committee
15. Indiana Advisory Committee
16. Iowa Advisory Committee
17. Kansas Advisory Committee
18. Kentucky Advisory Committee
19. Louisiana Advisory Committee
20. Maine Advisory Committee
21. Maryland Advisory Committee
22. Massachusetts Advisory Committee
23. Michigan Advisory Committee
24. Minnesota Advisory Committee
25. Mississippi Advisory Committee
26. Missouri Advisory Committee
27. Montana Advisory Committee
28. Nebraska Advisory Committee
29. Nevada Advisory Committee
30. New Hampshire Advisory Committee
31. New Jersey Advisory Committee
32. New Mexico Advisory Committee
33. New York Advisory Committee
34. North Carolina Advisory Committee
35. North Dakota Advisory Committee
36. Ohio Advisory Committee
37. Oklahoma Advisory Committee
38. Oregon Advisory Committee
39. Pennsylvania Advisory Committee
40. Rhode Island Advisory Committee
41. South Carolina Advisory Committee
42. South Dakota Advisory Committee
43. Tennessee Advisory Committee
44. Texas Advisory Committee
45. Utah Advisory Committee
46. Vermont Advisory Committee
47. Virginia Advisory Committee
48. Washington Advisory Committee
49. West Virginia Advisory Committee
50. Wisconsin Advisory Committee
51. Wyoming Advisory Committee

Attachment 2

Advisory Committees with Estimated Costs and FTEs

| Advisory Committee | Est. Costs | Est. FTE |
|-------------------------|------------|----------|
| 1. Alabama | \$19,200 | 0.1 |
| 2. Alaska | \$26,900 | 0.2 |
| 3. Arizona | \$26,900 | 0.2 |
| 4. Arkansas | \$19,200 | 0.1 |
| 5. California | \$26,900 | 0.2 |
| 6. Colorado | \$24,500 | 0.2 |
| 7. Connecticut | \$35,500 | 0.2 |
| 8. Delaware | \$35,500 | 0.2 |
| 9. District of Columbia | \$35,500 | 0.2 |
| 10. Florida | \$18,900 | 0.1 |
| 11. Georgia | \$18,900 | 0.1 |
| 12. Hawaii | \$26,900 | 0.2 |
| 13. Idaho | \$26,900 | 0.2 |
| 14. Illinois | \$33,200 | 0.2 |
| 15. Indiana | \$33,200 | 0.2 |
| 16. Iowa | \$19,200 | 0.1 |
| 17. Kansas | \$19,200 | 0.1 |
| 18. Kentucky | \$18,900 | 0.1 |
| 19. Louisiana | \$19,200 | 0.1 |
| 20. Maine | \$35,500 | 0.2 |
| 21. Maryland | \$35,500 | 0.2 |
| 22. Massachusetts | \$35,500 | 0.2 |
| 23. Michigan | \$33,200 | 0.2 |
| 24. Minnesota | \$33,200 | 0.2 |
| 25. Mississippi | \$19,200 | 0.1 |
| 26. Missouri | \$19,200 | 0.1 |
| 27. Montana | \$24,500 | 0.2 |
| 28. Nebraska | \$19,200 | 0.1 |
| 29. Nevada | \$26,900 | 0.2 |
| 30. New Hampshire | \$35,500 | 0.2 |
| 31. New Jersey | \$35,500 | 0.2 |
| 32. New Mexico | \$24,500 | 0.2 |
| 33. New York | \$35,500 | 0.2 |
| 34. North Carolina | \$18,900 | 0.1 |
| 35. North Dakota | \$24,500 | 0.2 |
| 36. Ohio | \$33,200 | 0.2 |

Attachment 2 (continued)

Advisory Committees with Estimated Costs and FTEs

| Advisory Committee | Est. Costs | Est. FTE |
|--------------------|------------|----------|
| 37. Oklahoma | \$19,200 | 0.1 |
| 38. Oregon | \$26,900 | 0.2 |
| 39. Pennsylvania | \$35,500 | 0.2 |
| 40. Rhode Island | \$35,500 | 0.2 |
| 41. South Carolina | \$18,900 | 0.1 |
| 42. South Dakota | \$24,500 | 0.2 |
| 43. Tennessee | \$18,900 | 0.1 |
| 44. Texas | \$26,900 | 0.2 |
| 45. Utah | \$24,500 | 0.2 |
| 46. Vermont | \$35,500 | 0.2 |
| 47. Virginia | \$35,500 | 0.2 |
| 48. Washington | \$26,900 | 0.2 |
| 49. West Virginia | \$35,500 | 0.2 |
| 50. Wisconsin | \$33,200 | 0.2 |
| 51. Wyoming | \$24,500 | 0.2 |

Appendix E

Columbia County Resource Advisory Committee Charter and Membership Balance Plan



Forest Service

CHARTER

1. **Committee's Official Designation**

Secure Rural Schools Resource Advisory Committees.

The federal advisory committees referenced in this charter are collectively known as Secure Rural Schools Resource Advisory Committees (RACs). The official designation (title) of each RAC and its estimated annual operating expenses and staff support are shown in an addendum to this charter.

Each Secure Rural Schools RAC shall operate in accordance with this charter. This charter and its addendum shall be filed by the Committee Management Officer with the Secretary of Agriculture, the appropriate Congressional committees, the Library of Congress and the General Services Administration's Committee Management Secretariat and posted for each committee in the Committee Management Secretariat's Federal Advisory Committee Act (FACA) data base.

2. **Authority**

Each Secure Rural Schools RAC is established pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000, 16 U.S.C.A. 7125, hereafter referred to as the Act and reauthorized through the Medicare Access and CHIP Reauthorization Act of 2015, Section 524; hereafter referred to as the CHIP Act and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C., App.2.

3. **Objectives and Scope of Activities**

The purpose of each RAC is to improve collaborative relationships among the people that use and care for the National Forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act.

4. **Description of Duties**

Each RAC shall be solely advisory in nature. Advice or recommendations of the RAC shall be given only with respect to the purposes of the committee as defined in the Act. All activities of the RAC shall be conducted in an open, transparent, and accessible manner.

Each RAC shall,

- a. Review projects proposed under Title II of the Act by participating counties and other entities.
- b. Recommend projects and funding for projects, in accordance with section 203 of the Act, to the Secretary, responsible for approving and implementing projects authorized by the Act. Agreement by the majority of members in each of the three membership categories of the RAC is required before recommending projects and funding.
- c. Provide early and continuous coordination with appropriate Forest Service officials in recommending projects authorized under Title II of the Act.
- d. Provide frequent opportunities for tribal governments, participating county governments, citizens, organizations, land management agencies and other interested parties to participate openly and meaningfully, beginning at the early stages of development of projects authorized under Title II of the Act.
- e. Monitor projects that have been approved under Title II of the Act and advise the Designated Federal Officer on the progress and results of the monitoring efforts.
- f. Make recommendations to the Secretary for any appropriate changes or adjustments to the projects being monitored by the RAC.
- g. Elect by agreement of a simple majority of members, a committee chairperson (or co-chairs) from among the RAC's members. The chair will serve for a term of one year.
- h. By agreement of a simple majority of members, adopt such by-laws, operating guidelines or rules of operation as it deems advisable to perform the duties of the committee, consistent with FACA and other applicable laws and regulations and with the approval of the Designated Federal Officer.

Upon request of the DFO, the SRS RAC may make recommendations within their area of jurisdiction regarding:

- i. The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
- j. The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;
- k. The expansion or limitation of the recreation fee program;
- l. The implementation or elimination of noncommercial, individual special recreation permit fees; and
- m. The implementation of fee-level changes (increases or decreases).

Secure Rural Schools RACs do not have the authority to make recommendations on certain aspects of fee programs, including, but not limited to:

- n. Recreation fee sites operated by a concessionaire or contractor such as campgrounds or reservation fees assessed by the national recreation reservation system; and

- o. Commercial permits such as outfitting and guiding; and recreation group event permits, which are issued as either special use permits by the Forest Service or special recreation permits by the BLM, such as bike races.

5. **Agency or Official to Whom the Committee Reports**

Each RAC reports its recommendations to the Secretary through the Chief of the Forest Service.

6. **Support**

Administrative support for each Secure Rural Schools RAC will be provided by the Forest Service.

7. **Estimated Annual Operating Costs and Staff Years**

The estimated annual operating expenses and staff support for each RAC are shown in the addendum to this charter.

In accordance with the Act, members of the RAC shall serve without compensation. RAC members and replacements may be allowed travel expenses and per diem for attendance at committee meetings as authorized by 5 U.S.C. 5703 if sufficient funds authorized for such uses are available as determined by the Forest Supervisor responsible for administrative support to the RAC. Reimbursement, if any, will be consistent with procedures and rates applicable to Forest Service employees in travel status.

8. **Designated Federal Officer**

A permanent Federal employee is to be appointed in accordance with agency procedures and will serve as the Designated Federal Officer (DFO). The DFO will approve the advisory committees' and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings**

The RAC will meet as often as necessary to perform its duties, generally one to four times per year, in a location and facility accessible to the public.

RAC meetings will be convened only with the prior approval of the DFO and with an agenda approved by the DFO.

As required by the Act, all meetings of the RAC shall be open to the public. Interested persons may attend meetings, appear before the RAC as time permits, and file written comments with the RAC.

A simple majority of the members from each category of the RAC must be present to constitute an official meeting of the RAC. Attendance may be in-person, by telephone, or other electronic means.

In accordance with FACA regulations, notice of each meeting shall be published in the Federal Register at least 15 days before the meeting. In accordance with the Act, notice of each meeting shall be published in the local newspaper of record at least one week in advance of the meeting. RAC members will be notified personally of the date, time, and place of each meeting.

10. **Duration**

Continuing.

11. **Termination**

In accordance with FACA and departmental regulations this charter will expire two years from the date of filing.

12. **Membership and Designation**

12a. Each RAC will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

12b In accordance with the Act, each RAC shall be comprised of 15 members who provide balanced and broad representation from within each of the following three categories of interests specified in the Act:

- a. Five persons who represent:
 1. organized labor or non-timber forest product harvester groups;
 2. developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
 3. energy and mineral development, or commercial or recreational fishing interests;
 4. commercial timber industry; or
 5. Federal grazing permits or other land use permit holders or represent non-industrial private forest land owners within the area for which the committee is organized.
- b. Five persons who represent:
 1. nationally recognized environmental organizations;
 2. regionally or locally recognized environmental organizations;
 3. dispersed recreational activities;
 4. archaeological and historical interests; or
 5. nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

- c. Five persons who represent:
 1. state elected office (or a designee);
 2. county or local elected office;
 3. American Indian tribes within or adjacent to the area for which the committee is organized;
 4. area school officials or teachers; or
 5. affected public-at-large.

Members shall reside within the State(s) in which the RAC is organized. To the extent practical, the membership of each of the three categories will include residents in the vicinity of the National Forest for which the committee provides advice.

In accordance with the Act, members and replacements are appointed to 4-year terms or reappointed for an additional 2 years. The term begins on the date of the Secretary's decision to appoint the member or replacement.

The Secretary may appoint a replacement for each of the three membership categories who may serve on the RAC in the event that a vacancy arises.

If an appropriate replacement member is not available, nominees will be sought through an open and public process and submitted to the Secretary for vetting, approval, and appointment.

12c. Of these members, one will become the chairperson (elected by agreement of a simple majority of members) who is recognized for his or her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. A co-chairperson may be assigned, in the same manner as the chair, especially to facilitate his or her transition to become the chairperson in the future.

12d. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any "specific party matters" (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee's recommendations. Members of the Committee shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, claims, grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For the purposes of this paragraph, indirect interest includes holdings of a spouse or dependent child.

All members will 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.

Members appointed as "Special Government Employees" (SGEs) are considered intermittent Federal employees and are subject to Federal 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) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide 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.

12e. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by the Department, membership shall include (to the extent practicable), minorities, women, and persons with disabilities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

13. Subcommittees

The Forest Service has the authority to create subcommittees. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Agency.

14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

<http://www.fs.usda.gov/pts/>

15. Filing Date

JUN 21 2016

Forest Service

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

Secure Rural Schools Resource Advisory Committees

2. Authority

Each Secure Rural Schools Resource Advisory Committee (RAC) is established pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000, 16 U.S.C. sec. 7125, hereafter referred to as the Act, and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C., App.2.

3. Objectives and Scope of Activities

The purpose of each RAC is to improve collaborative relationships among the people that use and care for the National Forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act.

4. Points of View Needed for the Committee

In accordance with the Act, each RAC shall be comprised of 15 members who provide balanced and broad representation from within each of the following three categories of interests specified in the Act:

a. Five persons who represent:

- (1) organized labor or non-timber forest product harvester groups;
- (2) developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
- (3) energy and mineral development, or commercial or recreational fishing interests;
- (4) commercial timber industry; or
- (5) federal grazing permit or other land use permit holders or represent non-industrial private forest land owners within the area for which the committee is organized.

b. Five persons who represent:

- (1) nationally recognized environmental organizations;
- (2) regionally or locally recognized environmental organizations;
- (3) dispersed recreational activities;
- (4) archaeological and historical interests; or
- (5) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

- c. Five persons who represent:
 - (1) state-elected office (or a designee);
 - (2) county or local-elected office;
 - (3) American Indian Tribes within or adjacent to the area for which the committee is organized;
 - (4) area school officials or teachers; or
 - (5) affected public-at-large.

Members shall reside within the State(s) in which the RAC is organized. To the extent practical, the membership of each of the three categories will include residents in the vicinity of the National Forest for which the RAC provides advice.

Every effort will be made to ensure that the membership of the RAC is balanced, nevertheless, USDA recognizes that RAC membership is not static and may change, depending on the work of the RAC.

A simple majority of the members from each category of the RAC must be present to constitute an official meeting of the RAC. Attendance may be in-person, by telephone, or other electronic means.

5. Other Balance Factors

Equal opportunity practices in accordance with United State Department of Agriculture (USDA) policies shall be followed in all appointments to the RAC. To help ensure that the recommendations of the RAC have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent women, men, racial and ethnic groups, and persons with disabilities.

6. Candidate Identification Process

Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by tribal governments, county governments, organizations and individuals who represent the interests specified in the Act. The Outreach plan provides additional guidance on seeking nominees. The Forest Supervisor who will receive advice from the RAC is responsible for forwarding nominees to be vetted, approved, and appointed by the Secretary of Agriculture.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the RAC due to criminal or ethical violations.

Appendix F

President's Export Council Charter and Membership Balance Plan

**U.S. DEPARTMENT OF COMMERCE
CHARTER OF THE
PRESIDENT'S EXPORT COUNCIL**

- 1. Committee's Official Designation (Title).** The President's Export Council (PEC)
- 2. Authority.** The PEC is established pursuant to Executive Order 12131 of May 4, 1979, as amended, and continued most recently by Executive Order 13708 of September 30, 2015, for the two-year period beginning October 1, 2015 and ending September 30, 2017. This Committee is being renewed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.
- 3. Objectives and Scope of Activities.** Through the Secretary of Commerce (the "Secretary"), the PEC shall advise the President on matters relating to U.S. export trade and report to the President on its activities and on its recommendations for expanding U.S. exports.
- 4. Description of Duties.** The PEC should survey and evaluate the export expansion activities of the communities represented by its membership; identify and examine specific problems that business, industrial, and agricultural practices may cause for export trade; examine the needs of business, industry, and agriculture to expand their efforts; and recommend specific solutions to these problems and needs.

The PEC may act as liaison among the communities represented by the membership and may provide a forum for those communities on current and emerging problems and issues in the field of export expansion.

The PEC should encourage the business, industrial, and agricultural communities to enter new foreign markets and to expand existing export programs.

The PEC shall provide advice on Federal plans and actions that affect export expansion policies that have an impact on those communities represented by the membership.

The PEC shall function as an advisory committee in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).
- 5. Agency or Official to Whom the Committee Reports.** The PEC will report to the President, through the Secretary of Commerce. The Secretary shall be responsible for filings and other applicable statutory requirements of the Federal Advisory Committee Act, including fulfilling the reporting requirements of section 6(b) of the Act.
- 6. Support.** The International Trade Administration (ITA) of the U.S. Department of Commerce (DOC) shall provide administrative and staff services, support, and facilities for the

PEC as necessary and to the extent permitted by law. ITA may seek agreement from other DOC operating units to house and administer separately-chartered subcommittees.

7. Estimated Annual Operating Costs and Staff Years. The estimated annual operating cost of the PEC is approximately \$167,000 which includes 1.3 person years of staff support. Members of the PEC and subordinate committees who are not otherwise paid a salary by the Federal Government shall receive no compensation from the United States by virtue of their service on the PEC, but may, upon their request, be allowed travel expenses, as authorized by 5 U.S.C. Sections 5701 et seq.

8. Designated Federal Officer. The Under Secretary for International Trade, U.S. Department of Commerce, shall serve as the Executive Director of the PEC. The Under Secretary for International Trade shall designate an Executive Secretary, responsible for coordinating administrative and staff services, support and facilities for the PEC and its subordinate committees, from among the employees of the International Trade Administration. The Executive Secretary shall serve as the Designated Federal Officer (DFO).

9. Estimated Number and Frequency of Meetings. The PEC shall meet semi-annually; however, additional meetings may be called at the discretion of the Secretary with the concurrence of the Chairman. Meeting dates and meeting agendas of the full committee shall be approved by the Executive Secretary with the concurrence of the Executive Director, the Secretary, and the Chairman. Meeting dates and meeting agendas of the subordinate committees shall be approved by the Executive Secretary with the concurrence of the Chairman of the subordinate committee.

10. Duration. Continuing.

11. Termination. Unless extended by the President, the PEC will terminate on September 30, 2017.

12. Membership and Designation. The PEC shall consist of –

- (a) the Secretaries of the Departments of Agriculture, Commerce, Energy, Homeland Security, Labor, State, Transportation, and the Treasury; the United States Trade Representative; the Administrator of the Small Business Administration; the Chairman of the Export-Import Bank of the United States; the Director of the United States Trade and Development Agency; the President and Chief Executive Officer of the Overseas Private Investment Corporation; the Chairman of the Council of Economic Advisors; the Director of the Office of Management and Budget; the Director of the National Economic Council; the Assistant to the President for National Security Affairs;
- (b) the heads of the following organizations or their designees: the National Governors Association; and the United States Conference of Mayors;

- (c) five members of the United States Senate designated by the President of the Senate to serve a two-year term; and five members of the United States House of Representatives designated by the Speaker of the House to serve a two-year term; and
- (d) not more than 28 citizens who are not full-time Federal officers or employees, appointed by the President, including representatives of business and industry, agriculture, and labor.

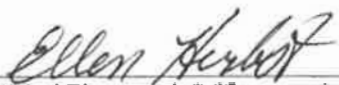
Private-sector members are appointed by the President, serve in a representative capacity, and are not Special Government Employees.

The President shall designate a Chairman and Vice Chairman from among the private-sector members appointed by the President.

PEC members shall have the appropriate security clearance required to handle or receive any security classified information up to the secret level.

13. Subcommittees. The PEC may establish, with the concurrence of the Secretary, an executive committee and such other subordinate committees as it considers necessary for the performance of its functions. Members of the subordinate committees shall be appointed by the Secretary. The Chairman of each subordinate committee shall be designated, with the concurrence of the Secretary, by the Chairman of the PEC from among the members of the PEC. One or more Vice Chairmen of each subordinate committee may be designated by the PEC Chairman with the concurrence of the Chairman of the subordinate committee. Subordinate committees having one or more members who are not members of the PEC shall be separately chartered.

14. Recordkeeping. The records of the committee, formally and informally established subcommittees, or other subgroups of the committee shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Chief Financial Officer and
Assistant Secretary for Administration

OCT 28 2015

Filing Date

U.S. DEPARTMENT OF COMMERCE
PRESIDENT'S EXPORT COUNCIL
MEMBERSHIP BALANCE PLAN

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

1. **Name.** President's Export Council.
2. **Authority.** The Secretary of Commerce (the Secretary) renews the President's Export Council (PEC), pursuant to Executive Order 12131 of May 4, 1979, as amended, and continued most recently by Executive Order 13708 of September 30, 2015. The PEC is established in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (FACA).
3. **Mission/Function.** Through the Secretary, the PEC shall advise the President on matters relating to U.S. export trade and report to the President on its activities and on its recommendations for expanding U.S. exports. The PEC should survey and evaluate the export expansion activities of the communities represented by its membership; identify and examine specific problems that business, industrial, and agricultural practices may cause for export trade; examine the needs of business, industry, and agriculture to expand their efforts; recommend specific solutions to these problems and needs; act as liaison among the communities represented by the membership; provide a forum for those communities on current and emerging problems and issues in the field of export expansion; encourage the business, industrial, and agricultural communities to enter new foreign markets and to expand existing export programs; and provide advice on Federal plans and actions that affect export expansion policies that have an impact on those communities represented by the membership.
4. **Points of View.** The PEC shall have up to 28 private sector members appointed by the President on the basis of their ability to carry out the objectives of the PEC. Members shall represent a balanced and broad range of companies and organizations from business and industry, agriculture, and labor. ITA proposes that the private sector members represent a broad range of company or organization sizes and geographic locations, and encourages

careful review of membership structure and representation of business and industry, agriculture, and labor sectors in considering membership appointments.

All private-sector members of the PEC serve in a representative capacity and are not Special Government Employees.

In addition, the PEC shall consist of the Secretaries of the Departments of Agriculture, Commerce, Energy, Homeland Security, Labor, State, Transportation, and the Treasury; the United States Trade Representative; the Administrator of the Small Business Administration; the Chairman of the Export-Import Bank of the United States; the Director of the United States Trade and Development Agency; the President and Chief Executive Officer of the Overseas Private Investment Corporation; the Chairman of the Council of Economic Advisors; the Director of the Office of Management and Budget; the Director of the National Economic Council; the Assistant to the President for National Security Affairs; the heads of the following organizations or their designees: the National Governors Association, and the United States Conference of Mayors; five members of the United States Senate designated by the President of the Senate to serve a two-year term; and five members of the United States House of Representatives designated by the Speaker of the House to serve a two-year term.

5. **Other Balance Factors.** ITA encourages the President when making appointments to consider geographic diversity, diversity in size of company or organization to be represented, and representation of business and industry, agriculture, and labor sectors.
6. **Candidate Identification Process.**
 - (a) **Describe the Process Used:** Candidate identification will come from various sources, including recommendations from current and former Federal advisory committee members, Department of Commerce industry contacts and meetings, recommendations from industry and government sources, and outreach to relevant trade associations. Searches for candidates will continue until all vacancies are filled.
 - (b) **Identify Agency Staff:** The President will make final determinations, with input from the Secretary, the Under Secretary of Commerce for International Trade, the Assistant Secretary of Commerce for Industry and Analysis, the Office of Advisory Committees and Industry Outreach, the Office of Business Liaison and the Policy Office of the Secretary.
 - (c) **FAC Vacancies:** Should vacancies occur, the President will initiate the candidate identification process specified above to solicit candidates to fill the vacancy unless the term of the appointment would expire prior to being able to fill the vacancy.
 - (d) **Membership Term Limit:** PEC members serve from appointment for the duration of the Administration at the pleasure of the President. Members may be reappointed to any number of additional terms, provided that the member proves to work effectively on the PEC and his/her knowledge and advice are still needed.
7. **Subcommittee Balance.** The PEC may establish, with the concurrence of the Secretary, such subordinate committees as it considers necessary for the performance of its functions, subject to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Members of the subordinate committees shall be appointed by the Secretary. Unless separately chartered, subordinate committees must report

back to the parent committee and do not provide advice or work products directly to the Secretary or the President. The process for determining membership balance of subordinate committees is the same as the process for the PEC.

8. **Other.** Appointments shall be made without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability, or cultural, religious, or socioeconomic status.
9. **Date Prepared.** The Membership Balance Plan was prepared on July 29, 2015.

Appendix G

**Board of Scientific Counselors - Office of Public Health Preparedness and Response
Charter and Membership Balance Plan**



C H A R T E R
of the
BOARD OF SCIENTIFIC COUNSELORS
OFFICE OF PUBLIC HEALTH PREPAREDNESS AND RESPONSE

Authority

Section 222 of the Public Health Service Act, [42 U.S.C. §217a], as amended. The Board is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees.

Objective and Scope of Activities

Section 301 of the Public Health Service Act, [42 U.S.C. §241], as amended, provides that the Secretary shall render assistance to public authorities in the diagnosis, treatment, control and prevention of physical and mental diseases and impairments of persons. In doing so, the Secretary is authorized to make available information as to the practical application of research and is authorized to obtain the assistance and advice of experts and consultants. Section 311 of the Public Health Service Act, [42 U.S.C. §243] as amended, authorizes the Secretary to assist and advise State and local authorities in matters relating to the preservation and improvement of the public health.

Description of Duties

The Board of Scientific Counselors, Office of Public Health Preparedness and Response (BSC OPHPR), shall provide advice and guidance to the Secretary, Department of Health and Human Services (HHS), the Assistant Secretary for Health (ASH), HHS; the Director, Centers for Disease Control and Prevention (CDC); and to the Director, OPHPR, concerning strategies and goals for preparedness and response activities pertaining to programs and research within the divisions. The Board also administers and oversees peer-review of OPHPR scientific programs; and monitors the overall strategic direction and focus of the divisions and offices. The Board will submit an annual summary of the results of the reviews and recommendations to the Associate Director for Science and the Director, CDC. The Board may perform second-level peer review of applications for grants-in-aid for research and research training activities, cooperative agreements, and research contract proposals relating to the broad areas within the office.

Agency or Official to Whom the Committee Reports

The Board shall provide advice and guidance to the Secretary, HHS; the ASH, HHS; the Director, CDC; and to the Director, OPHPR.

Support

Management and support services shall be provided by the Office of the Director, OPHPR, CDC.

Estimated Annual Operating Costs and Staff Years

Estimated annual cost for operating the Board, including compensation and travel expenses but excluding staff support is \$71,916. The estimate of annual person-years of staff support required is 1.45 at an estimated annual cost of \$195,129.

Designated Federal Officer

CDC will select a full-time or permanent part-time Federal employee to serve as the Designated Federal Officer (DFO) to attend each meeting and ensure that all procedures are within applicable statutory, regulatory, and HHS General Administration Manual directives. The DFO will approve and prepare all meeting agendas, call all of the committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Board reports. The DFO or his/her designee shall be present at all meetings of the full Board and subcommittees.

Estimated Number and Frequency of Meetings

Meetings shall be held approximately two times a year at the call of the DFO, in consultation with the Chair.

Meetings shall be open to the public except as determined otherwise by the Secretary, HHS, or other official to whom the authority has been delegated, in accordance with the Government in the Sunshine Act (5 U.S.C. §552b(c)) and Section 10(d) of the Federal Advisory Committee Act; notice of all meetings shall be given to the public.

Duration

Continuing

Termination

Unless renewed by appropriate action prior to expiration, the Board of Scientific Counselors, Office of Public Health Preparedness and Response will terminate two years from the date this charter is filed.

Membership and Designation

The BSC, OPHPR shall consist of 11 members, including the Chair, and may include a Federal employee. Members and the Chair shall be selected by the Secretary, HHS, or designee, from authorities knowledgeable in the fields relevant to the issues addressed by the offices and divisions within the coordinating office, e.g., business, crisis leadership, emergency response and management, engineering, epidemiology, health policy and management, informatics, laboratory science, medicine, mental and behavioral health, public health law, public health practice, risk communication and social science. Members other than Federal government employees shall be deemed Special Government Employees.

The Board shall also consist of three voting ex officio members from the HHS Office of the Secretary; the Department of Homeland Security; the Department of Defense; and such others as the Secretary deems necessary to carry out the functions of the Board. In addition, the Board shall consist of nonvoting liaison representatives from the Association of Public Health Laboratories; the Association of State and Territorial Health Officials; the National Association of County and City Health Officials; the Council of State and Territorial Epidemiologists; the Association of Schools and Programs of Public Health; the Tribal Epidemiology Centers, and such others as the Secretary deems necessary to carry out the functions of the Board. Liaisons shall be deemed representatives.

Members shall be invited to serve for overlapping terms of up to four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term. Terms of more than two years are contingent upon the renewal of the Board by appropriate action prior to its termination. A member may serve 180 days after the expiration of that member's term if a successor has not taken office.

Ad hoc consultants/reviewers, which may include Federal employees, may be utilized as deemed necessary for the Board to carry out its functions. Ad hoc consultants/reviewers provide subject matter expertise in the formulation of advice or recommendations; however, they do not count towards the quorum and may not vote.

Subcommittees

Subcommittees composed of members and nonmembers of the parent committee may be established with approval of the Secretary, HHS, or his/her designee. The subcommittees must report back to the parent committee and do not provide advice or work products directly to the agency. The Department Committee Management Officer will be notified upon establishment of each subcommittee and will be provided information on its name, membership, function, and estimated frequency of meetings.

Record Keeping

The records of the Board, established subcommittees of the Board, shall be managed in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5. U.S.C. 552.

Filing Date

November 5, 2015

Approved:

Date

Director
Management and Analysis Services Office

Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

| |
|--|
| CENTERS FOR DISEASE CONTROL AND PREVENTION |
| <p>(1) FEDERAL ADVISORY COMMITTEE NAME <i>State the legal name of the FAC</i></p> <p>Board of Scientific Counselors, Office of Public Health Preparedness and Response</p> |
| <p>(2) AUTHORITY <i>Identify the authority for establishing the FAC</i></p> <p>42 U.S.C. §217a [Section 222 of the Public Health Service Act, as amended]. The Board is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees.</p> |
| <p>(3) MISSION/FUNCTION <i>Describe the mission/function of the FAC</i></p> <p>The Board of Scientific Counselors, Office of Public Health Preparedness and Response (BSC, OPHPR), shall provide advice and guidance to the Secretary, Department of Health and Human Services (HHS), the Assistant Secretary for Health (ASH) HHS; the Director, Centers for Disease Control and Prevention (CDC); and to the Director, OPHPR, concerning strategies and goals for preparedness and response activities pertaining to the programs and research within the divisions; will administer and oversee peer-review of OPHPR scientific programs; and monitor the overall strategic direction and focus of the divisions and offices. The Board will submit an annual summary of the results of the reviews and recommendations to the Associate Director for Science and the Director, CDC. The Board may perform second-level peer review of applications for grants-in-aid for research and research training activities, cooperative agreements, and research contract proposals relating to the broad areas within the office.</p> |
| <p>(4) POINTS OF VIEW <i>Based on understanding the purpose of the FAC,</i></p> <p><i>(a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;</i></p> <p><i>(b) consider indentifying an anticipated relative distribution of candidates across the categories; and</i></p> <p><i>(c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members</i></p> <p>The Board shall consist of 11 members, including the Chair, and may include a Federal employee. Members and the Chair shall be selected by the Secretary, HHS or designee, from authorities knowledgeable in the fields relevant to the issues addressed by the offices and divisions within OPHPR, e.g., business, crisis leadership, emergency response and management, engineering, epidemiology, health policy and management, informatics, laboratory science, medicine, mental and behavioral health, public health law, public health practice, risk communication and social science. Members other than Federal government employees shall be deemed Special Government Employees.</p> <p>The Board shall also consist of three voting ex officio members from the HHS Office of the Secretary; the Department of Homeland Security; and the Department of Defense; and such others as the Secretary deems necessary to carry out the functions of the Board. In addition, the Board shall consist of nonvoting liaison representatives from the Association of Public Health Laboratories; the Association of State and Territorial Health Officials; the National Association of County and City Health Officials; the Council of State and Territorial Epidemiologists; the</p> |

others as the Secretary deems necessary to carry out the functions of the Board. Liaisons shall be deemed representatives. Ad hoc consultants/reviewers, which may include Federal employees, may be utilized as deemed necessary for the Board to carry out its functions. Ad hoc consultants/reviewers provide subject matter expertise in the formulation of advice or recommendations; however, they do not count towards the quorum and may not vote.

(5) OTHER BALANCE FACTORS

List any other factors your agency identifies as important in achieving a balanced FAC

Appointments shall be made without discrimination on the basis of age, race, gender, sexual orientation, HIV status, and cultural, religious, or socioeconomic status. A balanced committee is characterized by inclusion of the necessary knowledge, insight, and scientific perspective from the community or expertise area which the members serve.

(6) CANDIDATE IDENTIFICATION PROCESS

Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and*
- (d) state the membership term limit of FAC members, if applicable*

To ensure that the Board is constituted with the best qualified candidates, OPHPR has utilized the following outreach mechanisms to identify and solicit potential candidates: outreach to current and former Board members; publication of a Federal Register notice soliciting potential nominees from the public; solicitation of nominations from OPHPR senior leadership (OD staff officers, division directors, Associate Directors for Science); searches in agency and internally maintained expert databases (CDC/MASO advisory committee members database, OPHPR internal expert database); expert lists from Institute of Medicine (IOM) panels convened on emergency preparedness and response topics; experts and researchers affiliated with the Department of Homeland Security's Homeland Security Centers of Excellence; PubMed searches of published authors for specific subject matter expertise; editorial boards of peer-reviewed journals on disaster medicine, emergency response, preparedness science and general internet searches to identify nationally and internationally recognized speakers at conferences on emergency preparedness and response.

In advance of a Board member's term expiring, a list of potential candidates are compiled by the DFO (OPHPR Associate Director for Science) based on experience and contributions made in their respective field. Potential candidates are vetted internally with OPHPR leadership to ensure that the best qualified candidates will be put forward for consideration. Ultimately, the list of candidates is submitted for approval by the Deputy Director and Director, OPHPR before being put forward as candidates for HHS approval.

Board members are invited to serve for overlapping terms of up to four years to ensure that adequate expertise is maintained. Members are deemed Special Government Employees.

Senior staff in the program will give close attention to equitable geographic distribution and to minority and female representation so long as the effectiveness of the committee is maintained.

Members shall be invited to serve for overlapping terms of up to four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term. Terms of more than two years are contingent upon the renewal of the Board by appropriate action prior to its termination. A member may serve 180 days after the expiration of that member's term if a successor has not taken office.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on*

| |
|--|
| <p><i>subcommittees is the same as the process for the parent FAC, or describe how it is different</i> <i>*This is relevant to those agencies that require their subcommittees to follow all FACA requirements.</i></p> |
| <p>Not applicable</p> |
| <p>(8) OTHER <i>Provide any additional information that supports the balance of the FAC</i></p> |
| <p>Not applicable</p> |
| <p>(9) DATE PREPARED/UPDATED <i>Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated</i></p> |
| <p>7/28/2015</p> |

Appendix H

Eastern Montana Resource Advisory Council Charter and Membership Balance Plan

**U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**STATE OF MONTANA
EASTERN MONTANA RESOURCE ADVISORY COUNCIL**

CHARTER

1. **OFFICIAL DESIGNATION:** Eastern Montana Resource Advisory Council (Council).
2. **AUTHORITY:** The Council is a statutory advisory committee established under Section 309 of the Federal Land Policy and Management Act (FLPMA), as amended (43 U.S.C. 1739). The Bureau of Land Management (BLM) is subject to standards and procedures for the creation, operation, and termination of BLM resource advisory councils. Refer to the 1995 amended BLM regulations (43 CFR 1784) for specific regulations regarding composition (1784.6-1(c)); avoidance of conflicts of interest (1784.2-2); calls for nominations (1784.4-1); notice of meetings (1784.4-2); open meetings (1784.4-3); records (1784.5-3); course of instruction for members (1784.6-1(f)); and quorum requirements (1784.6-1(h)). The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2. Pursuant to Section 804(c)(1)(D) of the Federal Lands Recreation Enhancement Act (REA) (16 U.S.C. § 6803(d)(1)(D)), the Council is authorized to make recommendations on BLM and U.S. Forest Service (FS) recreation fee proposals.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The Council will serve in an advisory capacity concerning the planning and management of the public land resources located within BLM's Miles City and Billings Field Office boundaries.
4. **DESCRIPTION OF DUTIES:** Council duties and responsibilities are generally as follows:
 - a. Upon the request of the Designated Federal Officer (DFO), develop recommendations for BLM with respect to the land use planning, classification, retention, management, and disposal of the public lands within the area for which the advisory council is established and such other matters as may be referred to it by the DFO.
 - b. Upon the request of the DFO, the Council may make recommendations regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Council regarding:
 - (1) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
 - (2) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or
 - (3) the expansion or limitation of the recreation fee program.

The Council may make these recommendations for BLM when BLM's amenity recreation fees are at issue and it would facilitate the effective implementation of the REA. With the concurrence of the FS when their amenity recreation fees are at issue, the Council may also make these recommendations for BLM and/or FS if that would facilitate the effective implementation of the REA.

5. **OFFICIAL TO WHOM THE COUNCIL REPORTS:** The Council provides advice to the Secretary of the Interior (Secretary) through the DFO.
6. **SUPPORT:** Administrative support and funding for activities of the Council will be provided by the offices of BLM's Eastern Montana/Dakotas District Manager or Billings Field Manager.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:** The annual operating costs associated with supporting the Council's activities are estimated to be \$50,000, including all direct and indirect expenses and 0.30 Federal staff years support.
8. **DESIGNATED FEDERAL OFFICER:** The DFO is BLM's Eastern Montana/ Dakotas District Manager or Billings Field Manager, who are full-time Federal employees appointed in accordance with Agency procedures. The DFO will approve or call all Council and subcommittee meetings, prepare and approve all meeting agendas, attend all Council and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.
9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The Council will meet approximately two to four times annually, and at such other times as designated by the DFO.
10. **DURATION:** Continuing.
11. **TERMINATION:** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **MEMBERSHIP AND DESIGNATION:**
 - a. Council members appointed by the Secretary will be representative of the following three interest groups:

GROUP 1 - PERSONS WHO:

- (1) hold Federal grazing permits or leases within the area for which the Council is organized;
- (2) represent interests associated with transportation or rights-of-way;
- (3) represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;

- (4) represent the commercial timber industry; or
- (5) represent energy and mineral development.

GROUP 2 - PERSONS REPRESENTING:

- (1) nationally or regionally recognized environmental organizations;
- (2) dispersed recreational activities;
- (3) archaeological and historical interests; or
- (4) nationally or regionally recognized wild horse and burro interest groups.

GROUP 3 - PERSONS WHO:

- (1) hold State, county, or local elected office;
- (2) are employed by a State agency responsible for the management of natural resources, land, or water;
- (3) represent Indian tribes within or adjacent to the area for which the Council is organized;
- (4) are employed as academicians in natural resource management or the natural sciences; or
- (5) represent the affected public-at-large.

b. The Council will be comprised of 15 members distributed in a balanced fashion among the three interest groups.

c. Members will be appointed to the Council to serve 3-year terms.

- 13. ETHICS RESPONSIBILITIES OF MEMBERS:** No Council or subcommittee member will participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.

As provided in 43 CFR 1784.2-2, members of the Council shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by BLM, or in any litigation related thereto. For purposes of this paragraph, indirect interest includes holdings of a spouse or dependent child.

14. **SUBCOMMITTEES:** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **RECORDKEEPING:** The Records of the Council, and formally and informally established subcommittees of the Council, shall be handled in accordance with General Record Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

DEC 30 2015

Date

JAN 04 2016

Date Filed

Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

| |
|--|
| BUREAU OF LAND MANAGEMENT (BLM) |
| (1) FEDERAL ADVISORY COMMITTEE NAME <i>State the legal name of the FAC</i> |
| Eastern Montana Resource Advisory Council |
| (2) AUTHORITY <i>Identify the authority for establishing the FAC</i> |
| The Federal Land Policy and Management Act of 1976 (FLPMA) |
| (3) MISSION/FUNCTION <i>Describe the mission/function of the FAC</i> |
| The Eastern Montana Resource Advisory Council (RAC) provides advice to the Secretary of the Interior concerning problems relating to land use planning and of the management of the public lands located within the BLM's Miles City and Billings Field Office boundaries. Membership of the Eastern Montana RAC is prescribed in the BLM's advisory committee regulations (43 CFR 1784). |
| (4) POINTS OF VIEW <i>Based on understanding the purpose of the FAC, (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered; (b) consider indentifying an anticipated relative distribution of candidates across the categories; and (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members</i> |
| (A) The Eastern Montana RAC is comprised of 15 members that represent three categories (commodity interests, non-commodity interests, and public interest). These categories are outlined in BLM's advisory committee regulations (43 CFR 1784). (B) The candidates are divided evenly among the three categories. (C) The Eastern Montana RAC has no Special Government Employees. All members are Representatives because they represent their constituent groups. |
| (5) OTHER BALANCE FACTORS <i>List any other factors your agency identifies as important in achieving a balanced FAC</i> |
| According to FLPMA, "At least one member of each council shall be an elected official of general purpose government serving the people of such area." |
| (6) CANDIDATE IDENTIFICATION PROCESS <i>Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should: (a) describe the process (b) identify the agency key staff involved (by position, not name) (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and (d) state the membership term limit of FAC members, if applicable</i> |

(A) In order to obtain members, the BLM announces a 45-day open call for nominations period in the Federal Register. During the open period, both the Miles City and Billings Field Offices send news releases to all major media outlets throughout the state to solicit nominations. The Governor of Montana is also consulted. The call for nominations is also announced on the BLM-Montana Web site. The BLM also advertises vacancies on social media sites such as Facebook and YouTube.

(B) The BLM-Montana State Director along with district managers and field managers, selects the nominees. This is then forwarded to the BLM Director for concurrence. Once the BLM Director approves the nominees, it is sent to the Department of the Interior (DOI) and DOI White House Liaison for vetting and approval.

(C) According to 43 CFR 1784, "A vacancy occurring by reason of removal, resignation, death, or departure from elected office shall be filled for the balance of the vacating member's term using the same method by which the original appointment was made."

(D) Eastern Montana RAC members serve 3-year terms, and can be re-nominated to serve additional 3-year terms.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different
This is relevant to those agencies that require their subcommittees to follow all FACA requirements.

Subcommittees are not subject to FACA because they are not providing advice directly to a Federal Officer of the Department of the Interior. All advice or work products go directly to the parent Committee for review, consideration and deliberation at a FAC meeting before being submitted to the Department of the Interior through the DFO.

(8) OTHER

Provide any additional information that supports the balance of the FAC

N/A


(9) DATE PREPARED/UPDATED

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated

11/30/2011

Appendix I

Example FACA Database Annual Questions

 An official website of the United States government
[Here's how you know](#)

Committee Detail

GENERAL INFORMATION

| | | | |
|------------------------------------|---|---|---|
| Committee Name | Eastern Montana Resource Advisory Council | Agency Name | Department of the Interior |
| Fiscal Year | 2017 | Committee Number | 2060 |
| Original Establishment Date | 10/1/1995 | Committee Status | Chartered |
| Actual Termination Date | | Committee URL | https://www.blm.gov/get-involved/resource-advis... (https://www.blm.gov/get-involved/resource-advisory-council/near-you/montana-dakotas) |
| New Committee This FY | No | Presidential Appointments* | No |
| Terminated This FY | No | Max Number of Members* | 15 |
| Current Charter Date | 1/4/2016 | Designated Fed Officer Position Title* | BLM Eastern Montana/Dakotas District Manager |
| Date Of Renewal Charter | 1/4/2018 | Designated Federal Officer Prefix | Ms. |
| Projected Termination Date | | Designated Federal Officer First Name* | Diane |
| Exempt From Renewal* | No | Designated Federal Officer Middle Name | |

| | | | |
|--|--|--|--|
| Specific Termination Authority | 5 U.S.C. Appendix | Designated Federal Officer Last Name* | Friez |
| Establishment Authority* | Statutory (Congress Created) | Designated Federal Officer Suffix | |
| Specific Establishment Authority* | Federal Land Policy and Management Act, Sec. 309 | Designated Federal Officer Phone* | (406) 233-2800 |
| Effective Date Of Authority* | 10/21/1976 | Designated Federal Officer Fax* | (406) 233-2886 |
| Committee Type* | Continuing | Designated Federal Officer Email* | dfriez@blm.gov (mailto:dfriez@blm.gov) |
| Presidential* | No | | |
| Committee Function* | Non Scientific Program Advisory Board | | |

RECOMMENDATION/JUSTIFICATIONS

| | |
|---|---|
| Agency Recommendation* | Continue |
| Legislation to Terminate Required | Not Applicable |
| Legislation Status | Not Applicable |
| How does cmte accomplish its purpose?* | The RAC offers advice to the BLM and serves as a sounding board and input-working group for the BLM field managers located in Billings and Miles City, Montana. The RAC was involved with the Pumpkin Creek grazing plan. The RAC has also provided input into the Miles City Field Office and Billings Field Office Resource Management Plans. RAC members are able to provide input to the BLM regarding the viewpoints from their constituencies on local natural resource issues. |

| | |
|--|---|
| How is membership balanced?* | The Eastern Montana Resource Advisory Council is composed of 15 members distributed in a balanced fashion among the following groups. Category I includes those holding Federal grazing permits or leases, interests associated with transportation or rights-of-way, developed outdoor recreation, OHV users, or commercial recreation activities, commercial timber industry, or energy and mineral development. Category II includes nationally or regionally recognized environmental organizations, dispersed recreation activities, archaeological and historical interests, or nationally or regionally recognized wild horse and burro interest groups. Category III includes state, county, or locally elected office-holders, employee of a State agency responsible for the management of natural resources, Indian Tribes within or adjacent to the area for which the RAC is organized, are employed as academicians in natural resource management or the natural sciences, or represent the public-at-large. |
| How frequent & relevant are cmte mtgs?* | The Eastern Montana RAC typically meets two to three times a year in various locations throughout its jurisdictional area. The meetings include RAC member briefings to the BLM; updates on activities by the BLM's Billings and Miles City Field Offices and Eastern Montana/Dakotas District. Other agenda items are included that reflect developing issues and new BLM-wide emphasis areas. RAC members stay up-to-date on BLM programs and issues and offer pertinent and timely advice. Training is also periodically conducted at these meetings. |
| Why advice can't be obtained elsewhere?* | Montana is characterized by great distances between communities. The BLM's Miles City and Billings Field Offices cover an area encompassing the entire eastern one-third of the state with a checkerboard land-ownership status. The RAC meets this need and allows the BLM to hear from a variety of interests without excessive time and expense. RAC meetings rotate between communities in eastern Montana to allow the public to address the Council. |
| Why close or partially close meetings? | All meetings are open to the public. Notices of the meetings are published in the Federal Register, posted on the BLM Montana/Dakotas website, and distributed to local print and broadcast outlets, organizations and political representatives via news releases. |
| Recommendation Remarks | The RAC met once in FY2017. The RAC was unable to meet more due to the DOI review of FACA advisory committees. |

PERFORMANCE MEASURES

| | | | |
|---|-----|--------------------------------------|-----|
| Outcome Improvement To Health Or Safety* | Yes | Action Reorganize Priorities* | Yes |
| Outcome Trust In Government | Yes | Action Reallocate Resources | Yes |

| | | | | |
|--|--|---|--|---|
| Outcome Major Policy Changes | Yes | Action Issued New Regulations | No | |
| Outcome Advance In Scientific Research | No | Action Proposed Legislation | No | |
| Outcome Effective Grant Making | No | Action Approved Grants Or Other Payments | No | |
| Outcome Improved Service Delivery | No | Action Other | Yes | |
| Outcome Increased Customer Satisfaction | Yes | Action Comment | BLM-Montana field managers have taken RAC input into consideration regarding the resource management planning process as well as specific reports and recommendations provided by each RAC member to BLM managers during regular RAC meetings or between meetings via phone call or by in-person visits. | |
| Outcome Implement Laws/Reg Requirements | Yes | Grants Review* | No | |
| Outcome Other | No | Number Of Grants Reviewed | 0 | |
| Outcome Comment | The RAC provides an interface between various land-use groups and interests, and is an effective liaison between the agency and the multiple use-oriented public. The RAC helps enhance trust and the public's feelings of involvement where the public land is concerned. The RAC also represents the public in resource management planning, providing input for consideration on management strategies and possible outcomes. | | Number Of Grants Recommended | 0 |

| | | | |
|--|---|--|--------|
| Cost Savings* | Unable to Determine | Dollar Value Of Grants Recommended | \$0.00 |
| Cost Savings Comment | An in-depth analysis has not been done to determine cost savings associated with the Eastern Montana RAC. However, the contributions of the RAC are of benefit to the BLM. | Grants Review Comment | N/A |
| Number Of Recommendations* | 14 | Access Contact Designated Fed. Officer* | Yes |
| Number Of Recommendations Comment | There were no recommendations for FY 2017 as there was only one meeting held. The most recent recommendation by the RAC (dated July 2015) was to provide input into the formulation of the Miles City Field Office's management and grazing plan for the Pumpkin Creek Area. The subcommittee gathered public input, conferred with the greater RAC council, and formulated a list of management recommendations for the field office which were considered in the overall plan for the area. | Access Agency Website | Yes |
| % of Recs Fully Implemented* | 75.00% | Access Committee Website | Yes |
| % of Recs Fully Implemented Comment | The RAC participated in the Miles City and Billings Field Office Resource Management Plan revisions to formulate alternatives and facilitated public participation. The RAC's input into the Pumpkin Creek plan were incorporated into the process for sorting and selecting a grazing applicant to be offered a permit for the area. | Access GSA FACA Website | Yes |

% of Recs Partially Implemented* 25.00%

% of Recs Partially Implemented Comment The RAC has previously submitted recommendations that were taken under advisement by the BLM but not implemented 100 percent as presented by the RAC, but were partially implemented.

Agency Feedback* Yes

Access Publications No

Access Other Yes

Access Comment The BLM distributes meeting notes to RAC members after each meeting. These notes are also posted on the RAC website at: <https://www.blm.gov/get-involved/resource-advisory-council/near-you/montana-dakotas> (<https://www.blm.gov/get-involved/resource-advisory-council/near-you/montana-dakotas>). Individuals can also call the designated Federal Officer directly with questions or concerns, and do so on a regular basis. RAC members treat the managers with respect and value their relationships. They inquire on topics of interest in relation to the BLM's role in local issues.

Agency Feedback Comment

The BLM provides feedback at the regular meetings as well as periodic updates as needed by the BLM Eastern Montana/Dakotas District Manager, the Billings Field Office Manager, and Miles City Field Office Manager. Managers focus on the specific input given by each RAC member during their regular briefings to the managers; and then in turn, report on how those recommendations have been used, and if not, why.

Narrative Description*

Members of the Eastern BLM's Montana RAC provide input on BLM issues related to natural resource management in eastern Montana. RAC members are also a conduit for public participation and provide input to the BLM from their respective constituencies. Council members address public comments made during regular RAC meetings, and provide perspective to the public relating to BLM policies.

COSTS

| | | | |
|---|-------------|---|-------------|
| Payments to Non-Federal Members* | \$0.00 | Est Payments to Non-Fed Members Next FY* | \$0.00 |
| Payments to Federal Members* | \$0.00 | Est. Payments to Fed Members Next FY* | \$0.00 |
| Payments to Federal Staff* | \$13,728.00 | Estimated Payments to Federal Staff* | \$14,000.00 |
| Payments to Consultants* | \$0.00 | Est. Payments to Consultants Next FY* | \$0.00 |
| Travel Reimb. For Non-Federal Members* | \$370.00 | Est Travel Reimb Non-Fed Members nextFY* | \$9,000.00 |
| Travel Reimb. For Federal Members* | \$0.00 | Est Travel Reimb For Fed Members* | \$0.00 |
| Travel Reimb. For Federal Staff* | \$169.00 | Est. Travel Reimb to Fed Staff Next FY* | \$1,500.00 |
| Travel Reimb. For Consultants* | \$0.00 | Est Travel Reimb to Consultants Next FY* | \$0.00 |

| | | | |
|-------------------------------------|-------------|--|-------------|
| Other Costs | \$150.00 | Est. Other Costs Next FY* | \$250.00 |
| Total Costs | \$14,417.00 | Est. Total Next FY* | \$24,750.00 |
| Federal Staff Support (FTE)* | 0.20 | Est. Fed Staff Support Next FY* | 0.30 |

MEMBERS, MEETINGS AND ADVISORY REPORTS

To View all the members, meetings and advisory reports for this committee please click [here \(/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001h06ZAAQ\)](/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001h06ZAAQ)

SUBCOMMITTEES

| Committee System ID | Subcommittee Name | Fiscal Year |
|--|---------------------------------------|-------------|
| COM-027255 (/FACA/FACAPublicSubcommittee?id=a10t0000001h7k3) | Billings Shooting Area Subcommittee | 2017 |
| COM-024248 (/FACA/FACAPublicSubcommittee?id=a10t0000001h6xT) | Lilly Pad Lake Trail subcommittee | 2017 |
| COM-029066 (/FACA/FACAPublicSubcommittee?id=a10t0000001h8DG) | Public Access Subcommittee | 2017 |
| COM-025204 (/FACA/FACAPublicSubcommittee?id=a10t0000001h7Ct) | Pumpkin Creek Management subcommittee | 2017 |
| COM-026634 (/FACA/FACAPublicSubcommittee?id=a10t0000001h7a2) | Short Pine OHV Area subcommittee | 2017 |
| COM-028661 (/FACA/FACAPublicSubcommittee?id=a10t0000001h86j) | Weatherman Draw Subcommittee | 2017 |

CHARTERS AND RELATED DOCS

No Documents Found

This is a U.S. General Services Administration Federal Government computer system that is "FOR OFFICIAL USE ONLY". This system is subject to monitoring. Individuals found performing unauthorized activities are subject to disciplinary action including criminal prosecution.

Appendix J

IRB Background

MEMORANDUM

DATE: May 4, 2015
TO: Matthew Martin Dull, James Francis Brandell
FROM: Virginia Tech Institutional Review Board (FWA00000572, expires April 25, 2018)
PROTOCOL TITLE: Federal Advisory Board Background Interviews
IRB NUMBER: 15-086

Effective May 4, 2015, the Virginia Tech Institution Review Board (IRB) Chair, David M Moore, approved the New Application request for the above-mentioned research protocol.

This approval provides permission to begin the human subject activities outlined in the IRB-approved protocol and supporting documents.

Plans to deviate from the approved protocol and/or supporting documents must be submitted to the IRB as an amendment request and approved by the IRB prior to the implementation of any changes, regardless of how minor, except where necessary to eliminate apparent immediate hazards to the subjects. Report within 5 business days to the IRB any injuries or other unanticipated or adverse events involving risks or harms to human research subjects or others.

All investigators (listed above) are required to comply with the researcher requirements outlined at:

<http://www.irb.vt.edu/pages/responsibilities.htm>

(Please review responsibilities before the commencement of your research.)

PROTOCOL INFORMATION:

Approved As: **Exempt, under 45 CFR 46.110 category(ies) 2,4**
Protocol Approval Date: **May 4, 2015**
Protocol Expiration Date: **N/A**
Continuing Review Due Date*: **N/A**

*Date a Continuing Review application is due to the IRB office if human subject activities covered under this protocol, including data analysis, are to continue beyond the Protocol Expiration Date.

FEDERALLY FUNDED RESEARCH REQUIREMENTS:

Per federal regulations, 45 CFR 46.103(f), the IRB is required to compare all federally funded grant proposals/work statements to the IRB protocol(s) which cover the human research activities included in the proposal / work statement before funds are released. Note that this requirement does not apply to Exempt and Interim IRB protocols, or grants for which VT is not the primary awardee.

The table on the following page indicates whether grant proposals are related to this IRB protocol, and which of the listed proposals, if any, have been compared to this IRB protocol, if required.

| Date* | OSP Number | Sponsor | Grant Comparison Conducted? |
|-------|------------|---------|-----------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

* Date this proposal number was compared, assessed as not requiring comparison, or comparison information was revised.

If this IRB protocol is to cover any other grant proposals, please contact the IRB office (irbadmin@vt.edu) immediately.

Introduction and Recruitment

Step 1. Initial telephone and/or email contact

Contact with prospective participants will be initiated via telephone or email based on the following script:

We are contacting you because we are hoping you might assist in a research project examining the operations of federal advisory boards. Have you served on a federal advisory board or have you been a federal worker who worked administering an advisory board? If so, would you be willing to share your knowledge and experience in a 30-60 minute interview?

Step 2. Explain study purpose and participation

Interviews will be performed via telephone or in-person at a location convenient to the participant and will last between 30 and 60 minutes.

The purpose of this research project is to contribute to scholarship on the operations of federal advisory boards. The research is guided by three overarching questions:

1. Regarding the federal advisory board you were involved with, was the value of transparency emphasized during its operation? If so, in what way?
2. How was the budget of the advisory board developed and was financial efficiency emphasized in its operation?
3. During your tenure, were there any changes to how the advisory board operated? If so, please describe.

Based on the project's scope and purpose, we do not expect to collect any sensitive information. That said, participation is confidential. The research team will keep interview notes using study codes to protect participant identities in documentation. None of the information from the interviews will be personally attributed to the person being interviewed.

Step 3. Schedule interview and send participant letter

Once an interview time has been scheduled, participants will receive a letter confirming day/time briefly summarizing interview questions and format. A template is appended with this proposal as "Participant Letter Template." In addition to the participant letter, the participant will receive in the email a written consent form. The form is the supporting documents of the IRB application.

Step 4. Interview

Interviews will be conducted via telephone or in person at a time and location convenient to the participant. Members of the research team will take written notes using study codes designed to shield participant identities in project documentation.

Step 5. Follow-up

The research team will conclude each interview with two questions:

1. Would you be willing to answer follow-up questions designed to clarify what we have discussed today?
2. Can you suggest any knowledgeable people who may be willing to participate in our study?

EXAMPLE

March 1, 2015

Jane Doe
Member, Federal Advisory Committee
Via Email

Dear Federal Advisory Committee Member:

Thank you again for scheduling a time to talk **Monday, March 15, 2015 at 10:30am** regarding our research study on the operations of federal advisory boards. The interview will last 30 to 60 minutes. The format is flexible, but we hope to address three broad sets of questions:

1. Regarding the federal advisory board you were involved with, was the value of transparency emphasized during its operation? If so, in what way?
2. How was the budget of the advisory board developed and was financial efficiency emphasized in its operation?
3. During your tenure, were there any changes to how the advisory board operated? If so, please describe?

The purpose of this research project is to contribute to scholarship on federal advisory boards. We do not expect to collect any sensitive information. That said, we want to emphasize that your participation is confidential. None of the information you share will be attributed to you. Please also read the attached "Informed Consent for Participants" document which will give you additional background on our project.

If you have questions or need to reschedule, please contact James Brandell (jbrandel@vt.edu / 202-596-1546).

Thank you in advance for your valuable assistance.

Sincerely,

Matthew Dull
Associate Professor

James Brandell
Doctoral Student

Attachment: Informed Consent for Participants

Once complete, upload this form as a Word document to the IRB Protocol Management System:
<https://secure.research.vt.edu/irb>

Section 1: General Information

1.1 DO ANY OF THE INVESTIGATORS OF THIS PROJECT HAVE A REPORTABLE CONFLICT OF INTEREST? (<http://www.irb.vt.edu/pages/researchers.htm#conflict>)

- No
 Yes, explain:

1.2 WILL THIS RESEARCH INVOLVE COLLABORATION WITH ANOTHER INSTITUTION?

- No, go to question 1.3
 Yes, answer questions within table

| IF YES |
|---|
| <p>Provide the name of the institution [for institutions located overseas, please also provide name of country]:</p> |
| <p>Indicate the status of this research project with the other institution's IRB:</p> <p><input type="checkbox"/> Pending approval <input type="checkbox"/> Approved <input type="checkbox"/> Other institution does not have a human subject protections review board <input type="checkbox"/> Other, explain:</p> |
| <p>Will the collaborating institution(s) be engaged in the research? (http://www.hhs.gov/ohrp/policy/engage08.html)</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> |
| <p>Will Virginia Tech's IRB review all human subject research activities involved with this project?</p> <p><input type="checkbox"/> No, provide the name of the primary institution: <input type="checkbox"/> Yes</p> <p><i>Note: primary institution = primary recipient of the grant or main coordinating center</i></p> |

1.3 IS THIS RESEARCH SPONSORED OR SEEKING SPONSORED FUNDS?

- No, go to question 1.4
 Yes, answer questions within table

IF YES

Provide the name of the sponsor [if NIH, specify department]:

Is this project receiving federal funds?
 No
 Yes

If yes,

Does the grant application, OSP proposal, or "statement of work" related to this project include activities involving human subjects that are not covered within this IRB application?

No, all human subject activities are covered in this IRB application
 Yes, however these activities will be covered in future VT IRB applications, these activities include:
 Yes, however these activities have been covered in past VT IRB applications, the IRB number(s) are as follows:
 Yes, however these activities have been or will be reviewed by another institution's IRB, the name of this institution is as follows:
 Other, explain:

Is Virginia Tech the primary awardee or the coordinating center of this grant?
 No, provide the name of the primary institution:
 Yes

1.4 DOES THIS STUDY INVOLVE CONFIDENTIAL OR PROPRIETARY INFORMATION (OTHER THAN HUMAN SUBJECT CONFIDENTIAL INFORMATION), OR INFORMATION RESTRICTED FOR NATIONAL SECURITY OR OTHER REASONS BY A U.S. GOVERNMENT AGENCY?

For example – government / industry proprietary or confidential trade secret information

- No
 Yes, describe:

1.5 DOES THIS STUDY INVOLVE SHIPPING ANY TANGIBLE ITEM, BIOLOGICAL OR SELECT AGENT OUTSIDE THE U.S.?

- No
 Yes

Section 2: Justification

2.1 DESCRIBE THE BACKGROUND, PURPOSE, AND ANTICIPATED FINDINGS OF THIS STUDY:

2.2 EXPLAIN WHAT THE RESEARCH TEAM PLANS TO DO WITH THE STUDY RESULTS:

For example - publish or use for dissertation

Section 3: Recruitment

3.1 DESCRIBE THE SUBJECT POOL, INCLUDING INCLUSION AND EXCLUSION CRITERIA AND NUMBER OF SUBJECTS:

Examples of inclusion/exclusion criteria - gender, age, health status, ethnicity

3.2 WILL EXISTING RECORDS BE USED TO IDENTIFY AND CONTACT / RECRUIT SUBJECTS?

Examples of existing records - directories, class roster, university records, educational records

No, go to question 3.3

Yes, answer questions within table



| IF YES | |
|--|--|
| Are these records private or public? | |
| <input checked="" type="checkbox"/> Public | |
| <input type="checkbox"/> Private, describe the researcher's privilege to the records: | |
| Will student, faculty, and/or staff records or contact information be requested from the University? | |
| <input checked="" type="checkbox"/> No | |
| <input type="checkbox"/> Yes, provide a description under Section 14 (Research Involving Existing Data) below. | |

3.3 DESCRIBE RECRUITMENT METHODS, INCLUDING HOW THE STUDY WILL BE ADVERTISED OR INTRODUCED TO SUBJECTS:

3.4 PROVIDE AN EXPLANATION FOR CHOOSING THIS POPULATION:

Note: the IRB must ensure that the risks and benefits of participating in a study are distributed equitably among the general population and that a specific population is not targeted because of ease of recruitment.

Section 4: Consent Process

For more information about consent process and consent forms visit the following link:
<http://www.irb.vt.edu/pages/consent.htm>

If feasible, researchers are advised and may be required to obtain signed consent from each participant unless obtaining signatures leads to an increase of risk (e.g., the only record linking the subject and the research would be the consent document and the principal risk would be potential harm resulting in a breach of confidentiality). Signed consent is typically not required for low risk questionnaires (consent is implied) unless audio/video recording or an in-person interview is involved. If researchers will not be obtaining signed consent, participants must, in most cases, be supplied with consent information in a different format (e.g., in recruitment document, at the beginning of survey instrument, read to participant over the phone, information sheet physically or verbally provided to participant).

4.1 CHECK ALL OF THE FOLLOWING THAT APPLY TO THIS STUDY'S CONSENT PROCESS:

- Verbal consent will be obtained from participants
- Written/signed consent will be obtained from participants
- Consent will be implied from the return of completed questionnaire. Note: The IRB recommends providing consent information in a recruitment document or at the beginning of the questionnaire (if the study only involves implied consent, skip to Section 5 below)
- Other, describe:

4.2 PROVIDE A GENERAL DESCRIPTION OF THE PROCESS THE RESEARCH TEAM WILL USE TO OBTAIN AND MAINTAIN INFORMED CONSENT:

4.3 WHO, FROM THE RESEARCH TEAM, WILL BE OVERSEEING THE PROCESS AND OBTAINING CONSENT FROM SUBJECTS?

4.4 WHERE WILL THE CONSENT PROCESS TAKE PLACE?

4.5 DURING WHAT POINT IN THE STUDY PROCESS WILL CONSENTING OCCUR?

Note: unless waived by the IRB, participants must be consented before completing any study procedure, including screening questionnaires.

[Empty text box]

4.6 IF APPLICABLE, DESCRIBE HOW THE RESEARCHERS WILL GIVE SUBJECTS AMPLE TIME TO REVIEW THE CONSENT DOCUMENT BEFORE SIGNING:

Note: typically applicable for complex studies, studies involving more than one session, or studies involving more of a risk to subjects.

[Empty text box]

Not applicable

Section 5: Procedures

5.1 PROVIDE A STEP-BY-STEP THOROUGH EXPLANATION OF ALL STUDY PROCEDURES EXPECTED FROM STUDY PARTICIPANTS, INCLUDING TIME COMMITMENT & LOCATION:

[Empty text box]

5.2 DESCRIBE HOW DATA WILL BE COLLECTED AND RECORDED:

[Empty text box]

5.3 DOES THE PROJECT INVOLVE ONLINE RESEARCH ACTIVITIES (INCLUDES ENROLLMENT, RECRUITMENT, SURVEYS)?

View the "Policy for Online Research Data Collection Activities Involving Human Subjects" at <http://www.irb.vt.edu/documents/onlinepolicy.pdf>

No, go to question 6.1

Yes, answer questions within table



| IF YES | |
|--|--|
| Identify the service / program that will be used: | |
| <input type="checkbox"/> | www.survey.vt.edu , go to question 6.1 |
| <input type="checkbox"/> | Blackboard, go to question 6.1 |
| <input type="checkbox"/> | Center for Survey Research, go to question 6.1 |
| <input type="checkbox"/> | Other |
| IF OTHER: | |
| Name of service / program: | |
| URL: | |
| This service is... | |
| <input type="checkbox"/> | Included on the list found at: http://www.irb.vt.edu/pages/validated.htm |
| <input type="checkbox"/> | Approved by VT IT Security |
| <input type="checkbox"/> | An external service with proper SSL or similar encryption (https://) on the login (if applicable) and all other data |

collection pages.
 None of the above (note: only permissible if this is a collaborative project in which VT individuals are only responsible for data analysis, consulting, or recruitment)

Section 6: Risks and Benefits

6.1 WHAT ARE THE POTENTIAL RISKS (E.G., EMOTIONAL, PHYSICAL, SOCIAL, LEGAL, ECONOMIC, OR DIGNITY) TO STUDY PARTICIPANTS?

6.2 EXPLAIN THE STUDY’S EFFORTS TO REDUCE POTENTIAL RISKS TO SUBJECTS:

6.3 WHAT ARE THE DIRECT OR INDIRECT ANTICIPATED BENEFITS TO STUDY PARTICIPANTS AND/OR SOCIETY?

Section 7: Full Board Assessment

7.1 DOES THE RESEARCH INVOLVE MICROWAVES/X-RAYS, OR GENERAL ANESTHESIA OR SEDATION?

- No
- Yes

7.2 DO RESEARCH ACTIVITIES INVOLVE PRISONERS, PREGNANT WOMEN, FETUSES, HUMAN IN VITRO FERTILIZATION, OR MENTALLY DISABLED PERSONS?

- No, go to question 7.3
- Yes, answer questions within table

| IF YES | |
|--|--|
| This research involves: | |
| <input type="checkbox"/> Prisoners | <input type="checkbox"/> Pregnant women |
| <input type="checkbox"/> Mentally disabled persons | <input type="checkbox"/> Fetuses <input type="checkbox"/> Human in vitro fertilization |

7.3 DOES THIS STUDY INVOLVE MORE THAN MINIMAL RISK TO STUDY PARTICIPANTS?

Minimal risk means that the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily activities or during the performance of routine physical or psychological examinations or tests. Examples of research involving greater than minimal risk include collecting data about abuse or illegal activities. Note: if the project qualifies for Exempt review (<http://www.irb.vt.edu/pages/categories.htm>), it will not need to go to the Full Board.

- No
 Yes

IF YOU ANSWERED "YES" TO **ANY ONE** OF THE ABOVE QUESTIONS, 7.1, 7.2, OR 7.3, THE BOARD MAY REVIEW THE PROJECT'S APPLICATION MATERIALS AT ITS MONTHLY MEETING. VIEW THE FOLLOWING LINK FOR DEADLINES AND ADDITIONAL INFORMATION: <http://www.irb.vt.edu/pages/deadlines.htm>

Section 8: Confidentiality / Anonymity

For more information about confidentiality and anonymity visit the following link:
<http://www.irb.vt.edu/pages/confidentiality.htm>


8.1 WILL PERSONALLY IDENTIFYING STUDY RESULTS OR DATA BE RELEASED TO ANYONE OUTSIDE OF THE RESEARCH TEAM?

For example – to the funding agency or outside data analyst, or participants identified in publications with individual consent

- No
 Yes, to whom will identifying data be released?

8.2 WILL ANY STUDY FILES CONTAIN PARTICIPANT IDENTIFYING INFORMATION (E.G., NAME, CONTACT INFORMATION, VIDEO/AUDIO RECORDINGS)?

Note: if collecting signatures on a consent form, select "Yes."

- No, go to question 8.3
 Yes, answer questions within table 

| IF YES |
|---|
| Describe if/how the study will utilize study codes: |
| If applicable, where will the key [i.e., linked code and identifying information document (for instance, John Doe = study ID 001)] be stored and who will have access? |
| <i>Note: the key should be stored separately from subjects' completed data documents and accessibility should be limited.</i> |
| <i>The IRB strongly suggests and may require that all data documents (e.g., questionnaire responses, interview responses, etc.) do not include or request</i> |

identifying information (e.g., name, contact information, etc.) from participants. If you need to link subjects' identifying information to subjects' data documents, use a study ID/code on all data documents.


8.3 WHERE WILL DATA BE STORED?

Examples of data - questionnaire, interview responses, downloaded online survey data, observation recordings, biological samples

8.4 WHO WILL HAVE ACCESS TO STUDY DATA?

8.5 DESCRIBE THE PLANS FOR RETAINING OR DESTROYING THE STUDY DATA

8.6 DOES THIS STUDY REQUEST INFORMATION FROM PARTICIPANTS REGARDING ILLEGAL BEHAVIOR?


- No, go to question 9.1
- Yes, answer questions within table 

| IF YES |
|--|
| <p>Does the study plan to obtain a Certificate of Confidentiality?</p> <ul style="list-style-type: none"><input type="checkbox"/> No<input type="checkbox"/> Yes (Note: participants must be fully informed of the conditions of the Certificate of Confidentiality, within the consent process and form) <p>For more information about Certificates of Confidentiality, visit the following link: http://www.irb.vt.edu/pages/coc.htm</p> |

Section 9: Compensation

For more information about compensating subjects, visit the following link:
<http://www.irb.vt.edu/pages/compensation.htm>

9.1 WILL SUBJECTS BE COMPENSATED FOR THEIR PARTICIPATION?

- No, go to question 10.1
- Yes, answer questions within table 

| IF YES |
|--|
| What is the amount of compensation? |
| Will compensation be prorated? <input type="checkbox"/> Yes, please describe: <input type="checkbox"/> No, explain why and clarify whether subjects will receive full compensation if they withdraw from the study? |
| <i>Unless justified by the researcher, compensation should be prorated based on duration of study participation. Payment must <u>not</u> be contingent upon completion of study procedures. In other words, even if the subject decides to withdraw from the study, he/she should be compensated, at least partially, based on what study procedures he/she has completed.</i> |

Section 10: Audio / Video Recording

For more information about audio/video recording participants, visit the following link:
<http://www.irb.vt.edu/pages/recordings.htm>

10.1 WILL YOUR STUDY INVOLVE VIDEO AND/OR AUDIO RECORDING?

- No**, go to question 11.1
 Yes, answer questions within table



| IF YES |
|---|
| This project involves: <input type="checkbox"/> Audio recordings only <input type="checkbox"/> Video recordings only <input type="checkbox"/> Both video and audio recordings |
| Provide compelling justification for the use of audio/video recording: |
| How will data within the recordings be retrieved / transcribed? |
| How and where will recordings (e.g., tapes, digital data, data backups) be stored to ensure security? |
| Who will have access to the recordings? |
| Who will transcribe the recordings? |
| When will the recordings be erased / destroyed? |

Section 11: Research Involving Students

11.1 DOES THIS PROJECT INCLUDE STUDENTS AS PARTICIPANTS?

- No**, go to question 12.1
 Yes, answer questions within table



| IF YES |
|---|
| <p>Does this study involve conducting research with students of the researcher?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes, describe safeguards the study will implement to protect against coercion or undue influence for participation:</p> <p><i>Note: if it is feasible to use students from a class of students not under the instruction of the researcher, the IRB recommends and may require doing so.</i></p> |
| <p>Will the study need to access student records (e.g., SAT, GPA, or GRE scores)?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> |

11.2 DOES THIS PROJECT INCLUDE ELEMENTARY, JUNIOR, OR HIGH SCHOOL STUDENTS?

- No**, go to question 11.3
 Yes, answer questions within table



| IF YES |
|--|
| <p>Will study procedures be completed during school hours?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>If yes,</p> <p>Students not included in the study may view other students' involvement with the research during school time as unfair. Address this issue and how the study will reduce this outcome:</p> <p>Missing out on regular class time or seeing other students participate may influence a student's decision to participate. Address how the study will reduce this outcome:</p> |

Is the school's approval letter(s) attached to this submission?

- Yes
- No, project involves Montgomery County Public Schools (MCPS)
- No, explain why:

You will need to obtain school approval (if involving MCPS, click here: <http://www.irb.vt.edu/pages/mcps.htm>). Approval is typically granted by the superintendent, principal, and classroom teacher (in that order). Approval by an individual teacher is insufficient. School approval, in the form of a letter or a memorandum should accompany the approval request to the IRB.

11.3 DOES THIS PROJECT INCLUDE COLLEGE STUDENTS?

- No**, go to question 12.1
- Yes**, answer questions within table

| IF YES |
|---|
| <p>Some college students might be minors. Indicate whether these minors will be included in the research or actively excluded:</p> <ul style="list-style-type: none"><input type="checkbox"/> Included<input type="checkbox"/> Actively excluded, describe how the study will ensure that minors will not be included: |
| <p>Will extra credit be offered to subjects?</p> <ul style="list-style-type: none"><input type="checkbox"/> No<input type="checkbox"/> Yes <p>If yes,</p> <p style="text-align: center;">What will be offered to subjects as an equal alternative to receiving extra credit without participating in this study?</p> <p style="text-align: center;">Include a description of the extra credit (e.g., amount) to be provided within question 9.1 ("IF YES" table)</p> |

Section 12: Research Involving Minors

12.1 DOES THIS PROJECT INVOLVE MINORS (UNDER THE AGE OF 18 IN VIRGINIA)?

Note: age constituting a minor may differ in other States.

- No**, go to question 13.1
- Yes**, answer questions within table

| IF YES |
|--|
| <p>Does the project reasonably pose a risk of reports of current threats of abuse and/or suicide?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, thoroughly explain how the study will react to such reports:</p> <p><i>Note: subjects and parents must be fully informed of the fact that researchers must report threats of suicide or suspected/reported abuse to the appropriate authorities within the Confidentiality section of the Consent, Assent, and/or Permission documents.</i></p> |
| <p>Are you requesting a waiver of parental permission (i.e., parent uninformed of child's involvement)?</p> <p><input type="checkbox"/> No, both parents/guardians will provide their permission, if possible.</p> <p><input type="checkbox"/> No, only one parent/guardian will provide permission.</p> <p><input type="checkbox"/> Yes, describe below how your research meets all of the following criteria (A-D):</p> <p style="padding-left: 40px;">Criteria A - The research involves no more than minimal risk to the subjects:</p> <p style="padding-left: 40px;">Criteria B - The waiver will not adversely affect the rights and welfare of the subjects:</p> <p style="padding-left: 40px;">Criteria C - The research could not practicably be carried out without the waiver:</p> <p style="padding-left: 40px;">Criteria D - (Optional) Parents will be provided with additional pertinent information after participation:</p> |
| <p>Is it possible that minor research participants will reach the legal age of consent (18 in Virginia) while enrolled in this study?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, will the investigators seek and obtain the legally effective informed consent (in place of the minors' previously provided assent and parents' permission) for the now-adult subjects for any ongoing interactions with the subjects, or analysis of subjects' data? If yes, explain how:</p> <p><i>For more information about minors reaching legal age during enrollment, visit the following link: http://www.irb.vt.edu/pages/assent.htm</i></p> |
| <p><i>The procedure for obtaining assent from minors and permission from the minor's guardian(s) must be described in Section 4 (Consent Process) of this form.</i></p> |

Section 13: Research Involving Deception

For more information about involving deception in research and for assistance with developing your debriefing form, visit our website at <http://www.irb.vt.edu/pages/deception.htm>

13.1 DOES THIS PROJECT INVOLVE DECEPTION?

- No, go to question 14.1
- Yes, answer questions within table



| IF YES |
|---|
| Describe the deception: |
| Why is the use of deception necessary for this project? |
| Describe the debriefing process: |
| <p>Provide an explanation of how the study meets <u>all</u> the following criteria (A-D) for an alteration of consent:</p> <p>Criteria A - The research involves no more than minimal risk to the subjects:</p> <p>Criteria B - The alteration will not adversely affect the rights and welfare of the subjects:</p> <p>Criteria C - The research could not practicably be carried out without the alteration:</p> <p>Criteria D - (Optional) Subjects will be provided with additional pertinent information after participation (i.e., debriefing for studies involving deception):</p> <p><i>By nature, studies involving deception cannot provide subjects with a complete description of the study during the consent process; therefore, the IRB must allow (by granting an alteration of consent) a consent process which does not include, or which alters, some or all of the elements of informed consent.</i></p> <p><i>The IRB requests that the researcher use the title "Information Sheet" instead of "Consent Form" on the document used to obtain subjects' signatures to participate in the research. This will adequately reflect the fact that the subject cannot fully consent to the research without the researcher fully disclosing the true intent of the research.</i></p> |

Section 14: Research Involving Existing Data

14.1 WILL THIS PROJECT INVOLVE THE COLLECTION OR STUDY/ANALYSIS OF EXISTING DATA DOCUMENTS, RECORDS, PATHOLOGICAL SPECIMENS, OR DIAGNOSTIC SPECIMENS?

Please note: it is not considered existing data if a researcher transfers to Virginia Tech from another institution and will be conducting data analysis of an on-going study.

- No, you are finished with the application
- Yes, answer questions within table



| IF YES |
|--------|
|--------|

| |
|--|
| From where does the existing data originate? |
| Provide a detailed description of the existing data that will be collected or studied/analyzed: |
| Is the source of the data public? <input type="checkbox"/> No, continue with the next question <input type="checkbox"/> Yes, you are finished with this application |
| Will any individual associated with this project (internal or external) have access to or be provided with existing data containing information which would enable the identification of subjects: <ul style="list-style-type: none"> ▪ Directly (e.g., by name, phone number, address, email address, social security number, student ID number), or ▪ Indirectly through study codes even if the researcher or research team does not have access to the master list linking study codes to identifiable information such as name, student ID number, etc or ▪ Indirectly through the use of information that could reasonably be used in combination to identify an individual (e.g., demographics) <input type="checkbox"/> No, collected/analyzed data will be completely de-identified <input type="checkbox"/> Yes, |
| <p>If yes,</p> <p style="text-align: center;"><i>Research will not qualify for exempt review; therefore, if feasible, written consent must be obtained from individuals whose data will be collected / analyzed, unless this requirement is waived by the IRB.</i></p> <p>Will written/signed or verbal consent be obtained from participants prior to the analysis of collected data? -select one-</p> |

This research protocol represents a contract between all research personnel associated with the project, the University, and federal government; therefore, must be followed accordingly and kept current.

Proposed modifications must be approved by the IRB prior to implementation except where necessary to eliminate apparent immediate hazards to the human subjects.

Do not begin human subjects activities until you receive an IRB approval letter via email.

It is the Principal Investigator's responsibility to ensure all members of the research team who interact with research subjects, or collect or handle human subjects data have completed human subjects protection training prior to interacting with subjects, or handling or collecting the data.

-----END-----