



# USDA Advisory Overview

Authority | Management | Scope | Objectives | Operations



# **Federal Advisory Committee Act (FACA)**

## Laws and Regulations Govern Advisory Committees

1. Federal Advisory Committee Act (FACA) (Public Law 92-463)
2. Privacy Act (Public Law 93-574)
3. Freedom of Information Act (Public Law 104-231)
4. GSA The Final Rule (41 CFR Parts 101-6 & 102-3)
5. Executive Orders
6. USDA Departmental Regulations DR-1041-001
7. Advisory Committee Bylaws, Statutes





# Designated Federal Officer (DFO)

## Roles and Responsibilities

- Ensure compliance with FACA, and any other applicable laws and regulations
- Call, attend, and adjourn committee meetings
- Approve agendas
- Maintain required records on costs and membership
- Ensure efficient operations
- Maintain records for availability to the public
- Comply with reporting mandates via the USDA Committee Management Officer





# **Fruit and Vegetable Industry Advisory Committee (FVIAC)**

Function of advisory committee





## **Solely for advisory functions**

- Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions.
- Determination of action to be taken and policy to be adopted shall be made solely by the President or an officer of the Federal Government.

## **What can an advisory committee do?**

- Provide recommendations and report to the appropriate federal officer on matters within the committee's scope of duties and objectives.



## **FVIAC Scope**

1. Evaluate USDA programs and services.
2. Provide recommendations on ways to improve USDA programs and services.

## **FVIAC Operations**

- Each advisory committee meeting is OPEN to the public.
- Timely notice for each meeting shall be published in the Federal Register at least 15 calendar days prior to the meeting.
- Each meeting must be held at a reasonable time and in a manner or place reasonable accessible to the public.
- Oral/Written comments before committee allowed within FVIAC guidelines.



## **FVIAC Subcommittees**

- a) Smaller group/division/body created by an advisory committee.
- b) Role – generally, presents research, analysis, preliminary conclusion to the committee.
- c) Rules re: open meetings and public access to records DO NOT APPLY to subcommittee meetings and records.
- d) Reports/analysis/deliberation reached by the subcommittee must be presented to the committee as a whole for final substantive review and approval.





## **Other Operational Questions**

### **Questions/disputes over committee operation and meeting procedures**

DFO sets the rules.

DFO approves or calls the meeting of the committee and subcommittee(s).

### **Questions/disputes over scope of authority and duties of the committee**

Statute/Charter sets for the authority for the committee.

The agency - via DFO - interprets the scope of authority and duty of the committee.

### **Proprietary information provided/shared**

Information “made available to,” or “prepared for or by” the committee shall be made available to the public unless 5 U.S.C. 552 applies.

The agency makes the determination whether to invoke exemptions under 5 U.S.C. 552 to withhold information.





## **Representation of the Committee & Agency**

- Advisory committees serve solely an advisory role – to make recommendation to the executive branch and adoption of any recommendations/reports.
- Advisory committees **MAKE NO POLICY DECISIONS.**
- Therefore, a committee does **NOT** speak for or act on behalf of the agency or designated federal officer.
- Individual committee members should be careful to ensure their personal statements are not attributed to the position of the Committee as or the Agency.





# THANK YOU

*For serving on the Fruit and Vegetable Industry Advisory Committee (FVIAC)*