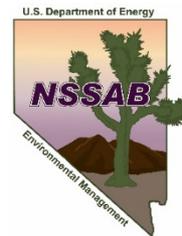


FACA and the EM SSAB

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David Borak, Designated Federal Officer, EM SSAB



- The Formation of the EM SSAB
- FACA and the Guiding Principles for the EM SSAB
- Legal Requirements Under FACA
- DFO/DDFO Roles & Responsibilities
- Your Roles & Responsibilities
- Legal Considerations Under FACA
- Questions



What is the EM SSAB?

- Chartered in **1994** under FACA to involve local citizens more directly in DOE EM cleanup decisions
- There is **one charter** for the EM SSAB – currently eight local boards organized under the EM SSAB umbrella charter
- These eight local boards are brought together routinely at the EM SSAB **Chairs meetings**, where the EM SSAB is able to speak in one voice



- Made up of **representative** members, not necessarily experts
- Focus on **stakeholder values**
- DOE receives **independent input** and focus on **transparency to build trust**

Purpose of FACA

- Ensure that advice by advisory boards/committees is **objective** and **accessible** to the public
- **Formalize** process for establishing, operating, overseeing and terminating advisory boards
- Create the **Committee Management Secretariat**
- Require that boards **advise and recommend**, not decide and implement

Benefits of FACA

- Transparency and participation improves **citizens' trust** in government
- FACA requirements lend **credibility** to the boards' advice



FACA by the Numbers

- ~1,000 federal advisory committees in existence at any time.
- ~65,000 committee and subcommittee members at any time.
- ~60 executive departments and agencies that sponsor committees each year.
- ~1,000 reports issued each year.
- ~7,000 meetings held each year.



Key Players

- **GSA Committee Management Secretariat**
- **Department of Energy – Headquarters**
 - Committee Management Officer (CMO)
 - Designated Federal Officer (DFO)
- **Department of Energy – Field Sites**
 - Deputy Designated Federal Officers (DDFOs)
 - Federal Coordinators, and Local Board Staff
- **Board Members**
 - Chair and Vice-Chair
 - Members
- **Liaisons/Tri-Party Members**



- Requires a **charter** outlining the committee's mission and specific duties
- Allow for **open access** to committee meetings and operations
 - Meetings must be **accessible** to the public and **announced** in the Federal Register
 - Committee **documents must be maintained** and made available for public inspection
- Maintain a “**fairly balanced**” membership
- Provide an opportunity for **Public Comment**
- Violations?



Guiding Documents

FACA

DOE Committee
Management
Manual

EM SSAB Charter

HAB MOU

HAB Operating Ground Rules

DFO/DDFO Requirements under FACA

- **Ensure compliance** with FACA, regulations, DOE Guidance, and all related agency policies and agreements
- Approve **agendas** for each Board meeting
- **Organize** and **attend** every Board meeting
- Maintain required committee **records** (e.g., costs, minutes, membership)
- Prepare **Federal Register** notices
- Prepare **annual report** to the CMO summarizing Board activities
- **Nominate members** for appointment
- Ensure all **ethical standards** are met by Board members
- Ensure that meetings are held at a reasonable time and place, **accessible to the public**

Member Responsibilities

- To **attend regular meetings** and learn about the site's EM cleanup mission
- **Provide recommendations** at the request of site management and EM leadership
- To work **collaboratively and respectfully** with other Board members and liaisons
- To abide by the terms and conditions of the **EM SSAB Charter and guiding documents**
- Notify the DDFO of any potential **conflict of interest**
- Focus on the mission – collaboratively establishing a **work plan**



Conflict of Interest: EM SSAB members are **not** subject to the same federal ethics regulations as federal employees and Special Government Employees.

- **As a matter of policy**, however, DOE asks that you:
 - Refrain from any use of your membership, which is, or gives the appearance of being, motivated by the desire for private, professional, or financial gain;
 - Recuse yourself from decisions and discussions related to real or perceived conflicts of interest, act impartially, and avoid the appearance of impropriety; and
 - Seek immediate guidance, beginning with the DDFO, if you are offered anything of value such as a gift, gratuity, loan, or favor in connection with advisory board service.

Questions?

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