

## **Frequently Asked Questions (FAQs) about GRS 6.2, Federal Advisory Committee Records**

August 2015

### **1. What is the purpose of GRS 6.2?**

This schedule provides disposition authority for records that Federal advisory committees and their subgroups, established under the Federal Advisory Committee Act (FACA) as amended (5 U.S.C. Appendix 2), create or receive. It also covers records agency designated Federal officers and committee management officers and their staffs create or maintain.

### **2. Whom do I contact for further information about this schedule?**

Agency staff implementing this GRS should first contact their agency records officer with any questions. Records officers and agency staff may also contact their assigned NARA appraiser or the GRS Team (GRS\_Team@nara.gov) with questions about this schedule or its implementation.

We recommend that agencies consult with their NARA appraiser or the GRS Team when originating a new committee to address implementing this schedule. For existing committees, we recommend you consult with us prior to terminating the committee to ensure proper schedule implementation.

## **CHANGES FROM THE OLD GRS**

### **3. How does GRS 6.2 differ from the old GRS 26?**

GRS 6.2 covers only records FACA committees (or committees grandfathered in under the FACA) create or receive. GRS 26, by contrast, included items 1a and 1b relating to internal agency committees that are not FACA committees. GRS 6.2 also better reflects the types of records FACA committees create or receive and updates transfer instructions to meet current NARA practices. We have also appraised the records from a certain type of committee—grant peer review committees—as wholly temporary.

### **4. Why are GRS 26, items 1a and 1b, not in this schedule?**

To help clarify the coverage of new GRS 6.2, we limited its scope to FACA committees only. GRS 26, items 1a and 1b, cover non-FACA, internal agency committees and working groups; we will cover those groups in a separate GRS. In the meantime, GRS 26, items 1a and 1b are still available for agency use.

### **5. Why are you rescinding some old GRS items?**

We are rescinding two items from GRS 26. GRS 26, item 2c2 was for records related to the design, management, and technical operation of committee websites. Such records are now covered by GRS 3.1, items 011 and 020, so there is no longer a need for such an item in GRS 6.2. We are also rescinding GRS 26, item 3, because it covers nonrecord reference copies not under the purview of either a FACA or its sponsoring agency; agencies may dispose of nonrecords at any time and these therefore do not require a disposition authority.

## **TERMS USED IN THIS SCHEDULE**

### **6. What is the Federal Advisory Committee Act?**

The Federal Advisory Committee Act (FACA) as amended (5 U.S.C. Appendix 2) is the law that provides the framework for how agencies create and manage Federal advisory committees. Congress enacted the law in 1972 to ensure that agencies receive objective advice from the various advisory committees formed over the years, and that the public can access it. The Act formalized a process for establishing, operating, and terminating these advisory bodies and created the Committee Management Secretariat to oversee compliance with the Act.

### **7. What is a Federal advisory committee?**

In general terms, a Federal advisory committee is a committee established by statute or reorganization that provides advice or recommendations to the President, any agency, or Federal Government officers, and isn't made up solely of Government employees. The official legal definition contains more specific details and an exception for two organizations, so you should consult the Federal Advisory Committee Act (5 U.S.C. Appendix 2) or your agency's FACA counsel for more details.

### **8. What is a Presidential advisory committee?**

A Presidential advisory committee is a Federal advisory committee authorized by Congress or directed by the President to advise the President. Presidential advisory committees may or may not be subject to the Federal Records Act, which governs the records covered by the General Records Schedules. An agency should check with its general counsel before applying GRS 6.2 to Presidential advisory committee records. In some cases, these records may be Presidential records subject to the Presidential Records Act rather than to the Federal Records Act. For additional information concerning records of Presidential advisory committees, see question 13 below.

### **9. What is a sponsoring agency or department for a committee?**

A sponsoring agency or department provides the staff and administrative and monetary support for a Federal advisory committee.

### **10. What is a committee management officer (CMO)?**

Sponsoring agency heads designate a committee management officer (CMO) to oversee FACA administration at that agency. FACA administration includes establishing committees, setting procedures, determining goals and monitoring committee accomplishments ; assembling and maintaining committee reports, records, and other papers; and carrying out, on behalf of that agency FACA's requirements with respect to those records (5 USC Appendix 2 - Sec. 8(b)).

In addition to implementing the provisions of section 8(b) of the Act, the CMO carries out any other responsibilities the agency head delegates. The CMO also ensures that the agency implements sections 10(b), 12(a), and 13 of the Act for appropriate recordkeeping.

### **11. What is a designated Federal officer (DFO)?**

The agency head designates a DFO for each advisory committee. The DFO implements advisory committee procedures under the supervision of the CMO, including sections 10(e) and (f) of the Act. (41 CFR 102-3.25) Consistent with 41 CFR 102-3.120, a DFO:

- approves or calls the meeting of the advisory committee or subcommittee;
- approves the agenda, except that this requirement does not apply to a Presidential advisory committee;
- attends the meetings;
- adjourns any meeting when he or she determines it to be in the public interest; and
- chairs the meeting when so directed by the agency head.

### **12. What are "substantive" records?**

Substantive records document decisions, discussions, or actions a committee takes. They are covered by items 010 and 020.

## **GENERAL**

### **13. How can I tell if a committee is a FACA committee?**

You should check with your agency's FACA counsel to confirm if a specific group falls under FACA or not. In order to fall under FACA, the group must be established as a Federal advisory committee according to the Federal Advisory Committee Act (FACA) as amended (5 U.S.C. Appendix 2). In general, the authority to create FACA committees derives from statute, the President, or agency authority, and each Federal advisory committee must have a current, filed charter in order to meet or take any action. Some FACA committees predate the FACA and were grandfathered under it.

### **14. Are records of Presidential advisory committees covered by the GRS?**

Records of Presidential advisory committees are covered by this GRS under most circumstances. You should check with your agency's FACA counsel to determine if a

Presidential advisory committee's records fall under the Presidential Records Act (PRA) or the Federal Records Act (FRA). If the latter, you may apply this GRS. If the records fall under the Presidential Records Act (PRA), you should request information on appropriate disposition from NARA's Presidential Materials Division at 202-357-5200 or [presidential.materials@nara.gov](mailto:presidential.materials@nara.gov).

## RECORDS MANAGEMENT

### 15. What records must committee management officers (CMOs) create or maintain?

According to 41 CFR 102-3.115, the CMO must keep records that include, but are not limited to:

- *Charter and membership documentation.* A set of filed charters for each advisory committee and membership lists for each advisory committee and subcommittee;
- *Annual comprehensive review.* Copies of the information provided as the agency's portion of the annual comprehensive review of Federal advisory committees, prepared according to 41 CFR 102-3.175(b);
- *Agency guidelines.* Agency guidelines maintained and updated on committee management operations and procedures; and
- *Closed meeting determinations.* Agency determinations to close or partially close advisory committee meetings required by 41 CFR 102-3.105.

### 16. What records are designated Federal officers (DFOs) or similar agency officers maintaining committee records supposed to maintain?

DFOs or similar agency officers should maintain the official records an advisory committee creates or receives as long as the committee exists (41 CFR 102-3.175). This includes records such as correspondence between committee members and others that relate to the committee's decisions or actions.

### 17. Why must an agency capture and maintain as a permanent record in item 010 the correspondence, including email, documenting discussions, decisions, or actions related to the work of the committee?

Exchanges of substantive information between members regarding the work of the committee or subcommittee are records that reflect the work of the committee and document its thought processes, and, if enough members are involved in the communication (even if by email), the exchange could be considered a FACA meeting. The schedule is clear that the exchanges should be substantive, i.e., they involve the work of the committee, rather than something like a scheduling email.

### 18. How does 44 USC 2911, which relates to the use of unofficial email accounts to conduct agency business, apply to members of a committee who are not Federal employees?

Committee members who do not have an agency email account should copy the DFO on email correspondence related to the committee's work so that a Federal official appropriately manages the records.

**19. Why are some committee records transferred to NARA and others destroyed?**

NARA does not preserve all Federal records. We accept for transfer to NARA only records designated as having historical value warranting continued preservation. These include records that document significant decisions and actions of FACA committees. Other records, such as administrative or logistical records, have short-term business use but do not warrant permanent preservation and agencies can therefore destroy them as directed in an approved records schedule such as GRS 6.2.

**20. May committee records be withheld under FOIA?**

Advisory committee records are generally not restricted under FOIA. Section 10(b) of the Federal Advisory Committee Act (FACA), as amended (Public Law 92-463, 5 U.S.C. Appendix 2), provides that: "Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist."

Advisory committee records may be withheld under FOIA if there is a *reasonable expectation* that the records sought fall within the exemptions contained in section 552(b) of FOIA. However, agencies may not require members of the public or other interested parties to file requests for non-exempt advisory committee records under the request and review process established by section 552(a)(3) of FOIA (41 CFR 102-3.170). Agencies must make those records available as stated in the paragraph above.

**21. My committee maintains copies of its records on the committee's web page. How should these records be managed?**

How an agency manages records on a web page depends on whether the records are considered the recordkeeping copy (or the only copy) or not. If a committee maintains multiple copies of the same records, especially when those copies are also on committee web pages, it should determine which copy will be the recordkeeping copy. You transfer that copy, whether electronic or hardcopy, to NARA if the records are permanent. If the committee designates the copy on the web page as the recordkeeping copy, you apply the appropriate item from GRS 6.2. If the copy on the web page is not the recordkeeping copy, you may destroy it at any time as long as your agency maintains the recordkeeping copy (see GRS 4.3, item 040).

## SCHEDULE IMPLEMENTATION

**22. My agency has long-standing FACA committees that predate creation of the GRS for FACA committee records, so we have agency-specific schedules for FACA committee records. Should my agency use the GRS or our agency-specific schedules?**

GRS 6.2 applies to records of all FACA committees and supersedes all existing schedules related to FACA committees, including agency-specific ones. If you would like to continue to use your agency schedule, you must notify NARA of your intent according to 36 CFR 1227.12(a)(3). You may notify NARA by sending an email to [GRS\\_Team@nara.gov](mailto:GRS_Team@nara.gov) stating your agency's name, the FACA committee name, and the agency-specific disposition authorities you intend to use.

**23. What should I do with extra copies of committee records?**

Whether you may dispose of extra copies depends on the copy. If the copies of records from committee members have substantive notes or comments, they have unique content and you should be transfer them to NARA under GRS 6.2, item 010 (unless they are related to a grant review committee). Extra copies that are only for reference use are non-record materials and you may destroy them at any time.

**24. There is no longer a specific item for committee websites on the schedule. How should committee websites be disposed?**

See the answer to question 21.

**25. My committee has both paper and electronic copies of our records. Which version should be kept?**

The sponsoring agency determines which records -- paper or electronic -- it will maintain as the recordkeeping copy. Agencies should transfer only the recordkeeping copy of permanent records to NARA. Permanent electronic records must meet NARA's transfer guidelines for electronic formats. Agencies may have to keep some records in paper format. You should consult with your agency general counsel to determine whether there is a legal reason to maintain recordkeeping copies in a particular format.

**26. My committee has both paper and electronic copies of records with original signatures. Do the paper records have to be kept?**

Your agency must keep the paper records only if there is a legal reason to do so. Consult with your agency general counsel to determine if you must keep the paper records containing original signatures.

**27. My committee is shutting down but has administrative records covered by General Records Schedules other than GRS 6.2 that cannot be destroyed yet. What should I do with these records?**

You should contact the records officer for your committee's sponsoring agency to arrange to store and manage the records after the committee shuts down.

**TRANSFERRING PERMANENT RECORDS**

**28. How are permanent FACA committee records transferred to NARA?**

You should transfer permanent FACA committee records to NARA using an SF-258. Agencies cannot currently use ERA to transfer permanent records covered by the GRS. Submit with the SF-258 a copy of the committee charter that applies to the time period in which the records were created. Also fill out and submit the GRS 6.2 "Checklist for Preparing Permanent Records for Transfer to NARA." You should also include box and folder lists in the transfer. Committee staff should consult with their agency records officer for more specific procedures. For additional information on transferring permanent records to the NARA facilities in the Washington, DC, area please see the [Guidance and Policy for Accessioning Records to the National Archives in the Washington, DC Area](#).

**29. What if my agency wants to transfer permanent records earlier than 15 years?**

Except in the case of substantive audiovisual records covered under Item 020 (which requires transfer to NARA within three years), agencies wishing to transfer permanent FACA committee records for ongoing committees earlier than the 15 years stated in the GRS must submit a schedule to NARA requesting a deviation from the GRS that includes a justification for transferring records sooner. An agency must also submit a schedule if it wishes to pre-accession electronic FACA committee records (transfer physical custody, but not legal custody). Submit schedules to your agency's NARA appraisal archivist. Transfer to NARA records for committees that are terminating upon termination.

**QUESTIONS RELATED TO ITEM 010**

**30. Why has the transfer period for substantive committee records increased from 3 years to 15 years?**

The 15-year transfer period for ongoing committees reflects the need for NARA to ensure that records transferred into our custody are fully accessible and that any sensitive information that may be in the records is sufficiently old to diminish the risk resulting from public disclosure. The transfer instructions are based on recommendations from NARA's archival units.

**31. Item 010 includes records related to committee hearings. What if my committee does not conduct hearings?**

Because it is uncommon for FACA committees to have the authority to hold hearings, most committees can be expected not to have hearing-related records. Hearing records are included in the schedule to make it clear for those committees that do hold hearings that their records related to hearings are permanent.

**32. Are comments made by committee members on social media considered permanent?**

If the comments reflect deliberations between committee members then they are a permanent record under GRS 6.2, item 010. The comments need not be captured in social-media format as long as they are captured in some other way.

**QUESTION RELATED TO ITEMS 010 AND 020**

**33. Why do substantive audiovisual records have only a 3-year transfer period when other substantive committee records have a 15-year retention period?**

FACA committees retain audiovisual records for a shorter period of time prior to transfer to NARA because the records are more fragile and susceptible to damage or loss of accessibility over time. This shorter time is acceptable for access reasons because special media records tend to not contain personally identifiable information (PII) or other restricted information, so the risk of release explained in Question 29 isn't an issue.

**QUESTION RELATED TO ITEM 030**

**34. Why are grant review FACA committee records temporary?**

During appraisal we found that FACA committees whose sole purpose was grant review tended to create voluminous amounts of records (due to the number of meetings) that captured very little information due to the proprietary nature of information contained in many grant applications and the need to protect the identity of those that reviewed each grant. Therefore, we determined that the records of these committees do not warrant permanent retention.

**QUESTION RELATED TO ITEM 040**

**35. Why is there a separate item for committee accountability records?**

Committee accountability records are non-substantive records. They are separate from other non-substantive committee records because agencies must keep them for six years for accountability purposes (these records are related to financial and ethics records, which also have six-year retention periods in GRS 1.1 and GRS 2.8 for accountability purposes). By separating these records from other non-substantive records, this item gives agencies the flexibility to dispose of the other records sooner. If agencies want a simpler schedule, they may



combine items 040 and 050 into a single item for non-substantive committee records and maintain everything for six years (the longest retention period of the two items).

#### **QUESTIONS RELATED TO ITEM 050**

**36. This item says that records may be destroyed “when superseded, obsolete, no longer needed, or upon termination of the committee, whichever is sooner.” My agency has always liked keeping these records for 3 years. Do I have to destroy the records sooner now?**

No. If an agency finds that its business needs are best met by a three-year retention period, it may still keep administrative records for three years. The new GRS disposition instruction leaves it up to agencies to determine when these temporary records can be destroyed: either when they are superseded, obsolete, no longer needed, or upon termination of the committee. The only stipulation is that records should be destroyed upon termination of the committee at the latest. If an agency wants to require committee staff to maintain these records for three years or until the committee is terminated, whichever is shorter, it should indicate this retention period in the agency records disposition manual or instructions.

**37. Can agencies dispose of certain committee administrative records in accordance with other appropriate General Records Schedules?**

Advisory committees should dispose of certain administrative records it creates or receives – records relating to budget, personnel, procurement, information technology management or similar housekeeping or facilitation functions –in accordance with another GRS because they are not substantive records and they do not pertain to the subject matter advice that the advisory committee provides to the Government. Upon termination of the committee, committees should transfer to the sponsoring agency any administrative records that another GRS authorizes for disposal that have retention periods outlasting the life of the committee (such as payroll, personnel and fiscal records) .

**38. Can Federal Register notices announcing a meeting be destroyed once the meeting is over?**

Yes. GRS 6.2, item 050, includes drafts and copies of Federal Register notices. The Federal Register itself is the recordkeeping copy; therefore there is no need for agencies to keep copies or drafts of notices beyond their business use. In the case of copies of the notices, that would most likely be at the conclusion of the meeting.