

## GRS 6.2 Federal Advisory Committee Records

This file contains four documents. The Draft Schedule is the proposed text of the new GRS in publication format. The Draft Appraisal Memorandum provides additional background explanation and includes the appraiser's justification for the retention decisions proposed in the schedule. The Crosswalk and Frequently Asked Questions provide additional help in schedule implementation.

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## GENERAL RECORDS SCHEDULE 6.2: Federal Advisory Committee Records

This schedule covers Federal records created or received by Federal advisory committees and their subgroups established under the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and records related to the management of these committees by their sponsoring agencies or departments.

If a committee is a Presidential advisory committee, check with the agency’s General Counsel before applying this schedule. If records are determined to fall under the Presidential Records Act this schedule does not apply.

For convenience, the term “committee” is used in this schedule to mean “advisory committee” pursuant to FACA.

Item #	Records Description	Disposition Instruction	Disposition Authority	
010	<p><b>Substantive Committee Records</b> Records documenting the establishment and formation of committee’s and their significant actions and decisions. Records may be maintained at any level within the sponsoring agency/department. Only one copy of each record is considered permanent. Not all record described may be created for all committees. Records may include:</p> <ul style="list-style-type: none"> <li>• Records related to the establishment of the committee:                             <ul style="list-style-type: none"> <li>○ Charters (original, renewal and amended)</li> <li>○ Enacting legislation</li> <li>○ Explanation of committee need, when required</li> <li>○ Filing letters to Congress</li> <li>○ Organization charts</li> <li>○ Bylaws and standardized operating procedures/guidelines</li> <li>○ Any other materials that document the organization and functions of the committee and its components</li> </ul> </li> <li>• Records related to committee membership:                             <ul style="list-style-type: none"> <li>○ Memos or similar documentation of how and/or why members were selected, if they exist</li> <li>○ Membership balance plans</li> <li>○ Membership rosters</li> </ul> </li> </ul>	<p><b>Grant Peer Review Committee Records</b> Committee establishment, membership, and meeting records related to FACA committees whose only activity is peer review of grant proposals. If the committee performs additional functions or activities other than peer review for grants, they should apply the items for all other FACA committee records.</p> <p>This also includes digital and analog recordings of meetings, photographs, posters and other audiovisual materials.</p>	<p><b>Temporary.</b> Destroy when the committee ceases to exist.</p>	Pending-0001

Item #	Records Description	Disposition Instruction	Disposition Authority
011	<ul style="list-style-type: none"> <li>○ Appointment letters, including renewals</li> <li>○ Resignation letters</li> <li>● Records of committee meetings and hearings: <ul style="list-style-type: none"> <li>○ The determination by the agency head that a meeting or portion of a meeting may be closed to the public</li> <li>○ Agendas</li> <li>○ Materials presented to or prepared by or for the committee, such as briefing books, background materials, reports (including drafts), and presentations</li> <li>○ Meeting minutes</li> <li>○ Public comments</li> <li>○ Testimony received during hearings</li> <li>○ Transcripts of meetings and hearings</li> </ul> </li> <li>● Records related to committee findings and recommendations: <ul style="list-style-type: none"> <li>○ One copy each of final reports, memoranda, letters to agency, studies, and pamphlets produced by or for the committee</li> <li>○ Responses from agency to committee regarding recommendations</li> <li>○ Committee presentations or briefings of findings</li> </ul> </li> <li>● Records created by committee members: <ul style="list-style-type: none"> <li>○ Substantive correspondence, including electronic mail, exchanged between one or more committee members and/or agency/department committee staff (such as the Designated Federal Officer)</li> </ul> </li> <li>● Records related to research collected or created by the committee: <ul style="list-style-type: none"> <li>○ Records relating to research studies and other projects, including unpublished studies and reports and research materials (may include electronic data).</li> <li>○ Raw data files created in connection with research studies and other projects where the information has been consolidated or aggregated for analyses, reports, or studies.</li> </ul> </li> </ul>	<p><b>All Other FACA Committees (Non-Grant Peer Review)</b></p> <p>NOTE: Sponsoring agencies/departments need to designate the recordkeeping copy of permanent committee records. Only one copy of the records should be the official recordkeeping copy that is transferred to the National Archives. Committee records should be arranged by committee, not by the type of record (e.g. NARA should not receive a collection of charters for multiple committees; original charters should be transferred with the other permanent records related to the committee regardless of where they are maintained).</p> <p><i>Supersedes: GRS 26, item 2a (N1-GRS-07-5, item 2a) in part; GRS 26, item 2c1 (N1-GRS-07-1, item 2c1) in part</i></p>	<p><b>Permanent.</b> Transfer when records are 15 years old or when committee ceases to exist, whichever is sooner.</p> <p>Pending - 0002</p>

Item #	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> <li>• Documentation of subcommittees (i.e., working groups, or other subgroups) of advisory committees:               <ul style="list-style-type: none"> <li>○ Records relating to the formation of the subcommittee or working group, if they exist                   <ul style="list-style-type: none"> <li>▪ Decision documents</li> <li>▪ Membership</li> <li>▪ Statement of purpose or other documentation of duties and responsibilities</li> </ul> </li> <li>○ Records that document the activities of subcommittees, including recommendations to the chartered or parent committee. This documentation may include, but is not limited to:                   <ul style="list-style-type: none"> <li>▪ Meeting minutes</li> <li>▪ Transcripts</li> <li>▪ Reports</li> <li>▪ Briefing materials</li> <li>▪ Substantive correspondence, including electronic mail, exchanged between one or more subcommittee members, any other party that involves the work of the subcommittee, and/or agency/department committee staff (such as the Designated Federal Officer)</li> <li>▪ Background materials</li> </ul> </li> </ul> </li> <li>• Records related to committee termination, if they exist:               <ul style="list-style-type: none"> <li>○ Termination letter or memo from agency/department head</li> </ul> </li> <li>• Other records documenting substantive, decision-making activities of a committee, including unique records on web pages for Committees</li> </ul>		
020	<p><b>Substantive Audiovisual Records (Non-Grant Peer Review Committees)</b></p> <ul style="list-style-type: none"> <li>• Audiotapes, videotapes, and/or other recordings of meetings and hearings not fully transcribed</li> <li>• Captioned formal and informal analog or digital photographs, and any related finding aids, of</li> </ul>	<p><b>Permanent.</b> Transfer when records are 3 years old or when committee ceases to exist, whichever is sooner.</p>	<p>Pending-0003</p>

Item #	Records Description	Disposition Instruction	Disposition Authority
	<p>Committee members and staff, meetings, or hearings</p> <ul style="list-style-type: none"> <li>• Posters (2 copies) produced by or for the committee</li> </ul> <p><i>Supersedes: GRS 26, item 2a (N1-GRS-07-5, item 2a) in part</i></p>		
030	<p><b>General Administrative Records</b></p> <ul style="list-style-type: none"> <li>• Copies of Federal Register notices</li> <li>• Audiotapes and videotapes of committee meetings and hearings that have been fully transcribed</li> <li>• Reference and working files</li> <li>• Records relating to logistical or administrative aspects of committee meetings and activities</li> <li>• Agency guidelines</li> <li>• Routine correspondence: <ul style="list-style-type: none"> <li>○ Intra-Agency correspondence on logistics (schedules, regarding delivery of documents, agenda planning)</li> <li>○ Correspondence regarding schedules, administrative issues, etc.</li> <li>○ Correspondence with agency personnel, such as legal counsel, and the General Services Administration, regarding committee program and committee policy</li> <li>○ Public requests for information</li> </ul> </li> <li>• Non-substantive or duplicative web content</li> </ul> <p><b>Note:</b>  (1) Administrative records generated by an advisory committee - records relating to budget, personnel, supply, information technology maintenance, or similar housekeeping or facilitation functions - may be disposed of in accordance with the General Records Schedules since they do not pertain to the subject matter advice that the advisory committee is providing to the Government. Administrative records authorized for disposal by the GRS and having retention periods outlasting the life of the commission (such as payroll, personnel and fiscal records) should be transferred to the agency providing administrative support.</p> <p><i>Supersedes: GRS 26, item 2b (N1-GRS-07-1 item 2b); GRS 26, item 2c1 and 2c3 (N1-GRS-07-1 items 2c1 and 2c3)</i></p>	<b>Temporary.</b> Destroy when superseded, obsolete, no longer needed, or when the committee ceases to exist, whichever is sooner.	Pending-0004
040	<b>Administrative Records Related to Committee Membership</b>	<b>Temporary.</b> Destroy when 6	Pending-

Item #	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> <li>• Requests for approval of committee nominees</li> <li>• Member credentials (resumes or biographies)</li> <li>• Member files (personnel-type records)</li> <li>• Financial disclosure documents and conflict of interest documents</li> </ul> <p><i>Supersedes: GRS 26, item 4 (N1-GRS-04-1 item 4) in part</i></p>	years old. Longer retention is authorized for business use	0005
050	<p><b>Reporting Records</b></p> <ul style="list-style-type: none"> <li>• Information provided to GSA Secretariat for annual comprehensive reviews</li> <li>• Copies of committee records maintained for reporting purposes</li> <li>• Statistical data files and reports</li> <li>• Annual reports to Congress describing the agency's compliance with the Government in Sunshine Act</li> <li>• Financial operating plans and final cost accountings</li> </ul> <p>NOTE: (1) This item does not apply to records maintained at the General Services Administration (GSA) Secretariat.</p> <p><i>Supersedes: GRS 26, item 4 (N1-GRS-04-1 item 4) in part</i></p>	<b>Temporary.</b> Destroy 1 year after submission of report. Longer retention is authorized for business use.	Pending-0006



**Date:** April 18, 2014  
**Appraiser:** Andrea M. Riley, ACNR  
**Agency:** General Records Schedules (GRS)  
**Subject:** DAA-GRS-2014-pending

DRAFT

## INTRODUCTION

### Schedule Overview

GRS 6.2 Federal Advisory Committee Records

### Additional Background Information

GRS 6.2 is a substantial revision of GRS 26, Temporary Commissions, Boards, Councils and Committees. Revisions were made in consultation with a working group consisting of subject matter experts from the GSA Committee Management Secretariat, Environmental Protection Agency, National Institutes of Health, Office of the Secretary of Defense, and National Aeronautics and Space Administration. Further, the schedule and Frequently Asked Questions (FAQs) were sent to the Committee Management Officer (CMO) Council members for review and comment.

The primary change in this schedule is that it is limited to only records related to committees established under the Federal Advisory Committee Act. GRS 26, item 1a (N1-GRS-04-1 item 1a) will be included in a later new GRS for general administrative records. GRS 26, item 1b (N1-GRS-04-1 item 1b) will be rescinded when 1a is updated because it is not an actual disposition authority but an instruction to agencies. It will likely become a note associated with the item that supersedes GRS 26, item 1a.

Other general changes to this schedule include:

- The definition of a FACA committee has been moved to the introduction since the schedule only covers FACA committees.
- We have clarified in the introduction that this schedule may apply to Presidential Federal Advisory Committees, but that agencies should consult their General Counsel to determine if the committee's records fall under the Presidential Records Act or the Federal Records Act. This schedule only applies to records under the Federal Records Act.
- We have removed all notes requiring that agencies consult with NARA prior to destroying committee records. We believe that this schedule is clear enough, especially along with the new transfer checklist, to allow agencies to appropriately identify permanent from temporary records. We do encourage committees to consult with NARA

on records management issues, but suggest that these consultations take place well before records disposition, preferably when the committee first stands up.

- We've removed reference to the Secretariat from the item titles because it was found to be confusing. Records are maintained by the sponsoring agency/department. The Secretariat is generally the term used to refer to the GSA Committee Management Secretariat and their records related to oversight of FACA committees are not covered by this schedule.

Rescinded items:

- GRS 26, item 2c2 is rescinded as these records are now covered by GRS 3.1.
- GRS 26, item 3 is rescinded because these records do not exist. The working group did not understand what these records could be except for copies maintained by committee members. These records would be considered non-record reference copies and as copies maintained by committee members would not be under the purview of the agency for disposal unless the committee member returned them to the sponsoring agency (all substantive committee records being maintained by the sponsoring agency/department). We believe that this item was really intended more for other types of temporary committees and not FACA committees, so it is not appropriate for this schedule. The first note on this item only confirms this suspicion since there are no international FACA committees.

### **Overall Recommendation**

I recommend approval of this schedule.

### **APPRAISAL**

#### **Item 0001: Substantive Committee Records—Grant Peer Review Committee Records**

This is a new item for substantive committee records for FACA committees whose sole purpose is peer review for grants. Examples of grant peer review committee records were viewed at NIH during appraisal and found to have minimal information due to the proprietary nature of information contained in many grant applications and due to the need to protect the identity of those that reviewed each grant. Meeting minutes contained only when and where a meeting was held and the number and types of grants reviewed, but nothing about decisions made. Given that these records are also quite voluminous (NIH alone has multiple grant peer review committees that conduct over one thousand meetings a year), the limited informational content does not warrant permanent retention of the great volume of records. Additionally, grant case files themselves are a temporary record in GRS 1.2 (DAA-GRS-2013-0008).

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Has little or no research value. The records contain minimal information about the activities and decisions of these committees and therefore have little to no value for historical research.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. FACA committee records must be available for public review until the committee ceases to exist per the Federal Advisory Committee Act section 10(b). Therefore these records cannot be destroyed until that time.

**Media Neutrality:** Requested and approved.

**Item 0002: Substantive Committee Records—All Other FACA Committees (Non-Grant Peer Review)**

This item covers permanent committee records and has been updated and revised to better reflect the records actually created by and for committees that are of permanent value.

Record types that are no longer part of this schedule, but were permanent in GRS 26:

- Functional statements and directives or memorandums to staff concerning their responsibilities: these records do not exist according to subject matter experts.
- News releases, commissioners' speeches, and other significant public affairs files have been removed because they don't exist in committee records. If they are created at all, they are generally created by the sponsoring agency/department's public affairs office and are maintained in their records.
- Subject and other files maintained by key commission staff, such as the chair, executive director, and legal counsel: the working group felt that there are no such people as "key commission staff," therefore this description made no sense. The schedule has been changed to include correspondence from all committee members, however, it should be noted that correspondence is only captured in committee records if it is sent to the support staff that is collecting and maintaining the records for the agency (usually but not always the DFO). Similarly, any records or files maintained by individual committee members are only captured in the committee records if they are given to the sponsoring agency. These records are generally just working files. Any significant content that might be appropriate for subject files should already be included in this schedule.
- The schedule clarifies that NARA wants raw data files related to research studies, but has removed questionnaires and surveys because we do not want original data collection materials (in other words, the volumes of questionnaires or surveys used to collect the data).
- We consolidated the two bullets related to documentation of subcommittees because they are essentially duplicative.

Permanent audiovisual records have been moved into a separate item due to their different transfer requirements. See item 0003 below.

Records created to comply with provisions of the Government in Sunshine Act and annual reports to Congress describing the agency's compliance with the act have been moved to item 0006.

Record types that have been added:

- Enacting legislation

- Explanation of committee need
- Filing letters to Congress (which indicate when the committee was official established)
- By laws and standardized operation procedures/guidelines
- Memos or similar documentation of how and/or why members were selected
- Membership balance plans
- Membership rosters
- Appointment letters, including renewals
- Resignation letters
- Determinations by the agency head that a meeting or portion of a meeting may be closed to the public
- Public comments (related to meetings or hearings)
- Responses from agency to committee regarding recommendations
- Committee presentation or briefings of findings (sort of included but not in so many words)
- Subcommittee decision documents, membership, and tasking records
- Records related to committee termination
- Unique web content documenting substantive decisions or activities (this is a partial supersession of GRS 26, item 2c1)

**Proposed Disposition:** Permanent

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Previously approved as permanent: GRS 26, item 2a (N1-GRS-07-5, item 2a)

\*Documents significant actions of Federal officials. These records document the significant decisions and actions of committees established to advise the President and Federal government on a variety of issues.

\*High potential research value. The newly added records contain information valuable for understanding the purpose, makeup, activities and decisions of Federal advisory committees.

**Adequacy of Proposed Transfer Instruction(s):** Appropriate. The transfer instructions have been increased from 3 years to 15 years, while still requiring transfer when the committee ceases to exist, if that is sooner. We have changed the wording from “termination of the committee” to “when the committee ceases to exist” because the latter statement is better in line with FACA language. 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 inadvertent personally identifiable information (PII) that may be in the records is sufficiently old enough to no longer be a risk. The transfer instructions are based on recommendations from NARA’s textual and electronic custodial units.

**Media Neutrality:** Requested and approved

**Item 0003: Substantive Audiovisual Records (Non-Grant Peer Review Committees)**

These records have been segregated from the other permanent committee records because they need to be transferred earlier to ensure accessibility. Special media records, especially digital special media records, are much more likely to be inaccessible over time, so a earlier transfer

period is required. Additionally, such records rarely have access issues or personally identifiable information that may limit NARA's ability to allow public access to the records. Otherwise there only minimal wording changes have been made to these items from the previous GRS.

**Proposed Disposition:** Permanent

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Previously approved as permanent: GRS 26, item 2a (N1-GRS-07-5, item 2a)

**Adequacy of Proposed Transfer Instruction(s):** Appropriate. Transfer instructions are based on recommendations from NARA's special media custodial unit. The transfer instructions have not substantially changed. The previous instruction was when 3 years old or upon termination of the committee. We have just changed the wording from "termination of the committee" to "when the committee ceases to exist" because the latter statement is better in line with FACA language.

**Media Neutrality:** Requested and approved

#### **Item 0004: General Administrative Records**

This item is intended to cover routine committee records as well as routine records related to committees that might be held by Committee Management Officers (CMOs). Site visits suggested that the line between what is held in committee records vs. what is held by a CMO is very blurry. Rather than define series based on who might have the records, we are simply defining the series by function.

Record types that have been removed from the previous GRS item for routine committee records (GRS 26, item 2b):

- Consultant personnel file: these are not maintained in committee records or by CMOs
- Public mail: this was removed over confusion about what public mail really is. Subject matter experts felt that public comments should be a permanent record. Public comments are included under item 0002.
- Extra copies distributed to commission members and staff: these are non-record material and often fall outside the purview of an agency to destroy if they are held by commission members.

Record types that have been added:

- Copies of *Federal Register* notices: the *Federal Register* is a permanent record in and of itself. Copies of FR notices can become very voluminous as one is issued for every meeting. NARA has determined that these records are not of significant value to be permanent.
- Agency guidelines: these are records created by the agency that provide general operating procedures for all FACA committee they sponsor. They are administrative in nature.
- The new schedule more clearly specifies types of correspondence that are considered to be temporary in nature
- Non-substantive and duplicative web content has been moved from GRS 26, item 2c1 and 2c2. This change is a clarification of what constitutes temporary web records.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Previously approved as temporary:

GRS 26, item 2b (N1-GRS-07-1 item 2b)

GRS 26, item 2c1 and 2c3 (N1-GRS-07-1 items 2c1 and 2c3)

\* Has little or no research value. The records that have been added to this item are either administrative in nature, do not document significant decisions or activities, and/or are duplicative of other records.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. Previously routine records were scheduled with a 3 year retention (GRS 26, item 2b) and similar web records were scheduled for destruction when the committee terminated or they were no longer needed (GRS 26, items 2c1 and 2c3). The retention has been changed to allow for the destruction of records based on the individual business needs of committees. NARA is approving destruction of these records when the committee ceases to exist, or the records are obsolete, superseded or no longer needed. Agencies and/or committees may establish a more definitive retention for certain records within this item to meet their business needs.

**Media Neutrality:** Requested and approved.

**Item 0005: Administrative Records related to Committee Membership**

This is a somewhat new item to specifically address administrative records related to committee members that are not personnel records. These records may or may not be maintained with other committee records. Some of these records were previously included in the item for Committee Management Records (GRS 25, item 4), but it is unclear from the description if that item was only for copies of such records or the records themselves.

Previously scheduled records include: Requests for approval of committee members (these are generally CMO records and we are not contesting their value) and financial disclosure documents.

New record types include:

- Conflict of interest documents (similar to financial disclosure documents).
- Member credentials (biographies and resumes used in making selections): these records are voluminous, may or may not contain personal information/PII and/or they contain information about individuals that is publicly available—these do not document decisions, only information used in the process of making decisions; these records may also contain information about individual that were not selected.
- Member files: these are essentially personnel files for committee members held outside the official personnel office, they contain copies of information submitted to personnel and other related documents.

Some membership records previously scheduled in GRS 26, item 4 have been rescheduled as permanent: Original membership rosters and appointment documents for committee members are considered of permanent value and are covered under item 0002.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Previously approved as temporary: GRS 26, item 4 (N1-GRS-04-1 item 4)

\*Has little or no research value. Newly included records are either administrative in nature or do not document significant decisions or activities of FACA committees.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The 6 year retention for these records is based on the retention for financial disclosure documents and ethics agreements scheduled GRS 25 (soon to be replaced by GRS 2.8). The retention for these types of records is 6 years. Agencies/committees may choose to retain any of these records longer to meet business needs.

**Media Neutrality:** Requested and approved.

### **Item 0006: Reporting Records**

This is a newly described item that replaces most of the content previously scheduled in GRS 26, item 4. Committee Management Officers have these records to assist in their reporting function, although some other staff working with committees may have similar records for use in their own reporting.

The only new record listed under this item is Government in Sunshine Act reporting records, which were previously scheduled as permanent under GRS 25, item 2a. These are reports submitted to Congress about committee meetings closed to the public. Since determinations by agency heads to close meetings or portions of the meetings are now specifically included in the permanent committee records (item 0002), the summary report of all closed meetings for an agency is no longer deemed to be of permanent value.

Sponsoring agencies/departments do not create a report that is sent to the GSA Secretariat. Information is directly entered into the GSA Secretariat FACA database and may come from a variety of documents. There is no definable, consistently created annual report on each agency/department's FACA committees other than the information in the GSA FACA database, which is a GSA record not covered by the GRS.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

\*Previously approved as temporary: GRS 26, item 4 (N1-GRS-04-1 item 4)

\*Has little or no research value. The Government in Sunshine Act reporting records are summarized information and administrative in nature. The decisional documentation related to closures of meetings is scheduled as permanent under item 0002 of this schedule.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. GRS 26, item 4 scheduled these records with a 6 year retention. This seems to have been due to the 6 year retention of financial disclosure records. Since those records are no longer part of this item a shorter retention seemed appropriate (also, at least one agency asked why the records had to be kept so long). Moreover, most of these records are copies and those that are not are created for reporting purposes. Once the report is submitted there is little need to retain the records other than for reference. A one year minimum retention is appropriate for

maintaining the records for reference to reports prior to completion of the next report. Agencies may choose to keep these records longer if they have a business need to do so.

**Media Neutrality:** Requested and approved.

ANDREA M. RILEY  
Appraiser

DRAFT

**GRS 6.2 Federal Advisory Committee Records  
Crosswalk**

New GRS				Old GRS			
GRS No.	Item No.	Retention	ERA Number/ Disposition Authority	GRS No.	Item No.	Retention	Disposition Authority
6.2	010	Committee ceases to exist	DAA-GRS-2014-pending-0001	New item			
6.2	011	Permanent	DAA-GRS-2014-pending-0002	26	2a	Permanent	N1-GRS-07-5, item 2a
6.2	020	Permanent	DAA-GRS-2014-pending-0003	26	2c1	Termination of commission or when no longer needed	N1-GRS-07-1, item 2c1
6.2	030	Permanent	DAA-GRS-2014-pending-0003	26	2a	Permanent	N1-GRS-07-5, item 2a
6.2	030	Committee ceases to exist, superseded, obsolete or no longer needed	DAA-GRS-2014-pending-0004	26	2b	3 years	N1-GRS-07-1 item 2b
	26			2c1	Termination of commission or when no longer needed	N1-GRS-07-1 items 2c1	
	26			2c3	Termination of commission or when no longer needed	N1-GRS-07-1 items 2c3	
6.2	040	6 years	DAA-GRS-2014-pending-0005	26	4	6 years	N1-GRS-04-1 item 4
6.2	050	1 year	DAA-GRS-2014-pending-0006	26	4	6 years	N1-GRS-04-1 item 4

# Frequently Asked Questions (FAQs) About General Records Schedule (GRS) 6.2, Federal Advisory Committee Records

April 21, 2014

## 1. What records does GRS 6.2 cover?

This schedule covers federal records created or received by Federal advisory committees and their subgroups established under the Federal Advisory Committee Act (FACA) as amended (5 U.S.C. Appendix 2). It also covers records created and/or maintained by agency/department Committee Management Officers and similar Federal staffers.

## 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.

NARA recommends that agencies consult with their NARA appraiser or the GRS Team when new committees are stood up to address any records management issues. For existing committees, NARA recommends consultation as soon as possible, prior to termination of the committee.

## CHANGES FROM THE OLD GRS

### 3. How does GRS 6.2 differ from the old General Records Schedules?

The primary difference between GRS 26 and GRS 6.2 is that the new GRS is only for records created by or for committees established under the Federal Advisory Committee Act or grandfathered under it. The content of the schedule has also been updated to better reflect the types of records created by or for FACA committees and to revise 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 was GRS 26, item 1a moved to another schedule?

GRS 26, item 1a, will be covered under a separate schedule. To help clarify the coverage of new GRS 6.2 its scope is limited to Federal advisory committees only. GRS 26, item 1a, covers internal agency, non-mission related committees and working groups.

### 25. Why will GRS 26, item 1b rescinded?

GRS 26, item 1b will be rescinded because it is not actually a disposition authority, but an instruction to submit schedules for agency committees and working groups related to mission activities. Agencies still must submit a schedule for records created by these types of committees. This item does not apply to FACA committee records.

## **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 legal foundation defining how federal advisory committees operate. The law was enacted in 1972 to ensure that advice by the various advisory committees formed over the years is objective and accessible to the public. The Act formalized a process for establishing, operating, overseeing, and terminating these advisory bodies and created the Committee Management Secretariat to monitor compliance with the Act.

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

The term “federal advisory committee” as defined by the Federal Advisory Committee Act means “any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof . . . which is (1) established by statute or reorganization plan, or (2) established or utilized by the President, or (3) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration.” (5 U.S.C. App.2)

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

A Presidential advisory committee is an advisory committee that advises the President. Presidential advisory committees may be subject to FACA or not. An agency should check with their General Counsel before applying GRS 6.2 to Presidential advisory committee records. In some cases these records may be Presidential records rather than Federal records.

### **9. What is a Committee sponsor?**

A committee sponsor is the Federal agency or department that is responsible for supporting a FACA committee.

### **10. What is a Committee Management Officer (CMO)?**

A Committee Management Officer (CMO) is the person designated by the head of the sponsoring agency/department to oversee the administration of FACA requirements. CMOs control and supervise the establishment, procedures, and accomplishments of advisory committees established by that agency; assemble and maintain the reports, records, and other papers of any such committee during its existence; and carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers. (5 USC APPENDIX - FEDERAL ADVISORY COMMITTEE ACT Sec. 8 01/02/01)

In addition to implementing the provisions of section 8(b) of the Act, the CMO will carry out all responsibilities delegated by the agency head. The CMO also should ensure that sections 10(b), 12(a), and 13 of the Act are implemented by the agency to provide for appropriate recordkeeping.

#### **11. What is a Designated Federal Official (DFO)?**

A Designated Federal Official (DFO) is an individual designated by the agency head for each advisory committee for which the agency head is responsible to implement the provisions of sections 10(e) and (f) of the Act and any advisory committee procedures of the agency under the control and supervision of the CMO. (41 CFR 102-3.25) A DFO is assigned to:

- Approve or call the meeting of the advisory committee or subcommittee;
- Approve the agenda, except that this requirement does not apply to a Presidential advisory committee;
- Attend the meetings;
- Adjourn any meeting when he or she determines it to be in the public interest; and
- Chair the meeting when so directed by the agency head. (41 CFR 102-3.120)

#### **12. What is a “substantive” record?**

A substantive record is one that documents decisions, discussions, or actions related to the work of a committee.

### **GENERAL**

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

Agencies should check with their General Counsel to confirm if a specific committee falls under FACA or not. Federal advisory committees must all be established according to the Federal Advisory Committee Act (FACA) as amended (5 U.S.C. Appendix 2). In general, FACA committees must be authorized by statute or the President and they must have charters. Some FACA committees predate the FACA and were grandfathered under it.

#### **14. Why aren’t records of Presidential advisory committees covered by the GRS?**

Records of Presidential advisory committees may be covered by this GRS under most circumstances. Agencies should check with their General 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, the GRS may be applied. If the records fall under the Presidential Records Act (PRA), contact NARA’s Office of Presidential Libraries at 301-837-3250.

### **RECORDS MANAGEMENT**

#### **15. What records are Committee Managers expected to create and/or maintain?**

According to 41 CFR 102-3.115, records to be kept by the CMO 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 Officials or similar agency officers maintaining committee records supposed to maintain?**

DFOs or similar agency officials are supposed to maintain the official records generated by or for an advisory committee for the duration of the advisory committee (41 CFR 102-3.175). This includes records such as correspondence between committee members and others that relates to decisions or actions of the committee.

**17. Why are some committee records transferred to NARA and other destroyed?**

NARA does not preserve all Federal records. Only records designated as having historical value warranting continual preservation for the life of the Republic are transferred to NARA. 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 continued preservation and therefore can be destroyed by an agency as directed in an approved records schedule such as GRS 6.2.

**18. When are committee records restricted under FOIA?**

Section 10(b) of the Federal Advisory Committee Act (FACA), as amended, (Public Law 92-463, 5 U.S.C. App.) 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."

Although advisory committee records may be withheld under the provisions of the Freedom of Information Act (FOIA), as amended, if there is a *reasonable expectation* that the records sought fall within the exemptions contained in section 552(b) of FOIA, 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).

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

How records on a web page are managed depends on whether they 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, they should determine which copy is going to be the recordkeeping copy. That copy, whether electronic or hardcopy, will be the record transferred to NARA if the records are permanent. If the copy on the web page is designated the recordkeeping copy you should apply either GRS 6.2, item 011 or 6.2, item 030 as appropriate. If the copy on the website is not the recordkeeping copy it may be destroyed at any time as long as the recordkeeping copy is maintained (see GRS 4.3.040).

## **SCHEDULE IMPLEMENTATION**

**20. The item for General Administrative Records says that records may be destroyed “when superseded, obsolete, no longer needed, or when the committee ceases to exist.” 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 their business needs are best met by a 3 year retention, it may still keep administrative records for 3 years. The new GRS disposition instruction leaves it up to agencies when these records can be destroyed based on the agency’s or committee’s business needs. If an agency wants to require committee staff to maintain these records for 3 years, it should indicate this retention in the agency records disposition manual or instructions.

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

Permanent FACA committee records should be transferred to NARA using an SF-258 (agencies cannot currently use ERA to transfer permanent records covered by the GRS). The records should be transferred under the Record Group of the sponsoring agency. Box and/or folder lists should be included in the transfer. Committee staff planning on transferring permanent records 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](#).

**22. What if my agency wants to transfer permanent records earlier than 15 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 to the GRS and including a justification for transferring records sooner. A schedule is also required if an agency wishes to pre-accession FACA committee records (transfer physical custody, but not legal custody). Schedules should be submitted to the NARA appraisal archivist assigned to the sponsor agency/department. Records for committees that are terminating should be transferred to NARA upon termination.

**23. What does an agency need to do to transfer records that are classified or protected by a FOIA exemption?**

[This question requires input from the NARA custodial unit and will be added later.]

**24. The schedule includes records related to committee hearings, but my committee does not conduct hearings?**

Not all committees have the authority to hold hearings, so they may not 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. It is uncommon for FACA committees to have the authority to hold hearings.

**25. Can committee administrative records be disposed of in accordance with other appropriate General Records Schedules?**

Administrative records generated by an advisory committee – records relating to budget, personnel, procurement, information technology management or similar housekeeping or facilitation functions – may be disposed of in accordance with the GRS since they do not pertain to the subject matter advice that the advisory committee is providing to the Government. Administrative records authorized for disposal by the GRS and having retention periods outlasting the life of the commission (such as payroll, personnel and fiscal records) should be transferred to the sponsoring agency/department.

**26. 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 the committee's sponsoring agency/department to arrange for storage and management of the records after termination of the committee.

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

Disposition of extra copies depends on the copy. Copies of records from committee members that have substantive notes or comments have unique content and should be transferred to NARA under the permanent item. Extra copies that are simply just for reference use are non-record and may be destroyed at any time.

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

Disposal of committee websites depends on the information contained on the website and whether copies of record on the website is considered the recordkeeping copy or not. If a committee maintains multiple copies of the same records, especially when those copies are also on a committee website, they should determine which copy is going to be the recordkeeping copy. That copy, whether electronic or hardcopy, will be the record transferred to NARA if the records are permanent. If the copy on the web page is designated the recordkeeping copy you should apply either GRS 6.2, item 011 or 6.2, item 030 as appropriate. If the copy on the website is not the recordkeeping copy it may be destroyed at any time as long as the recordkeeping copy is maintained (see GRS 4.3.040).

**29. My committee has both paper and electronic copies of our records, which should be kept?**

It is up to the sponsoring agency/department to determine whether paper or electronic records will be maintained as the recordkeeping copy. Only the recordkeeping copy of permanent records—whether paper or electronic—should be transferred to NARA. Permanent electronic records must meet NARA’s transfer guidelines for electronic formats. Some records may have to be kept in paper format. You should consult with your agency/department General Counsel when making the determination about which format will be the recordkeeping copy.

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

The paper records only have to be kept if there is a legal reason to do so. You should consult with your agency/department General Counsel to determine if the paper records containing original signatures must be kept.

**31. 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?**

You should use the GRS and not your agency-specific schedule. If you do choose to use the agency-specific schedule instead of the GRS, 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.