National Archives and Records Administration

Freedom of Information Act Advisory Committee

Charter

1. Committee's Official Designation: The name of this advisory committee shall be the Freedom of Information Act Advisory Committee.

2. Authority: The Committee is being established in accordance with the second United States Open Government National Action Plan released on December 5, 2013, and the directive in the Freedom of Information Act, 5 U.S.C. § 552(h)(1)(C), that the Office of Government Information Services within the National Archives and Records Administration (NARA) "recommend policy changes ... to improve" the Freedom of Information Act (FOIA) administration. This Committee is governed by the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

3. Objectives and Scope of Activities: As part of the Open Government Partnership, the United States issued its second Open Government National Action Plan on December 5, 2013, that sets forth several specific initiatives the Administration would undertake in the coming two years. One flagship initiative includes various efforts to modernize FOIA, including creation of a FOIA Federal Advisory Committee to be "comprised of government and non-governmental members of the FOIA community, to foster dialog between the Administration and the requester community, solicit public comments, and develop consensus recommendations for improving FOIA administration and proactive disclosures." This advisory committee shall serve as a deliberative body to advise on improvements to the administration of FOIA. The Committee will study the current FOIA landscape across the Executive Branch and may recommend legislative action, policy changes or executive action, among other matters.

4. Description of Duties: This committee will be advisory only.

5. Official(s) to Whom the Committee Reports: The committee shall report to the Archivist of the United States, and provide advice that is relevant to the administration of FOIA across the executive branch.

6. Support: The NARA Office of Government Information Services will provide funding and administrative support for the Committee to the extent permitted by law and within existing appropriations.

7. Estimated Annual Operating Costs and Staff Years: The annual operating cost for the Committee is estimated to be $90,000 and one full staff year.

8. Designated Federal Officer (DFO): The DFO is a full-time salaried employee of NARA and will perform the duties set forth in § 102-3.120 of the FACA Final Rule. The Archivist of the United States shall designate a DFO who shall manage the Committee and provide such clerical, administrative, and logistical support as necessary for the Committee to effectively conduct its business. The DFO shall ensure the Committee complies with the requirements of the Open

Government National Action Plan, this Charter, relevant Federal regulations, and NARA's policies on committee management. Specifically, the DFO will:

- Develop agenda items in close consultation with the Chairperson;
- Assist in developing plans for the activities of the Committee and Subcommittees;
- Call the Committee meetings and notify members of the meetings;
- Notify NARA's ethics officer of the appointment of new Federal employee members and ensure that financial disclosure requirements have been satisfied by new members prior to their first participation in Committee meetings; and
- Maintain records of Committee activities.

9. Estimated Number and Frequency of Meetings: In consultation with the Archivist of the United States, the DFO shall hold meetings up to four times per year and may call additional meetings as may be necessary.

10. Duration: The need for this Committee is continuing.

11. Termination: The Charter shall be eligible for renewal every two years.

12. Membership and Designation: The Committee will consist of no more than 20 individuals. To ensure balanced representation, NARA will strive to appoint equal numbers of government and non-governmental members. Government members of the Committee should include, at a minimum, three FOIA professionals from Cabinet-level Departments; four FOIA professionals from non-Cabinet agencies; one representative from the Department of Justice, Office of Information Policy; and one representative from NARA. Non-governmental members of the advisory committee will include, at a minimum, three individuals representing the interests of non-governmental organizations that advocate on FOIA matters; two individuals representing the interests of FOIA requesters who qualify for the "all other" FOIA requester fee category; one individual representing the interests of requesters who qualify for the "news media" FOIA requester fee category; one individual representing the interests of requesters who qualify for the "commercial" FOIA requester fee category; one individual representing the interests of historians and history-related organizations; and one individual representing the interests of academia. The Designated Agency Ethics Official for NARA has determined that all non-Federal members of the Committee are "representatives" for purposes of federal ethics laws and regulations, and, thus, do not need to file financial disclosure annually. Any Federal employees who are appointed to the Committee must file a confidential financial disclosure report on or before the date of their first participation in a Committee meeting.

All members will be appointed by the Archivist of the United States.

There will be no compensation for members of the Committee. Travel and/or per diem costs will not be provided by NARA.

The Archivist of the United States shall appoint a Chairperson. If necessary, a Vice Chairperson may be designated annually by members of the Committee, in consultation with the Archivist of the United States. The Chairperson is the presiding officer of the Committee who guides its efforts to the effective completion of its assigned tasks. The Chairperson shall provide leadership and adhere to the Charter and such other rules of order and operating procedures as the Committee may adopt, maintain order, and conduct each meeting in accordance with FACA and

the prescribed rules and procedures. The Chairperson is responsible for certifying the accuracy of Committee meeting minutes. The Vice Chairperson shall assume and perform the duties of the Chairperson in the event the Chairperson is absent or unavailable.

13. Subcommittees: The Chairperson may, with NARA's approval, create subcommittees as necessary to support the committee's work. NARA may designate members from either the Committee or the public to serve on subcommittees. The subcommittee Chairperson shall be a Committee member.

14. Recordkeeping: The records of the committee and any subcommittee(s) shall be handled in accordance with General Records Schedule 26, Item 2 and any 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.

15. Filing Date: MAY 20 2014

Approved:

MAY 20 2014

David S. Ferriero
Archivist of the United States

Date