

March 2012

FEDERAL ADVISORY GROUPS

DOT and DOE Can Take Steps to Better Assess Duplication Risk and Enhance Usefulness



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Why GAO Did This Study

Advisory groups—those established under the Federal Advisory Committee Act (FACA) and other groups not subject to the act—can play an important role in the development of policy and government regulations. There are more than 1,000 FACA advisory groups and an unknown number of non-FACA advisory groups governmentwide. Non-FACA groups include intergovernmental groups. Section 21 of Pub. L. No. 111-139 requires GAO to conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities. In that context, GAO reviewed (1) the extent to which the Department of Transportation's (DOT) and Department of Energy's (DOE) assessment process helps ensure advisory group efforts are not duplicative and what challenges, if any, exist in assessing potential duplication, and (2) to what extent DOT and DOE advisory groups are useful in assisting their respective agencies in carrying out their missions and how the groups' usefulness could be enhanced. GAO selected DOT and DOE for review based on knowledge of these agencies' advisory groups. GAO interviewed agency officials; reviewed advisory group documentation; and conducted case studies of five advisory groups.

What GAO Recommends

GAO recommends that DOT and DOE document specific steps to assess potential duplication among FACA and non-FACA advisory groups and develop and make public basic information identifying non-FACA advisory groups to further inform periodic assessments. DOT and DOE agreed to consider the recommendations.

View [GAO-12-472](#). For more information, contact Linda Calbom at (206) 287-4809 or calboml@gao.gov.

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What GAO Found

Federal Advisory Committee Act (FACA) and Department of Transportation (DOT) and Department of Energy (DOE) guidance require officials to check for duplication prior to filing a charter to establish a new or renew an existing FACA advisory group. However, GAO found that DOT and DOE's processes for assessing duplication are often informal, and neither agency has specific steps identified for making such an assessment. Using an informal approach without specific steps makes it more likely that agency assessments for duplication will be inconsistent or incomplete. In addition, while basic information about the 15 DOT and 21 DOE fiscal year 2010 FACA advisory groups is publicly available in the FACA database, including designated points of contact and the objectives of the groups, no such information is readily available for non-FACA advisory groups. This limits the agencies' ability to fully assess the universe of advisory groups for particular topic areas. DOT and DOE officials faced some challenges identifying and collecting information for the 19 DOT and 33 DOE non-FACA advisory groups GAO reviewed, relying on various sources and Internet searches to gather basic information, since neither agency maintains an inventory of its non-FACA advisory groups and their activities. In addition, advisory groups often address complex and highly technical issues that span across agencies. For example, one advisory group GAO identified focused on experimental and theoretical research in nuclear physics. Agency officials familiar with these types of technical topic areas and other potential stakeholders covering these same topics are best positioned to assess the potential for unnecessary duplication and would be even better positioned to do so if the departments develop specific assessment steps and enhance the visibility of non-FACA advisory groups.

DOT and DOE advisory groups can be effective tools for agencies to gather input on topics of interest by informing agency leaders about issues of importance to the agencies' missions, consolidating input from multiple sources, and providing input at a relatively low cost. To further review the usefulness of advisory groups, GAO conducted case studies on five DOT and DOE FACA and non-FACA advisory groups and identified several practices that could enhance the usefulness of these advisory groups and, in some cases, also help avoid duplication. These practices include the following:

- securing clear agency commitment,
- finding a balance between responsiveness to the agency and independence,
- leveraging resources through collaboration with similar groups, and
- evaluating the group's usefulness to identify future directions for the group or actions to improve its usefulness.

The practices identified can help agencies leverage the advice produced by advisory groups to more efficiently and effectively address topics of importance to the agencies. For example, DOE officials from a FACA advisory group stated that coordination with officials involved in related groups helps to ensure sharing of useful information and that efforts are complementary rather than duplicative.

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Abbreviations

ATPAC	Air Traffic Procedures Advisory Committee
DFO	Designated Federal Official
DOE	Department of Energy
DOT	Department of Transportation
EAC	Electricity Advisory Committee
FAA	Federal Aviation Administration
FACA	Federal Advisory Committee Act
FICEMS	Federal Interagency Committee on Emergency Medical Services
GSA	General Services Administration
MTSNAC	Marine Transportation System National Advisory Council
NSAC	Nuclear Science Advisory Committee
SGTF	Smart Grid Task Force
UAS	Unmanned Aircraft Systems

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Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

March 29, 2012

The Honorable Ray LaHood
Secretary of Transportation

The Honorable Steven Chu
Secretary of Energy

Advisory groups can play an important role in the development of policy and government regulations by providing advice to federal agency policymakers. There are more than 1,000 advisory groups established under the Federal Advisory Committee Act (FACA advisory groups)¹ and an unknown number of other advisory groups not subject to FACA (non-FACA advisory groups) among the miscellaneous bodies that agencies routinely use to obtain input and recommendations from diverse perspectives on a wide range of issues.² Congress mandated that GAO conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities.³ Such duplication can waste scarce federal resources and result in less efficient and effective federal efforts. In fiscal year 2010, there were 1,046 FACA advisory groups governmentwide, with agency-reported, annual, direct costs of approximately \$387 million.⁴ While the full costs of FACA and non-FACA advisory group activities are unknown and may not be large compared with other agency expenditures, the wide use of these advisory groups—which may examine related topics—raises the potential for duplication

¹Pub. L. No. 92-463, 86 Stat. 770 (Oct. 6, 1972), *codified, as amended*, at 5 U.S.C. app.
²FACA was enacted in 1972 in part in response to concerns that federal advisory groups were proliferating without adequate review, oversight, or accountability.

²“Advisory groups” refers to both those groups established under FACA, as well as those that are not subject to FACA. When discussed individually, we refer to them as “FACA advisory groups” and “non-FACA advisory groups.”

³Section 21 of Pub. L. No. 111-139, 124 Stat. 8, 29-30 (Feb. 12, 2010). See also GAO, *Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue*, [GAO-11-318SP](#) (Washington, D.C.: Mar. 1, 2011).

⁴Agencies self-report cost information into the FACA database each fiscal year. Only discrete costs directly related to the committee’s scope and duties, such as the cost for reimbursed travel and all federal members, are reported. As a general rule, certain indirect expenses, such as administrative support provided by other federal nonmembers and costs that are part of ongoing agency program activities, are not included.

among these groups' efforts. Agency officials devote time and resources to manage, participate in, and respond to advisory group activities and recommendations, and it is important that advisory groups are used efficiently and effectively, particularly given continuing fiscal pressures.

In light of these issues, we examined (1) the extent to which the Department of Transportation's (DOT) and Department of Energy's (DOE) assessment process helps ensure advisory group efforts are not duplicative and what challenges, if any, exist in assessing potential duplication, and (2) to what extent DOT and DOE advisory groups are useful in assisting their respective agencies in carrying out their missions and how the groups' usefulness could be enhanced.

To address our objectives, we selected two agencies—DOT and DOE—and developed and applied a methodology to better understand how their advisory groups function. We selected DOT and DOE based on knowledge of these agencies' advisory groups and because they represented two federal agencies working on a range of issues and topics with a similar number of FACA advisory groups. To identify DOT and DOE FACA advisory groups, agency officials verified the active fiscal year 2010 FACA advisory groups identified in the FACA database.⁵ To assess the reliability of the FACA database, we reviewed existing documentation and database use protocols and interviewed knowledgeable agency officials about the data. FACA groups are any advisory groups, with limited exceptions, that are established or utilized by a federal agency and that have at least one member who is not a federal employee. Because there is no single uniform definition of non-FACA advisory groups, we developed a definition to identify these groups and relied on DOT and DOE officials to identify groups that met the definition. For our work, non-FACA advisory groups are defined as: "groups active in fiscal year 2010 that serve primarily an advisory function and provide input to the agency and/or component agency offices on areas related to the agency or office's mission. These groups may have a mix of federal and non-federal members, and are established to provide advice or recommendations on issues or policies pertaining to the agency or its components." Non-FACA advisory groups are not subject to FACA for a variety of reasons, including statutory language that excludes a group or membership consisting entirely of federal government employees. To

⁵The FACA database is available to the public at www.fido.gov/facadatabase.

assess the extent to which DOT's and DOE's assessment process helps ensure advisory group efforts are not duplicative, and to determine what challenges may exist in assessing potential duplication, we identified and gathered information for the 88 DOT and DOE advisory groups active in fiscal year 2010 and reviewed 47 for potential duplication, overlap, and fragmentation.⁶ Specifically, we selected these 47 groups by focusing on the most common advisory group issue areas for DOT and DOE, which were aviation and energy, respectively. For these groups, we reviewed charters and other agency-provided documentation to help determine with more specificity the types of issues or topics the groups cover. We then selected those groups that focus on common issues or topic areas for further analysis and interviewed agency officials involved in the selected groups with potential overlap or fragmentation in these broad areas to better understand whether in fact the groups' efforts were potentially duplicative. In addition, we collected information from DOT and DOE to determine any internal agency processes used to determine duplication, overlap, or fragmentation and the extent to which there was an awareness of other FACA or non-FACA advisory groups within the agency or governmentwide that focused on the same issues as their groups. To review the usefulness of DOT and DOE advisory groups in assisting their respective agencies in carrying out their mission, and to identify practices to enhance their usefulness or help avoid duplication, we conducted case studies on three FACA and two non-FACA advisory groups.⁷ We judgmentally selected these advisory groups to obtain a mix of characteristics, including the agency they advise, how the group was established, and whether they generated reports or recommendations. For each case study, we reviewed relevant documentation and interviewed agency officials, advisory group members, and third party or industry stakeholders to obtain perspectives on the group's usefulness. For example, we asked about how helpful the group was at assisting the

⁶We reviewed 17 of 34 DOT and 30 of 54 DOE advisory groups for a total of 47 of 88 advisory groups. For the purposes of our analysis, duplication or overlap exists when advisory groups have the same or similar objectives and scope and/or duties, and engage in the same or similar activities or strategies to achieve them. Fragmentation is present where more than one advisory group is involved in the same interest area, focused on the same topic, and provides advice to different recipients. The presence of fragmentation and overlap can suggest the need to look closer at the potential for unnecessary duplication, which exists where some degree of duplication, overlap, or fragmentation is not warranted.

⁷The case study selections were not limited to the issue areas of aviation and energy used in the assessment of potential duplication, overlap, and fragmentation.

agency in carrying out its mission, the impact the group or its products had on the agency, and the value added by the group. To understand the extent to which advisory groups provided input on topics of importance to their respective agencies' missions, we developed criteria and gathered information on a selection of FACA and non-FACA advisory groups by reviewing information from the FACA database for the 36 actively chartered DOT and DOE FACA advisory groups and interviewing agency officials for both FACA and non-FACA advisory groups.

We conducted this performance audit from January 2011 to March 2012 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. For a more detailed description of our objectives, scope, and methodology, see appendix I.

Background

Advisory groups—both FACA and non-FACA—exist throughout the executive branch of the federal government, providing input and advice to agencies in a variety of ways, such as preparing reports and developing recommendations. Agencies are not required to implement the advice or recommendations of advisory groups because they are by design *advisory*. While an advisory group's input or recommendations may form the basis for a federal agency's decisions or policies, other factors may play a role in determining what action an agency ultimately takes. However, both types of advisory groups serve as a mechanism for federal agencies to obtain input from internal and external stakeholders such as academics, industry associations, or other agencies.

FACA was enacted in 1972 in response to concerns that federal advisory groups were proliferating without adequate review, oversight, or accountability. The General Services Administration (GSA) Committee Management Secretariat oversees each federal agency's management of FACA advisory groups, develops guidelines and regulations, and conducts an annual review of FACA advisory groups governmentwide. For example, GSA provides guidance to federal agencies sponsoring FACA advisory groups and is involved in the process to establish new and oversee the management of existing FACA advisory groups. GSA collects and makes available governmentwide FACA advisory group information that agencies—including DOT and DOE—are required to provide through a publicly accessible database each fiscal year. In

addition, each agency also develops its own policies and procedures for following FACA requirements. For example, DOT and DOE each have policy manuals governing the management of their FACA advisory groups. Each agency sponsoring FACA advisory groups appoints a Committee Management Officer responsible for overseeing compliance with FACA requirements, and appoints to each FACA advisory group a Designated Federal Official (DFO) responsible for attending meetings, approving agendas, and maintaining records on costs and membership, among other duties. Decisions regarding the establishment of new FACA advisory groups and recommendations to terminate or continue existing groups are made by the head of each agency based on recommendations made by the Committee Management Officer, the DFO assigned to each group, or other agency officials.

FACA sets forth requirements for FACA advisory groups' formation, their operations, and how they provide advice and recommendations to the federal government. To help avoid duplication of resources, FACA regulations require that the process to establish, renew, or reestablish discretionary FACA advisory groups—those established under agency authority or authorized by statute—must include an explanation stating why the group's functions cannot be performed by the agency, another existing group, or other means.⁸ FACA also articulates broad requirements for balance, transparency, and independence. For example, for transparency, a range of information is to be reported in the FACA database, and meeting minutes and reports are to be made available to the public. The act also requires that all FACA advisory groups have a charter containing specific information, including the group's scope and objectives, a description of duties, and the period of time necessary to carry out its purposes. Charters—and thus the FACA advisory groups—generally expire at the end of 2 years unless renewed by the agency, the Congress, or executive order. This requirement was intended to encourage agencies to periodically reexamine their need for FACA advisory groups.

As previously noted, not every advisory group that provides advice or recommendations to an agency is subject to the FACA requirements. An advisory group may not be subject to FACA for a variety of reasons, including statutory language that may exempt a group from FACA.

⁸41 C.F.R. §102-3.60.

Further, certain types of groups are also exempt from FACA, including groups not managed or controlled by the executive branch, groups with membership consisting entirely of federal government officials, or intergovernmental groups.⁹ Non-FACA advisory groups are generally less formal than those established under and subject to the requirements of FACA. Because they are not subject to FACA, non-FACA advisory groups are not required to follow FACA requirements to hold public meetings or to make meeting minutes and reports publicly available. Similarly, agencies are not required to collect or report information identifying non-FACA advisory groups, and GSA does not have any oversight responsibilities pertaining to non-FACA advisory groups. While there is no specific entity or office that oversees non-FACA advisory groups, general guidance for the management of some of these groups—such as federal interagency groups—may be included within the agency’s committee management policy manuals. For example, DOT’s committee management policy covers FACA advisory groups, as well as interagency groups—one type of non-FACA advisory group—while DOE’s policy is focused exclusively on FACA advisory groups.

Agency-reported fiscal year 2010 costs for DOT and DOE FACA advisory groups were approximately \$4 and \$13.6 million, respectively.¹⁰ As noted above, agencies self-report cost information, such as travel and per diem costs incurred by FACA advisory group activity or payments to members or consultants. Agencies sponsoring FACA advisory groups determine the level of financial and administrative support for their groups. Variations in costs are common given factors such as the number of meetings held or compensation rates for groups’ members. For fiscal year 2010, the FACA database identified the 15 DOT and 21 DOE actively chartered FACA advisory groups covering various topics and issues related to their respective agency’s mission.

⁹Further, advisory groups created by the Central Intelligence Agency and the Federal Reserve System are exempt from FACA. Advisory groups created by the National Academy of Sciences or National Academy of Public Administration are excluded from FACA’s definition of advisory committee, but are subject to public disclosure requirements under section 15 of FACA.

¹⁰Fiscal year 2010 was the most recent and complete data available for this review.

The Absence of Specific Assessment Steps and Readily Available Information on Non-FACA Groups Hinders Efforts to Assess Duplication Risk

DOT and DOE Informally Assess Advisory Groups for Duplication

The approach used by DOT and DOE to assess duplication amongst advisory groups is often informal, and agency officials are not always clear about what steps should be taken to ensure the assessment of existing advisory groups is consistently made. GSA relies on federal agencies to follow the FACA requirement to check for duplication prior to filing a charter to establish a new, or renew an existing, FACA advisory group under agency authority. Furthermore, guidance for our two selected agencies requires officials to determine whether the objectives or duties of a proposed FACA advisory group could be achieved by an existing entity, committee, or organization within the agency or governmentwide. Some DOT and DOE officials told us they use the FACA database to check for potentially duplicative advisory groups. This may be a good first step to identifying FACA groups working on similar issues; however, it does not necessarily provide an adequate assessment for duplication. While the FACA database contains information on advisory group issue areas, it is limited in its ability to directly identify related groups. For example, a search of the FACA database in the issue area of “surface and vehicular transportation” yielded approximately 60 FACA advisory groups working across 10 federal agencies. Further, issue areas are self-identified by agency officials and may not be consistently defined across agencies.

We found that several agency officials were not aware of a process to determine whether the objectives or duties of an advisory group could be achieved by an existing entity, committee, or organization.¹¹ In cases

¹¹For more information on the questionnaire, see appendix I.

where officials indicated they were aware of a process, when asked to describe the process, a number described informal approaches for checking for duplication and did not articulate consistent steps taken to make these determinations. Several DOE officials reported that the agency's Committee Management Office is involved and engages each FACA advisory group's DFO to be aware of any existing entity or committee that could achieve the objectives being proposed, but they did not provide additional detail outlining formal steps taken to identify these groups. DOT and DOE officials also indicated that agency officials working in a program or issue area are generally able to identify groups that may be addressing similar topics using their existing knowledge of agency offices and programs. For example, some DOT officials noted that high-level program officials are likely to be aware of other groups dealing with an area of possible duplication and that this approach can serve as an informal mechanism to help identify relevant advisory groups working on related issues. However, without a process with specific steps to check for duplication (such as reaching out to key contacts of relevant advisory groups) assessment results may be inconsistent or incomplete.

In contrast, one of the DOT agency offices we reviewed, the Federal Aviation Administration (FAA) Office of Rulemaking, has a policy that outlines specific steps agency officials should take prior to establishing a new advisory group. This policy is specific to aviation rulemaking advisory groups, covers both FACA and non-FACA advisory groups, and clearly lays out the process used to determine the need for and how to establish a new group. For instance, when an FAA office identifies an issue on which it would be helpful to obtain advice from industry, officials decide whether to request the standing Aviation Rulemaking Advisory Committee to accept the task or to charter a new aviation rulemaking committee based on the best fit given the specific topic or activity. The Aviation Rulemaking Advisory Committee is a formal, standing FACA advisory group; aviation rulemaking committees are non-FACA advisory groups formed on an ad hoc basis, for a specific purpose, and are typically of limited duration. One FAA official involved in these rulemaking advisory groups noted that this guidance offers those offices establishing advisory groups a process they can use to establish and manage their advisory groups, a useful tool because Congress often directs FAA to use these types of advisory groups to conduct rulemakings.

Information on DOT and DOE Non-FACA Advisory Groups Is Not Readily Available

While readily available information on FACA advisory groups—such as a designated point of contact and description of objectives—is accessible through a centralized database managed by GSA, similar information is not available for non-FACA advisory groups. Information on all FACA advisory groups—including DOT’s and DOE’s fiscal year 2010 groups—is readily available through the public FACA database, providing agency officials and interested parties with a basic level of transparency. This includes basic information such as contact information and descriptions of activities. In contrast, federal agencies are not required to, and may or may not track their non-FACA advisory groups,¹² and neither of our two selected agencies had an existing inventory of all non-FACA advisory groups that provide advice or input to the agency. Using an agreed-upon definition for non-FACA advisory groups, DOT identified 19 and DOE identified 33 fiscal year 2010 non-FACA advisory groups. However, we could not confirm whether the groups identified include all of the non-FACA advisory groups for each agency, and DOT and DOE officials noted they do not necessarily consider their various groups as falling under a single definition of non-FACA advisory groups.

Both DOT and DOE agency officials faced some challenges identifying and collecting basic information for non-FACA advisory groups—including agency points of contact and brief group descriptions—and the process was, at points, time consuming or cumbersome for them. DOT and DOE officials used different approaches to identify non-FACA advisory groups but encountered the following similar challenges in collecting basic information on these groups:

- DOT generally relied on officials at the program level to identify the agency’s non-FACA advisory groups, and in most cases, agency liaisons served as a conduit to identify the groups by providing officials working on various programs with the non-FACA definition. According to DOT officials, challenges in compiling the requested information included identifying the agency point of contact and locating additional descriptive information pertaining to non-FACA advisory group activities. For example, one agency official we spoke with relied on an Internet search engine to locate relevant information about some of the non-FACA advisory groups. Another DOT official was able to identify a few advisory groups based on indirect

¹²For example, during the course of our review, we found the Federal Communications Commission lists both FACA and non-FACA advisory groups on its website.

involvement and knowledge of agency activities and programs. Of the four DOT agency components that identified non-FACA advisory groups for this review, only one identified these groups based on a readily available roster. In this case, Maritime Administration officials identified five non-FACA advisory groups using a committee roster the agency maintains for internal purposes. This roster identifies the names of both FACA and non-FACA groups, any subcommittees, and primary and secondary points of contact.

- DOE officials coordinated with each of their program offices to identify their non-FACA advisory groups based on the agreed-upon definition. The officials told us there was some difficulty in trying to identify the non-FACA advisory groups because basic information pertaining to these groups is not readily available as it is for FACA advisory groups. DOE officials told us that they had to coordinate the efforts of multiple program offices to compile the information and noted the process was time-consuming because there is no existing source for non-FACA advisory group information. As a result, the program officers had to cull much of the information for these groups from various Internet websites.

Because there is no way to readily identify non-FACA advisory groups providing advice to the agencies, there is no formal source of information enabling agency officials to conduct a comprehensive check for potentially duplicative groups. For example, DOT officials told us that, because they are only able to check whether a FACA advisory group overlaps or duplicates the work of existing FACA advisory groups, they would not necessarily be aware of potential overlap with advisory groups not subject to FACA. DOT officials also pointed out that, given the time and resources required to establish and manage an advisory group, there is no incentive to maintain a FACA advisory group that duplicates the activities of another group. However, with limited visibility over the universe of non-FACA advisory groups, there is no assurance that agency officials checking for duplication would know where to look or whom to contact for additional information necessary to assess duplication vis-à-vis those groups. This raises the risk that new advisory groups may be created or existing groups retained that are unnecessarily duplicative and therefore not an efficient use of agency resources. Further, this absence of readily available information may hinder other federal agencies from coordinating with or ensuring that their advisory groups are not unnecessarily duplicative with DOT or DOE non-FACA advisory groups.

Assessing Advisory Groups Requires Familiarity with Complex Subject Areas, the Agency, and Potential Stakeholders

Because many of the advisory groups identified by DOT and DOE cover highly technical subjects—including some that span a number of federal agencies—agency officials with broad knowledge and familiarity with the topics, other potential stakeholders, and the agency’s organization and program officials are typically best positioned to formally assess the potential for unnecessary duplication. Identifying agency officials with whom to coordinate can also help those involved in advisory groups better leverage existing knowledge and expertise. In some cases, advisory groups may be created to help share information pertaining to a specific topic across several agencies. For example, several of the non-FACA advisory groups identified by DOT and DOE are interagency coordination groups established to facilitate information sharing for a given topic involving multiple federal agencies. While we identified some instances of potential duplication for selected advisory groups covering broad topics, the technical nature of advisory group subject areas, instances where topics span multiple agencies, and the evolving roles and activities of advisory groups make determining whether, in fact, unnecessary duplication exists challenging. Additional familiarity with the subject areas or the agency’s specific programs covering these topics is often necessary to ultimately determine the extent of potential duplication, overlap, and fragmentation.

- *Technical nature of topics:* A number of advisory groups included in our review were involved in highly technical and complex subject areas, which highlighted challenges to fully assessing the potential for unnecessary duplication. For example, DOE’s Nuclear Science Advisory Committee (NSAC) is a FACA advisory group focused on experimental and theoretical research in nuclear physics. Basic nuclear research encompasses a variety of subfields of experimental and theoretical investigations involving the fundamental interactions, properties, and structures of atomic nuclei. While multiple DOE advisory groups may focus on nuclear issues and appeared potentially duplicative, NSAC officials told us that they do not believe any duplication, overlap, or fragmentation exists with other groups identified as covering nuclear issues. Officials noted that nuclear issues cover a broad, highly technical subject-matter area and include a wide range of activities. The advice solicited from NSAC, for example, is specific to the needs of DOE’s Office of Nuclear Physics and is largely focused on basic nuclear science research, which examines how matter is formed and identifies the internal structure of matter. According to agency officials, other advisory group activities related to nuclear issues—such as those covered by the DOE Nuclear Energy Advisory Committee FACA advisory group or its

subcommittees—focus on the production of energy through nuclear power and would not be addressed by NSAC. FACA advisory groups are not required to report on subcommittee activities,¹³ thus attempting to identify unnecessary duplication amongst activities dealing with highly technical topics is further complicated by the limited visibility over advisory group subcommittee efforts.

- *Topics may span multiple federal agencies:* Because several federal agencies may have ongoing efforts in a particular subject area, it can be challenging to assess advisory groups for unnecessary duplication given that similar FACA and non-FACA advisory groups may be located in different federal agencies and involve multiple stakeholders. Some FAA officials we met with indicated overlap or fragmentation may exist among advisory groups covering Unmanned Aircraft Systems (UAS) because numerous federal agencies are involved in the subject area. For example, in addition to FAA, the Department of Defense, the National Aeronautics and Space Administration, and the Department of Homeland Security have multiple UAS efforts under way. As we have previously reported, while government and private sector interest in UAS is growing, these aircraft pose technological, regulatory, and coordination challenges that affect their ability to operate safely and routinely in the national airspace system.¹⁴ An official we met with said it is difficult to be aware of all advisory groups involved in UAS, in part, due to the fact that it is a new and emerging field that covers complex aspects of UAS topics—including both technical systems engineering issues and safety issues related to integration with existing airspace operations—and a variety of federal agencies are currently involved in UAS efforts. According to this official, current UAS efforts are spread among numerous advisory groups governmentwide that have a stake and interest in the topic.
- *Advisory group roles may evolve over time:* Advisory group activities may change in response to agency needs and priorities. For example, some FAA officials believe that numerous agency organizations,

¹³While subcommittees of FACA advisory groups are generally not subject to FACA, and their activities may or may not be reported, the creation and operation of subcommittees must be approved by the agency establishing the parent FACA advisory group. Further, subcommittees report to the parent FACA advisory group.

¹⁴GAO, *Unmanned Aircraft Systems: Federal Actions Needed to Ensure Safety and Expand Their Potential Uses within the National Airspace System*, [GAO-08-511](#) (Washington, D.C.: May 15, 2008).

offices, and advisory groups have emerged over time and serve a similar role as the Air Traffic Procedures Advisory Committee (ATPAC), a DOT FACA advisory group. Based on their review, agency officials involved in ATPAC identified potential duplication with ATPAC and other DOT advisory groups covering aviation topics including aviation charts, publications, or procedures. In this case, extensive knowledge of the organization, its history, and awareness of current advisory groups agencywide enabled these officials to perform this assessment, which raised questions about the ongoing need for ATPAC. According to FAA officials, ATPAC was the only mechanism of its kind for industry input to the FAA when it was created in 1976 but, over time, has essentially become a conduit to pass issues identified by members on to the appropriate FAA office or group. However, these officials noted this was the first step in the assessment process that will ultimately require internal agency concurrence to consider whether to retain or terminate ATPAC. Other agency officials we spoke with had differing perspectives regarding whether unnecessary duplication with ATPAC and other DOT aviation advisory groups exists.

Certain Practices Have Helped Enhance the Usefulness of Some Advisory Groups

While advisory groups are not the sole source of information or input for agencies such as DOT and DOE, they can be a relatively effective and efficient way to gather input on topics of interest. Specifically, advisory groups can inform agencies about topics of importance to the agency's mission, consolidate input from multiple sources, and provide input at a relatively low cost. We reviewed information on 36 DOE and DOT FACA advisory groups and found that these groups all provided some form of input to agencies about topics related to the agency's mission.¹⁵ For example, each of the 36 FACA advisory groups had goals and topics that were aligned with their respective agency's missions or strategic goals, and each was engaged in activities that could help it produce advice, such as producing reports and making formal recommendations.

To further review the usefulness of advisory groups, we conducted case studies on five DOT and DOE FACA and non-FACA advisory groups and identified several practices that helped enhance the usefulness of some of these advisory groups and, in some cases, also helped avoid

¹⁵We reviewed the 15 DOT and 21 DOE FACA advisory groups that were actively chartered in fiscal year 2010 using information from the FACA database and other sources. For additional information, see appendix III.

duplication (see table 1 below). The five case studies provided examples of how agencies may address issues that could impact an advisory group's usefulness.¹⁶ According to some members, stakeholders, and agency officials involved in these five advisory groups, certain practices or circumstances positively affected the group's usefulness, while in other cases, the absence of those practices or circumstances may have limited the group's usefulness. Practices identified as influencing the usefulness of some advisory groups include (1) securing clear agency commitment, (2) finding a balance between responsiveness to the agency and independence, (3) leveraging resources through collaboration with similar groups, and (4) evaluating the group's usefulness to identify future directions for the group or actions to improve its usefulness.

Table 1: Advisory Group Case Studies

Advisory group	Agency	Advisory group type
Air Traffic Procedures Advisory Committee	DOT	FACA
Electricity Advisory Committee	DOE	FACA
Federal Interagency Committee on Emergency Medical Services	DOT	Non-FACA
Smart Grid Task Force	DOE	Non-FACA
U.S. Marine Transportation System National Advisory Council	DOT	FACA

Source: GAO.

Securing agency commitment: Clear agency commitment to an advisory group can help enhance the group's usefulness. As we have noted before, perhaps the single most important element in successfully implementing organizational change is the demonstrated, sustained commitment of top leaders.¹⁷ Agency commitment to advisory groups can be demonstrated by active participation in meetings, open communication with group members, and allocation of resources to the group. Some agency officials, members, and third party stakeholders explained that the level of agency commitment can positively or negatively impact the

¹⁶Interviews that were conducted as part of our case study review included discussions to identify potential duplication with other advisory groups.

¹⁷GAO, *Government Performance: Lessons Learned for the Next Administration on Using Performance Information to Improve Results*, [GAO-08-1026T](#) (Washington, D.C.: July 24, 2008).

usefulness of advisory groups. For example, high-level agency participation can help the advisory group consider the agency's needs when developing recommendations and may impact the likelihood that recommendations are implemented. In contrast, an absence of agency commitment to an advisory group can hinder the group's usefulness by limiting resources or information that may help the group to be useful to the agency.

According to DOT officials, involvement of high level decision makers enhanced the usefulness of the Federal Interagency Committee on Emergency Medical Services (FICEMS). FICEMS is a statutorily mandated body not subject to FACA whose members primarily are federal agency officials.¹⁸ The group shares information and discusses methods to improve emergency medical services and produces formal recommendations and reports. The Administrator of DOT's National Highway Traffic Safety Administration is a FICEMS member, which officials believe enhances the group's usefulness. Because DOT has committed high-level involvement to FICEMS, the items discussed during meetings directly involve the agency's decisionmakers with the authority to make changes based on the advice.

In contrast, some members of DOT's Marine Transportation System National Advisory Council (MTSNAC) and a third party stakeholder believed that reduced agency commitment may have limited the group's usefulness. DOT chartered MTSNAC, a FACA advisory group, to provide advice on the marine transportation system for the Secretary of Transportation through the group's sponsor, the Maritime Administration.¹⁹ According to members, DOT was actively involved in MTSNAC from the group's inception in 1999 until about 2006, when the agency reduced requests for input and limited its support of the group's meetings. With reduced agency support, the advisory group continued to meet but developed its own agendas and identified topics to cover. Agency officials stated that MTSNAC's recommendations could have been more useful, and in 2010 the group's charter lapsed. After the group's last meeting in 2009, the agency rechartered MTSNAC to focus on a more specific segment of the marine transportation system: marine

¹⁸Section 10202 of Pub. L. No. 109-59, 119 Stat. 1144, 1932 (Aug. 10, 2005).

¹⁹The marine transportation system encompasses numerous modes of transportation overseen by multiple agencies, one of which is the Maritime Administration.

highways.²⁰ According to members and a stakeholder, the Maritime Administration may have had limited commitment to MTSNAC in part because the group's original scope was the marine transportation system and all related federal agencies,²¹ some of which is beyond the administration's jurisdiction. In their view, MTSNAC provided a useful and needed service by addressing the wide-ranging issues affecting the marine transportation system, but its advice may have been better targeted at agency officials with a commitment to the broader marine transportation system.

Balancing responsiveness with independence: Balancing responsiveness to agencies' needs with ensuring independence can improve the usefulness of an advisory group. On one hand, responding to agencies' needs may help advisory groups produce useful recommendations or reports. But on the other hand, as we have previously reported, the advice and recommendations of federal advisory groups should be independent of influence by the entity that created the advisory group.²² Similarly, we previously reported that advisory groups' independence is important because the effectiveness of FACA advisory groups can be undermined if the members are, or are perceived to be, lacking independence.²³

According to officials and members of the Electricity Advisory Committee (EAC), a DOE FACA advisory group, EAC's responsiveness to DOE needs enhanced its usefulness and officials worked closely with the group's members to focus the direction of the group to meet the agency's needs. According to some EAC members, agency officials generally identified the topic to be covered while members determined how EAC would address the topic and sometimes identified additional topics to cover. Officials found EAC members to be responsive to DOE needs. For

²⁰The new MTSNAC group had not met as of July 2011.

²¹For example, the U.S. Coast Guard in the Department of Homeland Security and the U.S. Army Corps of Engineers in the Department of Defense are included in the marine transportation system.

²²GAO, *Federal Communications Commission: Federal Advisory Committees Follow Requirements, but FCC Should Improve Its Process for Appointing Committee Members*, [GAO-05-36](#) (Washington, D.C.: Dec. 10, 2004).

²³GAO, *Federal Advisory Committees: Additional Guidance Could Help Agencies Better Ensure Independence and Balance*, [GAO-04-328](#) (Washington, D.C.: Apr. 16, 2004).

example, at DOE's suggestion, EAC began developing "quick response" products to react to agency requests for information and input in lieu of lengthier reports. DOE officials also assisted with the development of agendas for meetings, which can be highly interactive. This type of dialogue between agency officials and advisory group members can help the advisory group meet agency needs and enhance the usefulness of the group's products.

However, there may be a tension between responsiveness and independence that could affect the group's usefulness. Some advisory group members indicated that some situations may challenge members' efforts to maintain independence. For example, in one instance, members of MTSNAC said that their sponsoring agency drafted recommendations and asked the group to endorse them, which the group declined. The members believed that the consensus-based recommendations they developed were valid even if they were not the recommendations that the agency wanted to hear. When asked for their perspectives on the group's usefulness in general, DOT officials stated that they implemented some of MTSNAC's recommendations and, while they did not always agree with other recommendations, members' diverse and varied perspectives could be useful.

Leveraging resources through collaboration: Collaboration between an advisory group and other groups focusing on similar topics can help agencies spend resources efficiently, prevent unnecessary duplication, and enhance the group's usefulness. As we reported in 2011, interagency mechanisms or strategies to coordinate programs that address crosscutting issues may reduce potentially duplicative, overlapping, and fragmented efforts.²⁴ Collaboration with groups focusing on similar topics may help ensure that groups are not duplicating activities but are instead focusing on the most useful tasks. Similarly, it may help advisory groups leverage existing resources to more quickly obtain information or expertise already possessed by other groups, thereby enhancing their usefulness and efficiency. Some advisory groups—such as non-FACA interagency coordination groups—share resources and information with other advisory groups.

²⁴GAO, *Managing for Results: GPRA Modernization Act Implementation Provides Important Opportunities to Address Government Challenges*, [GAO-11-617T](#) (Washington, D.C.: May 10, 2011).

One official explained that collaborating and coordinating helps DOE's federal Smart Grid Task Force (SGTF) to be useful and accomplish its purpose. SGTF is a statutorily mandated non-FACA group created primarily for the federal agencies involved in smart grid activities²⁵ to coordinate projects and priorities, and the group's members are representatives of the relevant agencies.²⁶ According to one agency official and a third party stakeholder, SGTF's coordinating function is useful in part because member agencies can become more aware of ongoing or proposed activities in the federal government that may affect their agency. Further, an agency official explained that members contributed to the body of knowledge about smart grid activities, for example, by collaboratively identifying common challenges for smart grid implementation. DOE also benefits from SGTF reaching out beyond the federal government—involving states and other entities—to accomplish its purpose. For example, SGTF members are statutorily required to coordinate with members of EAC's smart grid subcommittee, who are nonfederal parties with interests or expertise in the smart grid. According to DOE agency officials, SGTF and EAC members meet every few months to discuss smart grid technological changes and developments. Agency officials stated that this type of coordination helps minimize the risk of unnecessary duplication of efforts.

Evaluating usefulness: By evaluating the usefulness of advisory groups, agencies may identify actions that can increase the groups' usefulness or discover future directions for the groups. Alternately, evaluation may help agencies determine whether certain groups are more useful than others, or if a group is no longer necessary, and can help avoid overlap and duplication. In 2008, we reported that performance information can play a valuable role in highlighting the need to take a closer look at the effectiveness of existing approaches and processes.²⁷ Though each agency is required to recommend either continuing or terminating its FACA advisory groups through GSA's annual review and consultation process, there is no such requirement for non-FACA advisory groups. Examination of advisory groups' usefulness could inform officials of

²⁵Smart Grid is a way of using technology to improve reliability, security, and efficiency of the electric power delivery system (the energy grid).

²⁶Section 1303(b) of Pub. L. No. 110-140, 121 Stat. 1492, 1785 (Dec. 19, 2007).

²⁷[GAO-08-1026T](#).

changes needed to bring about performance improvements and enhance usefulness.

Some officials from DOT's FAA have taken steps to evaluate ATPAC, a FACA advisory group, and are consequently better equipped to assess the group's strengths, weaknesses, and whether the group continues to be relevant and useful. For example, officials (1) collected information on the group's accomplishments—identifying the number of issues addressed over a number of years, (2) gathered members' perspectives on the relevance and continuation of the group, and (3) informally considered whether the group's costs outweigh its benefits. Based on the information gathered on ATPAC's accomplishments, officials determined that the group's workload had decreased. For example, while the committee resolved an average of about 16 issues per year over its first 29 years, over the last 6 years, ATPAC resolved approximately 6 issues per year. According to agency officials, FAA and ATPAC have responded to the change in workload by decreasing the frequency of meetings from about four to three times a year. Agency officials explained that they are further evaluating the group and may consider additional actions in the future.

The practices identified through our advisory group case studies—securing agency commitment, balancing responsiveness with independence, leveraging resources through collaboration with similar groups, and evaluating usefulness—can help agencies leverage the advice produced by both FACA and non-FACA advisory groups to better address topics of importance to the agencies and avoid duplication of efforts.

Conclusions

Advisory groups exist governmentwide and are generally considered useful and cost efficient mechanisms for federal agencies to obtain advice and input from a range of stakeholders and experts. However, the advisory group environment is fluid, and the potential for duplication exists both within and outside the agency as advisory groups are routinely established and used, taking on new issues in response to emerging agency needs. Therefore, assessments of whether existing advisory groups continue to be needed or whether another body or entity may be better suited to carry out advisory functions are important to help prevent unnecessary duplication and inefficient use of government resources.

FACA requirements direct agencies to check for duplication among advisory groups, and DOT and DOE guidance incorporates these

requirements. However, neither agency's guidance includes specific steps for assessing duplication, resulting in an informal process that is not always comprehensive. These issues are further exacerbated by the lack of visibility over non-FACA groups, which often address the same or similar issues as FACA advisory groups. Advisory groups addressing similar issues may also be housed in different agencies across government, further complicating any assessment for duplication. While agencies are not required to track their non-FACA advisory groups, having available at least minimal information about non-FACA advisory groups, as well as specific assessment steps, would help ensure more comprehensive assessments of whether new advisory groups should be created and existing groups should be retained. DOT and DOE are only two among many federal government agencies that widely use advisory groups, however, these actions could be a good first step in facilitating coordination and sharing of information of advisory groups governmentwide.

Recommendations for Executive Action

To reduce the risk of potential duplication of efforts and further inform assessments of advisory groups, we recommend that the Secretary of Transportation and the Secretary of Energy take the following two actions:

- Identify and document specific steps that should be taken in periodically assessing potential duplication and the ongoing need for both FACA and non-FACA advisory groups.
- Develop and make public (e.g., on the agency's website) information identifying non-FACA advisory groups providing advice to the agency—including the group name, agency point of contact, and a brief description of the group's purpose.

Agency Comments and Our Evaluation

We provided copies of our draft report to DOT, DOE, and GSA for their review and comment. DOT and DOE agreed to consider the recommendations. GSA provided technical comments, which we incorporated.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Transportation, the Secretary of Energy, the Administrator of the General Services Administration, and other interested parties. The report also is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff members have any questions about this report, please contact me at (206) 287-4809 or calboml@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix V.



Linda M. Calbom
West Region Director

Appendix I: Objectives, Scope, and Methodology

This report examined (1) the extent to which the Department of Transportation's (DOT) and Department of Energy's (DOE) assessment process helps ensure advisory group efforts are not duplicative and what challenges, if any, exist in assessing potential duplication and (2) to what extent DOT and DOE advisory groups are useful in assisting their respective agencies in carrying out their missions and how the groups' usefulness could be enhanced. For this report, we selected two agencies—DOT and DOE—and developed and applied a methodology to better understand how their advisory groups function. We selected DOT and DOE based on knowledge of these agencies' advisory groups and because they represented two federal agencies working on a range of issues and topics with a similar number of Federal Advisory Committee Act (FACA) advisory groups. This review included advisory groups established under FACA¹ (FACA advisory groups) and other advisory groups not subject to FACA (non-FACA advisory groups).

To address our objectives, we first developed a list of the 88 fiscal year 2010 FACA and non-FACA advisory groups that provided input or advice to the selected agencies (see table 2 below). FACA groups are any advisory groups, with limited exceptions, which are established or utilized by a federal agency or the President, and that have at least one member who is not a federal employee. To identify the DOT and DOE FACA advisory groups, we used the online FACA database maintained by the General Services Administration (GSA).² DOT and DOE officials verified the active fiscal year 2010 FACA advisory groups identified in the FACA database, the last year for which data was finalized by GSA. Because there are several types of non-FACA advisory groups and no single uniform definition, we developed one to identify non-FACA advisory groups whose primary activity was to provide advice to their respective agencies. DOT and DOE officials concurred with our definition, and we relied on the agencies to identify groups that met the following definition:

- Groups active in fiscal year 2010 that serve primarily an advisory function and provide input to the agency and/or component agency offices (e.g., DOT: Federal Aviation Administration, DOE: Office of Science) on areas related to the agency or office's mission. These

¹Pub. L. No. 92-463, 86 Stat. 770 (Oct. 6, 1972), *codified, as amended*, at 5 U.S.C. app. 2.

²The FACA database is available to the public at www.fido.gov/facadatabase.

groups may have a mix of federal and nonfederal members and are established to provide advice or recommendations on issues or policies pertaining to the agency or its components.

Because the non-FACA advisory groups were self-identified by DOT and DOE officials based on this definition, the groups identified may not include all of the existing non-FACA advisory groups for each agency.³ Non-FACA advisory groups are not subject to FACA for a variety of reasons, including statutory language that excludes a group or membership consisting entirely of federal government employees.

Table 2: Advisory Groups Active in Fiscal Year 2010

	DOT	DOE	Total
FACA advisory groups	15	21	36
Non-FACA advisory groups	19	33	52
Total	34	54	88

Sources: GAO analysis of DOT and DOE information.

We gathered information for each of the 88 FACA and non-FACA advisory groups identified as active in fiscal year 2010 using the FACA database and working with agency officials to collect information for each non-FACA group, such as a purpose statement or group descriptions. To better understand advisory group management, operations, and agency oversight responsibilities, we reviewed relevant documentation such as the FACA regulations and guidance, DOT and DOE committee management policies, and prior GAO reports on advisory groups. We interviewed agency officials within GSA's Committee Management Secretariat and General Counsel and agency officials within DOT and DOE Committee Management Offices to better understand how each agency operates and manages advisory groups. We also spoke with aviation industry groups that participate as members in some DOT aviation advisory groups to obtain their perspectives on general experiences with these advisory groups.

³The non-FACA advisory groups included in our review are not intended to cover all entities or groups providing advice to the agencies. Some groups have multiple functions, and providing advice may be a secondary activity among other functions. For example, the Transportation Research Board promotes innovation through transportation research, and providing advice to DOT on transportation policies and programs is not the primary function of the group.

To assess the reliability of the FACA database, we (1) reviewed existing documentation related to the database, (2) reviewed a previous GAO data reliability assessment of the FACA database, (3) reviewed database use protocols, including verification and internal controls, and (4) interviewed knowledgeable agency officials about the data. We determined that the data used were sufficiently reliable for the purposes of identifying FACA advisory groups and their status, presenting the total cost of FACAs, determining the most commonly reported interest areas, and analyzing FACA missions and activities.

To assess the extent to which DOT's and DOE's assessment process helps to ensure advisory groups efforts are not duplicative, and to determine what challenges may exist in assessing duplication, we narrowed the scope of our review and assessed the potential for duplication, overlap, and fragmentation among 47 of the 88 FACA and non-FACA advisory groups identified as active within fiscal year 2010.⁴ Specifically, we reviewed the 47 groups focusing on those interest areas most relevant to DOT and DOE—using the interest area identification in the FACA database and assigning these same interest areas to the non-FACA advisory groups—ultimately identifying aviation and energy as the most common advisory group interest areas for DOT and DOE, respectively. We also formulated definitions for duplication, overlap, and fragmentation using the broad definitions provided in GAO's recent work.⁵ For the FACA advisory groups, we reviewed information within the FACA database performance measures section, their charters, and other agency documentation; for the non-FACA advisory groups, we reviewed agency provided descriptions and other agency documentation to help determine with more specificity the types of issues or topics the groups covered. We reviewed responses to a brief questionnaire sent to agency points of contact for the 47 selected DOT and DOE groups asking the

⁴This review contributes to the broader congressional mandate that GAO conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities. Section 21 of Pub. L. No. 111-139, 124 Stat. 8, 29-30 (Feb. 12, 2010).

⁵For the purposes of our analysis, duplication or overlap exists when advisory groups have the same or similar objectives and scope and/or duties, and engage in the same or similar activities or strategies to achieve them. Fragmentation is present where more than one advisory group is involved in the same interest area, focused on the same topic and provides advice to different recipients. The presence of fragmentation and overlap can suggest the need to look closer at the potential for unnecessary duplication, which exists where some degree of duplication, overlap, or fragmentation is not warranted. See also [GAO-11-318SP](#).

respondents to identify, among other items, (1) any internal agency processes used to determine duplication, overlap, or fragmentation of proposed advisory groups with existing advisory groups and (2) their awareness of any other FACA or non-FACA advisory group within the agency or governmentwide that focused on the same issues as their group.⁶

From these 47 advisory groups, we then selected those groups that focus on common issues or topic areas in these broad areas for further analysis to better understand whether in fact the groups' efforts were potentially duplicative and interviewed agency officials in the following offices:

- DOT: Federal Aviation Administration (FAA) officials within the Office of the Deputy Administrator; Air Traffic Organization; Office of Aviation Safety; and Office of Policy, International Affairs and Environment that were involved in five FACA and four non-FACA advisory groups that were identified as potentially duplicative, overlapping or fragmented; and
- DOE: Office of the Secretary; Office of Science; Office of Health, Safety and Security; and Office of Energy Efficiency and Renewable Energy officials that were involved in three FACA and five non-FACA advisory groups that were identified as potentially duplicative, overlapping, or fragmented.

To review the usefulness of DOT and DOE advisory groups in assisting their respective agencies in carrying out their mission, and to identify practices to enhance their usefulness or help avoid duplication, we conducted in-depth case studies on three FACA and two non-FACA advisory groups. See table 3 below.

⁶We received questionnaire responses from 15 DOT and 22 DOE advisory groups.

Table 3: Advisory Group Case Studies

Advisory group	Agency	Advisory group type
Air Traffic Procedures Advisory Committee	DOT	FACA
Electricity Advisory Committee	DOE	FACA
Federal Interagency Committee on Emergency Medical Services	DOT	Non-FACA
Smart Grid Task Force	DOE	Non-FACA
U.S. Marine Transportation System National Advisory Council	DOT	FACA

Source: GAO.

We judgmentally selected these five advisory groups to obtain a mix of characteristics with the purpose of reporting additional details on a targeted selection of advisory groups.⁷ To obtain a diverse mix and coverage across several characteristics, we considered the following factors in selecting the advisory group case studies: the agency they advise, FACA status, age, how the group was established, and whether they generated reports or recommendations. For FACA advisory groups, we also considered results from the performance measures section of the FACA database, but this information was not available for non-FACA advisory groups. For each case study, we reviewed relevant documentation and interviewed agency officials, advisory group members, and third party or industry stakeholders to obtain their perspectives on the group’s activities and its usefulness to the agency. For instance, to understand the group’s usefulness, we asked about how helpful the group was at assisting the agency in carrying out its mission, the impact the group or its products had on the agency, and the value added by the group. For example, we met with FAA, Maritime Administration, and National Highway Traffic Safety Administration officials to discuss the effectiveness and usefulness of selected DOT advisory groups. The two selected non-FACA advisory groups were interagency coordination bodies whose membership consisted of federal employees. Because of this, the interviewees were able to represent both the agency and member perspectives. We reviewed advisory group charters, reports, meeting minutes, and performance measures from the

⁷The case study selections were not limited to the issue areas of aviation and energy used in the assessment of potential duplication, overlap, and fragmentation.

FACA database, other documentation as available, and observed an advisory group meeting for the Electricity Advisory Committee.

In addition, we developed criteria to understand the extent to which advisory groups provided input on topics of importance to their respective agencies' missions and to describe the advice producing activities of advisory groups, such as whether the advisory group held meetings and produced reports and recommendations and if the groups' objectives were documented and were related to the agency's strategic goals or mission. We developed these criteria by reviewing a selection of previous GAO reports, including those on the Government Performance and Results Act Modernization Act of 2010 (GPRAMA)⁸ and the Program Assessment Review Tool (PART),⁹ identifying a list of potential criteria to assess effectiveness and usefulness in consultation with internal GAO experts, and soliciting the perspectives of agency officials. We applied these criteria only to the 36 DOT and DOE FACA advisory groups actively chartered in fiscal year 2010 because similar information for non-FACA advisory groups was not available. We also gathered information on a selection of FACA and non-FACA advisory groups by reviewing information from the FACA database, advisory group charters and websites, relevant agency strategic planning documents, and interviewing agency officials for both FACA and non-FACA advisory groups.

We conducted this performance audit from January 2011 to March 2012 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁸Pub. L. No. 111-352, 124 Stat. 3866 (Jan. 4, 2011). GPRAMA amends the Government Performance and Results Act of 1993, Pub. L. No. 103-62, 107 Stat. 285 (Aug. 3, 1993).

⁹OMB described the PART, which was created in 2002, as a diagnostic tool meant to provide a consistent approach to evaluating federal programs as part of the executive budget formulation process.

Appendix II: DOT and DOE Fiscal Year 2010 Advisory Groups

To identify DOT and DOE FACA advisory groups, agency officials verified the active fiscal year 2010 groups identified in the FACA database.¹ To identify non-FACA advisory groups providing input and advice to DOT and DOE, agency officials used the following definition: groups active in fiscal year 2010 that serve primarily an advisory function and provide input to the agency and/or component agency offices on areas related to the agency or office's mission. These groups may have a mix of federal and nonfederal members, and are established to provide advice or recommendations on issues or policies pertaining to the agency or its components. We selected those groups focusing on the most common advisory group issue areas of aviation for DOT and energy for DOE for further review, covering 47 of the 88 DOT and DOE advisory groups active in fiscal year 2010 (see tables 4, 5, 6, 7, 8).

Table 4: Fiscal Year 2010 Advisory Groups

	Total active FY 2010 advisory groups	Subset assessed for potential duplication, overlap, or fragmentation
DOT	34	17
DOE	54	30
Total	88	47

Source: GAO.

Table 5: Fiscal Year 2010 DOT FACA Advisory Groups

1.	Advisory Council on Transportation Statistics
2.	Air Traffic Procedures Advisory Committee
3.	Aviation Rulemaking Advisory Committee
4.	Commercial Space Transportation Advisory Committee
5.	Intelligent Transportation Systems Program Advisory Committee
6.	Medical Review Board Advisory Committee
7.	Motor Carrier Safety Advisory Committee
8.	National Emergency Medical Services Advisory Council

¹At the end of each fiscal year, GSA reviews the information agencies entered into the FACA database. We reviewed FACA advisory groups confirmed as actively chartered at the end of fiscal year 2010, the most recently verified fiscal year. This may include groups that were not actively chartered in subsequent fiscal years and may exclude groups that were actively chartered for a period of time prior to the end of fiscal year 2010.

**Appendix II: DOT and DOE Fiscal Year 2010
Advisory Groups**

9.	Railroad Safety Advisory Committee
10.	Research Engineering and Development Advisory Committee
11.	RTCA Inc. (Utilized as an Advisory Committee)
12.	Saint Lawrence Seaway Development Corporation Advisory Board
13.	The Future of Aviation Advisory Committee
14.	Transit Rail Advisory Committee for Safety
15.	U.S. Marine Transportation System National Advisory Council

Source: GAO analysis of FACA database.

Note: Aviation groups reviewed for potential duplication appear in bold.

Table 6: Fiscal Year 2010 DOT Non-FACA Advisory Groups

1.	Aeronautical Charting Forum
2.	Arctic Monitoring & Assessment Program
3.	Committee for the Marine Transportation System
4.	Coordinating Organization for Global Navigation Satellite System
5.	European Organization for Civil Aviation Equipment Work Group 73
6.	European Organization for the Safety of Air Navigation Action Plan 24
7.	Federal Interagency Committee on Emergency Medical Services
8.	Flight in Non-Segregated Airspace
9.	International Civil Aviation Organization, Unmanned Aircraft System(s) Study Group
10.	Joint Authorities for Rulemaking on Unmanned Systems
11.	Joint Planning Advisory Group
12.	National Defense Transportation Association Voluntary Intermodal Sealift Agreement Executive Working Group
13.	NSS Transborder Security Sub-Interagency Policy Committee on Air Domain and the Obstruction Evaluation Process
14.	Performance Based Operations Aviation Rulemaking Committee
15.	Renewable Energy Rapid Response Team
16.	Ship Manager Executive Working Group
17.	U.S. Instrument Flight Procedures Panel
18.	U.S. Merchant Marine Academy Advisory Board
19.	Vertical Flight Committee

Source: GAO analysis of advisory groups identified by DOT.

Note: Aviation groups reviewed for potential duplication appear in bold.

Table 7: Fiscal Year 2010 DOE FACA Advisory Groups

1.	Advanced Scientific Computing Advisory Committee
2.	Basic Energy Sciences Advisory Committee
3.	Biological and Environmental Research Advisory Committee
4.	Biomass Research and Development Technical Advisory Committee
5.	Blue Ribbon Commission on America’s Nuclear Future
6.	DOE/NSF Nuclear Science Advisory Committee
7.	Electricity Advisory Committee
8.	Environmental Management Advisory Board
9.	Environmental Management Site-Specific Advisory Board
10.	Fusion Energy Sciences Advisory Committee
11.	High Energy Physics Advisory Panel
12.	Hydrogen and Fuel Cell Technical Advisory Committee
13.	Methane Hydrate Advisory Committee
14.	National Coal Council
15.	National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling
16.	National Petroleum Council
17.	Nuclear Energy Advisory Committee
18.	Secretary of Energy Advisory Board
19.	State Energy Advisory Board
20.	Ultra-Deepwater Advisory Committee
21.	Unconventional Resources Technology Advisory Committee

Source: GAO analysis of FACA database.

Note: Energy groups reviewed for potential duplication appear in bold.

Table 8: Fiscal Year 2010 DOE Non-FACA Advisory Groups

1.	American Statistical Association Committee on Energy
2.	Biomass Research and Development Interagency Working Group on Algae Biofuels
3.	Biomass Research and Development Interagency Working Group on Conversion
4.	Biomass Research and Development Interagency Working Group on Feedstock Supply
5.	Biomass Research and Development Interagency Working Group on Logistics and Distribution
6.	Clean Air Workgroup
7.	Cultural Resources Workgroup

**Appendix II: DOT and DOE Fiscal Year 2010
Advisory Groups**

8.	Defense Programs Surety Committee
9.	Department of Energy's Federal Quality Council
10.	DOE Fire Safety Committee
11.	DOE Risk Assessment Technical Experts Working Group
12.	Emergency Planning and Community Right-to-Know and Toxics Release Inventory Workgroup
13.	Environmental Management Technical Expert Group
14.	FedCenter Board
15.	Federal Caucus
16.	Federal Electronics Stewardship Working Group
17.	Federal Interagency Energy Management Task Force
18.	Fugitive Emissions Workgroup
19.	Interagency Committee on Standards Policy
20.	Interagency Environmental Leadership Workgroup
21.	Interagency Steering Committee on Radiation Standards
22.	L Prize Technical Review Committee
23.	Protective Force Career Options Committee
24.	Radiological Air Emissions (Subpart H) Group
25.	Senior Technical Advisory Panel
26.	Smart Grid Task Force
27.	Sustainable Acquisition and Materials Management Workgroup
28.	Sustainable Acquisition Workgroup
29.	Technical Evaluation Panel
30.	Use Control Effectiveness Committee
31.	Use Control Project Officers Group
32.	Use Control Site Coordinators
33.	Zero Energy Commercial Buildings Consortium

Source: GAO analysis of advisory groups identified by DOE.

Note: Energy groups reviewed for potential duplication appear in bold.

Appendix III: Additional Information on 36 Actively Chartered FACA Advisory Groups

To understand the extent to which advisory groups provided input to agencies on topics of importance to their missions, we reviewed information on the 15 DOT and 21 DOE FACA advisory groups that were actively chartered in fiscal year 2010. We selected information to review by developing criteria based on agency officials' input and a review of relevant literature—including FACA guidelines and GAO reports on the Government Performance and Results Act Modernization Act. Each of the 36 FACA advisory groups had documented goals and topics that were aligned with their respective agency's missions or strategic goals (See table 9). Further, each was engaged in activities that could help the group produce advice (See table 10).¹

Table 9: Alignment with Agency Mission, Actively Chartered DOT and DOE FACA Advisory Groups in Fiscal Year 2010

Agency	Number of actively chartered FACA advisory groups with:					Total
	Documented objectives or activities		Objectives or activities aligned with agency strategic goals or mission			
	No	Yes	Not aligned	Implicitly aligned	Explicitly aligned	
DOT	0	15	0	9	6	15
DOE	0	21	0	11	10	21
DOT and DOE total	0	36	0	20	16	36

Sources: GAO analysis of fiscal year 2010 FACA database and DOT and DOE agency missions.

¹While a group does not necessarily need to meet or produce reports and recommendations to be useful, and not all information produced may be useful, these activities are a broad indication that groups are actively producing advice and information that are aligned with agency missions and goals and that may be useful to agencies.

**Appendix III: Additional Information on 36
Actively Chartered FACA Advisory Groups**

Table 10: Select Activities, Actively Chartered DOT and DOE FACA Advisory Groups in Fiscal Year 2010

Agency	Number of actively chartered FACA advisory groups that ^a							Total
	Held meetings in FY 2010		Produced reports in FY 2010 ^b		Produced formal recommendations as of FY 2010			
	No	Yes	No	Yes	No	Yes		
DOT	1	14	6	9	2	13	15	
DOE	1	20	12	9	2	19	21	
DOT and DOE total	2	34	18	18	4	32	36	

Source: GAO analysis of fiscal year 2010 FACA database.

^aOf these 36 actively chartered FACA advisory groups, 5 were new or reestablished in fiscal year 2010.

^bExcludes subcommittee or committee of visitors reports and meeting minutes. In some cases, advice may be communicated through meeting minutes.

Appendix IV: Comments from the Department of Energy



Department of Energy
Washington, DC 20585

March 12, 2012

Ms. Linda Calbom
Director, West Region
U.S. Government Accountability Office
701 Fifth Avenue, Suite 2700
Seattle, Washington 98104

Dear Ms. Calbom:

This is in response to the Government Accountability Office's Draft Report entitled, *Federal Advisory Group – DOT and DOE Can Take Steps to Better Assess Duplication Risk and Enhance Usefulness*.

Thank you for the opportunity to review the draft report. In response to Recommendation #1, the Department of Energy's (DOE) Committee Management Officer will continue to work with its FACA Designated Federal Officials (DFOs) to assure that we meet all DOE and General Services Administration (GSA) requirements, including the requirement to identify possible duplication among FACA advisory groups.

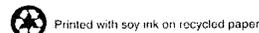
In response to Recommendation #2, the Department of Energy has no objections to the public disclosure of non-FACA advisory committees. We found that some of the non-FACA advisory groups were already included on our cognizant DOE Program Office websites. We certainly will take this recommendation under consideration.

Again, we appreciate the opportunity to respond to the draft report, and if you have any questions, please contact me at (202) 586-5230.

Sincerely,

A handwritten signature in cursive script that reads "Carol A. Matthews".

Carol A. Matthews
Committee Management Officer



Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Linda Calbom, (206) 287-4809 or calboml@gao.gov.

Staff Acknowledgments

In addition to the individual named above, Sharon Silas, Assistant Director; Kathy Gilhooly; Laura Henry; Delwen Jones; Hannah Laufe; Janet Lee; Sara Ann Moessbauer; Steven Putansu; and Maria Wallace made key contributions to this report.

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