



# U.S. Census Bureau Scientific Advisory Committee

Standard Operating Procedures – March 2022

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**CHAPTER ONE – INTRODUCTION**

The U.S. Census Bureau Scientific Advisory Committee Standard Operating Procedures (SOPs) provide step-by-step instructions and guidelines on committee management to assist the Advisory Committee Branch carry out routine committee operations. As the Bureau of Census Scientific Advisory Committee (CSAC or Committee) management instructions change, amendments to the CSAC SOP will be applied and available on the Census Advisory Committees website. If the Federal Advisory Committee Act (FACA) policy changes, the CSAC standard operating procedures may be revised or amended, as deem necessary by the Office of Privacy and Open Government (OPOG).

**Do’s and Don’ts *at a glance***

**CSAC MEMBERS MAY:**

- Provide *collective, consensus advice* to the Census Bureau through the CSAC\*
- Submit individual advice/recommendations to CSAC Chair for public deliberation by the *entire CSAC membership*
- Coordinate through Advisory Committee staff to meet with or pose a question to Census staff for purposes of *obtaining administrative information and engaging in fact gathering\*\**
- Request to speak with or direct questions to Census subject matter experts (SMEs) through Advisory Committee staff and copy the Designated Federal Officer (DFO)
- Provide dissenting votes/views from the CSAC’s final deliberations (unanimity is not required and dissenting views may be provided)
- Provide formal recommendations to Census Bureau via

**CSAC MEMBERS MAY NOT:**

- Provide *individual-member* advice or recommendations *directly* to the Director, subject matter experts, or other Census Bureau staff
- Deliberate or craft recommendations to be provided to the Census Bureau outside a public meeting
- Provide recommendations or advice to SMEs *during the course of working group meetings*
- *Directly contact SMEs* (e.g., phone or email) for purpose of setting up a meeting or information gathering
- Submit topics for new working groups directly to the Director or SMEs

<p>written working group reports which the Chair will present to the <i>entire CSAC</i> for deliberation at an open meeting</p> <ul style="list-style-type: none"><li>▪ Volunteer for working groups as a way to provide expertise on critical matters being worked on by the CSAC at the request of the Census Bureau</li><li>▪ Report out working group findings/recommendations to the <i>entire CSAC</i> for public deliberation at a CSAC meeting</li><li>▪ Invite SMEs external to the CSAC to present at working group meetings</li><li>▪ Hold CSAC member only working group meetings to prepare preliminary working group findings and recommendations</li><li>▪ Recuse oneself from deliberations that may result in unfair advantage/knowledge regarding non-public matters before the Census Bureau</li></ul>	<ul style="list-style-type: none"><li>▪ Request meetings with SMEs (outside a formal meeting) to offer advice/recommendations</li><li>▪ Serve as an individual member (special government employee without submitting mandatory annual ethics documents (SF-450 Financial Disclosure and Certificate of Status)</li></ul> <p>*Consensus does not mean unanimity. It means majority and that we allow for dissent. ** Advisory Committee staff will make every effort to put you in touch with a SME within 48 hours of your request.</p>
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## CHAPTER TWO – AUTHORITY, OBJECTIVE, POLICY

### Section A – Scope

1. Disclosure of Advisory Committee Deliberative Material (12 op. OLC 73). This disclosure requires advisory committees to make available for public inspection the written advisory committee documents, including pre-decisional materials such as drafts, working papers, and studies.
2. Federal Advisory Committee Act Final Rule (41 CFR Part 101-6). The final rule is an administrative document that provides interpretive guidelines for the FACA.
3. Federal Advisory Committee Act of 1972 (Public Law 92-463). This Act establishes a system to govern the creation, operation, and duration of advisory committees in the Executive Branch of the Federal Government.
4. Freedom of Information Act (FOIA) (Public Law 104-231). This legislation ensures that people have access to the records of the Executive Branch of the U.S. Government and requires the government to justify its need for not releasing any records. The FOIA also set standards for determining which records held by government agencies must be made available to the public and which records may be withheld. The Act also provides administrative and judicial remedies for those denied access to records.

5. Government in the Sunshine Act (Public Law 94-409). This Act provides, with ten specified exemptions, that every portion of every meeting shall be open to the public. The ten specific exemptions for categories of information that need not be disclosed, consist of: information relating to national defense; related solely to internal personnel rules and practices, related to accusing a person of a crime, related to information where disclosure would constitute a breach of privacy; related to investigatory records where the information would harm the proceedings; related to information which would lead to financial speculation or endanger the stability of any financial institution; and related to the agency's participation in legal proceedings.
6. Privacy Act (Public Law 93-574). This Act gives Congress authority to protect the privacy of individuals identified in information systems maintained by Federal agencies. It is necessary to regulate the collection, maintenance, use, and dissemination of information collected by such agencies. The Privacy Act provides safeguards for individuals against possible invasion of personal privacy.

### **Section B – Objectives**

The objectives of the CSAC SOPs are to provide the requirements, responsibilities, processes, procedures, and controls for the management and operation of the Census Bureau advisory committees. The Advisory Committee Branch will:

1. Provide efficient and effective implementation of the Census Bureau advisory committee management responsibilities through teamwork.
2. Provide early involvement of the Census Bureau program staff in the development and establishment of Census Bureau advisory committees.
3. Establish effective program direction, accountability, and performance assurance.
4. Maintain control of time and costs of the advisory committee management process while maintaining its quality.
5. Engage in communication and coordination among Census Bureau staff areas, census advisory committees, Committee Management Officer, and the Office of Ethics.

### **Section C – Policy**

The General Services Administration (GSA) provides guidance on the Federal Advisory Committee Act (FACA) of 1972 for the establishment, operation, administration, membership, meetings, and duration of advisory committees.

The FACA policy gives the Census Bureau Advisory Committee Branch direction to:

1. Establish a program, in accordance with FACA 5 U.S.C. App. II, governing the operation, administration, membership, meetings, and duration of advisory committees.
2. Establish advisory committees only when mandated by law, or when it has been demonstrated that it is in the public interest.
3. Create or retain an advisory committee for possible future use by the Agency, utilizing the three types of committees. The three types of committees are: statutory committees, discretionary committees, and presidential committees.
4. Manage and control Agency resources for committees by overseeing administrative guidelines and regulations.
5. Consider alternatives for obtaining advice and public participation.
6. Terminate advisory committees, in coordination with applicable program areas, when they are no longer relevant to the Census Bureau's mission or no longer carrying out the functions for which they were established.

## CHAPTER THREE—ROLES AND RESPONSIBILITIES

1. **Agency Head** – The Director of the Census Bureau serves as the Agency head. The CSAC is renewed or re-established, and the committee members are appointed at the Director's discretion.
2. **Program Manager External Stakeholder** – The Program Manager External Stakeholder has overall committee program responsibility for the implementation and operation of the Census Bureau Advisory Committee program.
3. **Branch Chief** – The Branch Chief is responsible for providing FACA guidance and support to Census Bureau program offices and serves as the primary point of contact with Designated Federal Officer and Census Bureau staff.
4. **Program Coordinator** – The Program Coordinator provides oversight, control, and organizational support to the Census Bureau Scientific Advisory Committee and Census Bureau staff.
5. **Designated Federal Officer** – The Designated Federal Officer is responsible for: 1) Approving or calling the meeting of the advisory committee or subcommittee; 2) Approving the agenda; 3) Attending the meetings; 4) Adjourning any meeting once it has been

determined to be in the public interest; and 5) Chairing the meeting when so directed by the Director of the Census Bureau.

6. **Ethics Officer** – The Ethics Officer is responsible for ensuring that no person selected as a member of the CSAC committee is engaged in employment or has a financial interest which is deemed likely to affect the integrity of his/her service on the committee.

## CHAPTER FOUR—OPERATIONS

1. **Open Meetings.** CSAC meetings will be open to the public and whenever possible these meetings will be made available via conference calls, webinars, social collaboration, or other tools that ease the burden of travel in person as well as provide an opportunity for the public to view the meetings.
2. **Meeting Definition.** A meeting is the gathering of the entire CSAC where a *Federal Register Notice* (FRN) is published by the Census Bureau and members of the public are invited to attend. Meetings must:
  - Have 15 days advance notice in the Federal Register. Advisory Committee Branch must develop an FRN, 30 days in advance to include clearance, approval, and publication.
  - Be open to the public unless limited statutory bases for closure apply.
  - Have a Designated Federal Officer in attendance.
  - Have minutes which are available for public inspection (except for portions of a meeting which was closed).
3. **Meeting Frequency.** The Committee will convene twice per year, budget and environmental conditions permitting. The Committee will use formal advisory committee meetings, webinars, net conferences, working groups, and other means of review to accomplish its goals, consistent with the requirements of FACA.
4. **Meeting Dates.** The Census Bureau will establish CSAC meeting dates three years in advance.
5. **Meeting Length.** Face-to-face or virtual meetings will normally be held over a period of two days.
6. **Public Notice.** A notice of each CSAC meeting, including virtual CSAC meetings, must be published in the *Federal Register* at least 15 days prior to the meeting date.



**7. Virtual / Teleconference Meetings.** The same rules that apply to face-to face meetings shall apply to virtual meetings specifically ensuring:

- the public’s ability to “attend” virtual meetings and provide public comment at a specific time during the proceedings;
- the availability of a Designated Federal Officer to convene, chair/monitor, adjourn the virtual meeting;
- public notification through the Federal Register process to ensure the public’s awareness of the meeting, and meeting content;
- an opportunity for the virtual “public” to provide written statements at any time before or after the virtual meeting;
- additional capability (i.e., such as designated number of public call-in lines) to ensure access to online and/or video conference deliberations, and
- identification of Census staff and technical support contacts to assist the public in accessing virtual CSAC meetings.
- There is no limit to the number of virtual public meetings held. Should a virtual public meeting be needed, an FRN must issue and post 15 calendar days prior to the meeting.

**8. Agenda Development.** Meeting agendas are developed by the Advisory Committee Staff in consultation with the Census Bureau and the CSAC members. Meeting topics are selected for Census Bureau subject matter experts to share timely information for committee deliberation and answer questions regarding Census Bureau research and materials. The steps to developing agenda topics are as follow:

- When CSAC recommendations are received, the Advisory Committee staff reviews them to determine if new topics have been proposed by the committee that they would like to hear about in upcoming meetings.
- During the review of recommendations and subject area responses, the Advisory Committee staff confirms whether the subject area is able to present on the recommended topic. Also, the Advisory Committee staff review the Census Bureau responses to the CSAC recommendations to verify whether the responding subject areas previously offered to make a presentation in an upcoming meeting.
- About 3-4 months before the committee meeting, Advisory Committee staff will issue a “call for topics” email to all Associate Directors.

- Once Advisory Committee staff receive the topics, the Advisory Committee program coordinator will schedule a conference call with the CSAC chair to share the topics received by Associate Directors and for their input in determining the agenda. The CSAC chair may opt to reach out to CSAC members for additional input.
- The Advisory Committee program coordinator then creates a draft agenda with proposed topics and works on the timeline to best incorporate all topics. If more topics are recommended than can be covered during the meeting, Advisory Committee staff will review alternatives in offering that topic, which could include:
  - Forwarding the CSAC a white paper
  - Scheduling a virtual one-way briefing
  - Setting up virtual public meeting
  - Adding the topic to a future meeting agenda
- Once Advisory Committee staff have completed the draft agenda, the Advisory Committee staff meet with the Director, DFO, and key Census Bureau leadership to solicit comments and/or thoughts on the proposed topics. The final agenda is determined during this meeting.
- Once the final agenda is approved, the agenda is sent to CSAC members, Census Bureau SMEs, and posted to the CSAC website.

**9. Invited Guests.** The Census Bureau may invite special guests and/or members of the public to participate in meetings as subject matter experts, present research, provide comments and/or feedback on agenda topics. Special/invited guests do not have the authority to participate in the deliberation of CSAC recommendations.

Provisions for accommodations and travel for invited guests will be considered on a case-by-case basis, budget permitting.

**10. Discussants.** The role of a discussant is to provide feedback for a meeting presentation and stimulate committee interest in the presentation. The Census Bureau will consult with the CSAC Chair to identify discussants.

- Discussants will be identified approximately four weeks prior to the meeting.

- Discussant selection shall not be limited to CSAC membership. Outside experts with relevant expertise or perspectives may be invited by the Census Bureau Director in consultation with the Chair to serve as “guest” discussant.
- Provisions for accommodations and travel for guest discussants will be considered on a case-by-case basis, budget permitting.
- Discussants are asked to make a 5-10 minute presentation.
- Discussants may present:
  - Written presentation (i.e., PowerPoint slides)
  - White paper or report
  - Oral comments in lieu of a written presentation
  - Written material should be submitted to the Advisory Committee Branch 3 days prior to the CSAC meeting.
- Discussants may request to convene, through the Advisory Committee Branch, a conference call prior to the meeting to clarify issues with the Census Bureau presenter(s).

**11. Census Bureau Presentations. Agenda** presentations should be provided to CSAC members at least two weeks prior to the meeting. In general, presentations are designed for 15-minutes and end with three specific questions to the CSAC. These questions should be directly related to the decisions that must be made by the Census Bureau to make progress regarding the issue of interest.

A “white” paper framing the agenda issues may be prepared by Census Bureau staff. These papers will be delivered to CSAC members prior to the meeting and will provide background information or data on the topic to be presented.

**12. Public Comment.** The public shall be permitted to file written statements with the Census Bureau before or after an in-person or virtual meeting.

- A portion of public meetings (in-person or virtual) will be set aside for public comment.
- The Census Bureau as well as CSAC members may invite special guests to provide comments on specific agenda topics or Census Bureau proposals as long as it was included in the agenda.

**13. New Member Orientation.** The Census Bureau shall conduct an orientation for newly appointed CSAC members.

- The new member orientation may be conducted before the scheduled meeting date(s) if new members are scheduled to attend.
- New member orientation will be in-person or virtual.
- CSAC Chair will brief new members on their role and responsibilities.
- A FACA overview and ethics briefing will be conducted during orientation (in-person or virtual).
- Attendees may include the Designated Federal Officer, Census Bureau Director or Deputy Director, CSAC Chair, new members, and various subject matter experts.

**14. Media Inquiries.** The Census Bureau does not impose limits on advisory committee members speaking with the media on publicly available topics. However, members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, the Census Bureau, or the Department of Commerce. As a courtesy and to ensure reporters have access to sufficient information, the Census Bureau appreciates members informing the Advisory Committee staff they were contacted and by which outlet/reporter.

***Meeting/Response Timeline:***

- Internal data call to Census Bureau leadership for agenda topics 90 days prior to meeting.
- Census Bureau responds to committee recommendations from the last meeting 60 days prior to the next meeting.
- Agenda is finalized 45 days prior to meeting.
- Census Bureau presentations/white papers are due 30 days prior to meeting.
- Discussant presentations are due to the Census Bureau three days prior to meeting.

*See Chapter Seven for additional information on the process of setting meeting topics.*

## CHAPTER FIVE — MEMBERSHIP

### Composition

**1. Membership and Designation.** The Committee will consist of up to 21 members who are appointed by and serve at the discretion of the Director of the Census Bureau. Members will be selected on a standardized basis, in accordance with applicable U.S. Department of Commerce guidance.

Members will serve for a three-year term. All members will be evaluated at the conclusion of their first term with the prospect of renewal, pending Committee needs. Active attendance and participation in meetings and activities (e.g., conference calls and assignments) will be factors considered when determining term renewal or membership continuance. Members may be appointed for a second three-year term at the discretion of the Director.

Should a member be unable to complete a three-year term, a new member may be selected through the established process to complete that term for the duration of the time remaining for that term. If the time remaining on the vacated seat exceeds 1.5 years, then the new member may serve only one additional three-year term after completing the remaining term of the vacancy at the discretion of the Director. If the time remaining on the vacated seat is less than 1.5 years, then the new member may serve two additional three-year terms after completing the remaining term of the vacancy at the discretion of the Director.

The Director of the Census Bureau will appoint the Chair to a one-year term. At the Director's discretion, the Chair can be appointed to additional terms, allowing for an extension to their membership.

The Chair will consult with the Census Bureau to identify agenda topics, meeting discussants, conveners of working groups, and address Committee recommendations.

Membership is open to persons who are not seated on other Census Bureau stakeholder entities (i.e., State Data Centers, Census Information Centers, Federal State Cooperative on Populations Estimates Program, other advisory committees, etc.). Members who have served on another Census Bureau Advisory committee may not be reappointed or serve on the Bureau of the Census Scientific Advisory Committee until at least three years have passed from the termination of previous service.

## **2. Type of Membership**

Members will serve as "Special Government Employees" (SGEs). SGEs will be subject to the ethics rules applicable to SGEs. Committee members will be individually advised of the capacity in which they will serve through their appointment letters. Committee members are selected from academia, public and private enterprise, and nonprofit organizations, which are further diversified by business type or industry, geography, and other factors.

The Committee aims to have a balanced representation among its members, considering such factors as geography, scientific expertise, community involvement, and knowledge of census programs and/or activities, and where possible Census will also consider the ethnic,

racial, and gender diversity and various abilities of the United States population. Individuals will be selected based on their expertise in specific areas as needed by the Census Bureau and specified in the Federal Register Notice call for nominations.

Special Government Employees (SGE) must submit all required ethics documentation (i.e., Financial Disclosure Forms and Certification of Status) within the mandatory timeframe for completing such documents. Failure to submit required documents within the required period will affect member's ability to formally join the committee or continue participation with CSAC activities (See Chapter Six for additional information on ethics rules for SGEs).

SGEs are selected and cleared based on their individual qualifications. As a matter of policy, alternates shall not be designated to serve in an individual member's place or to represent an individual member in meetings or other committee activities.

**3. Balanced Representation.** In addition to private expertise and qualification requirements, balanced representation also includes diverse interests to include individuals of diverse organizations, national, state, local and tribal interests, serving hard to count populations, researchers, community-based organizations, faith-based organizations, academicians, business interests, marketing and media professionals, researchers, and members of professional associations that affect Census Bureau programs and activities.

**4. CSAC Appointments.** The Census Bureau shall issue a standard Federal Register Notice annually inviting the public to nominate new CSAC members.

- The Census Bureau shall create a list of prospective new CSAC members for committee vacancies.
- The Census Bureau Director may consult with the CSAC Chair regarding new CSAC member appointments.
- The Census Bureau will conduct a vetting process for new CSAC member appointments in accordance with Department of Commerce (DOC) guidance.
- New CSAC member appointments may be based on working group needs.
- The Census Bureau Director may appoint new CSAC members as soon as possible following an unscheduled committee vacancy.
- The Census Bureau Director shall send letters of appreciation to committee members for services rendered.

**5. Member Responsibility.** CSAC members have the following responsibilities:

- Review summary of ethics rules on a yearly basis and participate in annual ethics training.
- SGEs must submit ethics forms/financial disclosure documentation on a yearly basis.
- Attend meetings on a regular basis and come prepared (i.e., review of presentation materials).
- Arrange travel at least two weeks in advance of meeting and respond to travel inquiries in a timely fashion.
- Be willing to accept assignments on the committee and working groups.
- Listens and considers the opinions of other committee members.
- Acts as a key link between the Census Bureau and stakeholder communities by engaging researchers, policy makers, partners, academics, community leaders, and etc. on issues impacting the Census Bureau.

## 6. Role of Chair

### Chair Responsibilities

- a. Provides topics in the interests of the committee and the public for the development of meeting agendas.
- b. Assists the Designated Federal Officer in presiding over meetings.
- c. Keeps committee focused and involve all members in tasks.
- d. Submits recommendations of the committee to the Census Bureau Director.
- e. Follows up on committee recommendations or actions.
- f. Serves as liaison to the working groups and ensures the work is completed as planned in the working group guidelines.
- g. Attends working group conference calls/activities on an as needed basis.
- h. Assists in identifying external experts for the working groups.

## 7. Nomination and Vetting Process for New Members

- a. Annually, the Census Bureau reviews upcoming and current advisory committee vacancies.

- b. The Census Bureau issues a Federal Register Notice (FRN) for member nominations (typically, a 30-day nomination period)
  - i. Forwards FRN to current advisory committee members;
  - ii. Shares call for nomination announcement via social media;
  - iii. Posts FRN on public website; and
  - iv. Forwards FRN to Census Bureau stakeholders.
- c. Once received, nominations are preliminarily vetted
  - i. Unless it is a self-nomination, nominees are contacted to confirm they concur with their nomination; and
  - ii. Advisory Committee staff conduct general background searches on nominees and their current organizational affiliation.
- d. Census Bureau executive selection panel is convened to select top candidates
  - i. Panel provide a crosswalk of underrepresented skills/specializations on the committee, along with nominees' biographical information and expertise of current members; and
  - ii. Panel selects top candidates, with 3-4 backup selections in the event a candidate(s) does not make final clearance.
- e. Candidates receive a preliminary offer to participate as a member on the Census advisory committee. Offers are contingent on completing a financial disclosure report via the FDonline electronic filing system and FACA conflict of interest (Certificate of Status), with clearance conducted by the DOC Ethics Office.
- f. Upon clearance, nominees are notified via official invitation signed by the Census Bureau Director notifying them of their three-year term, which may be renewed for one additional term at the discretion of the Director.
- g. Upon final acceptance, the Census Bureau issues a press release announcing the new members.
- h. Members attend an orientation training containing an overview of Census Bureau programs and initiatives, along with a FACA and ethics training conducted by DOC FACA and Ethics officials.



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- i. Members begin fully participating in committee public meetings.

## CHAPTER SIX—ETHICS REQUIREMENTS

**Ethics Rules for Special Government Employees:** Individual members are considered “Special Government Employees.” As an employee who serves less than 130 days per year, “Special Government Employee” are subject to many, but not all, of the ethics rules applicable to Government employees who serve for longer periods of time.

**Annual Ethics Requirements for SGEs:** Government-wide Standards of Conduct provide that SGEs must annually file:

- **Confidential Financial Disclosure Report** (FDOonline Electronic System - OGE Form 450) within 30 days of appointment a Federal advisory committee position and on an annual basis thereafter to include information for the prior calendar year.
- **Certification of Status Statement** that certifies that you are not an agent of a foreign principal or a lobbyist for a foreign entity. Advisory committee members may not serve if they are required to register as an agent of a foreign principal (under the Foreign Agents Registration Act) or as a lobbyist for a foreign entity (under the Lobbying Disclosure Act).

SGEs must annually review the **Summary of Ethics Rules for Special Government Employees** that specifies you generally may not participate as a committee member in any matter that will affect your financial interests (or those of your spouse, minor child, household member, or general partner; an outside employer or prospective employer; or an organization in which you serve as a trustee, officer, or board member) unless you receive a conflict of interest waiver from our office regarding the interest.

Even without a waiver you may participate in a matter of general applicability (such as a broad policy) affecting your non-Federal employer or non-Federal prospective employer unless the matter will have a special or distinct effect on you or your employer other than as part of a class.

## CHAPTER SEVEN—WORKING GROUPS

1. **Objectives and Scope of Activity:** The CSAC will conduct temporary working groups to obtain outside perspectives and analysis and provide suggestions to the full CSAC for further

*Summary of Ethics Rules for Special Government Employees* is at the following link:

[https://ogc.commerce.gov/sites/ogc.commerce.gov/files/sge-summary\\_of\\_ethics\\_rules-2017-0926.pdf](https://ogc.commerce.gov/sites/ogc.commerce.gov/files/sge-summary_of_ethics_rules-2017-0926.pdf)

If you have a question regarding an Ethics issue, contact the Ethics Laws and Programs Division of the Office of the Assistant General Counsel for Administration and Transactions of the U.S. Department of Commerce at 202-482-5384 or [ETHICSDIVISION@DOC.GOV](mailto:ETHICSDIVISION@DOC.GOV)

discussion and deliberation, which may result in final recommendations to the Census Bureau.

Working group formation and procedures will follow FACA guidelines and will observe the following considerations:

- Working groups may be proposed through CSAC consensus recommendation or Census Bureau need.
- The Director will determine whether a working group will be formed.
- Working group participation will be at the invitation of the Census Bureau.
- Working group members must remain active participants (e.g., conference calls and assignments) for continued inclusion in a working group.
- Ideally, the broadest set of membership will be sought for working groups.

## 2. FACA Guidelines Regarding Working Groups

- a. Working group membership may contain only a portion of the full committee.
- b. Working group reports to the full committee and not the Census Bureau.
- c. Working group calls or gatherings with Census Bureau staff participation are designed for the subject matter experts to share information or answer questions regarding Census Bureau research and materials.
- d. Working group members may conduct calls or gatherings on their own to formulate suggestions that will then be shared before the full committee for deliberation, which may result in final recommendations to the Census Bureau.
- e. It is not permissible for working group members to offer advice and suggestions to the subject matter experts during the course of a working group call or gathering.
- f. It is not permissible for a member to request a meeting (outside a formal meeting) with subject matter experts to offer advice and suggestions.
- g. It is not permissible for subject matter experts to solicit feedback from members outside a formal meeting where a *Federal Register Notice* is published, and members of the public are invited to attend.
- h. Working group calls or gatherings are not considered as CSAC 'meetings.'
- i. Working groups shall terminate once the assigned tasks are completed.

### 3. CSAC Activities Regarding Working Groups

- a. Each working group will have guidelines defining the scope of work.
- b. The scope of the working group will be developed through an interactive process. The program coordinator will work with the chair, and SMEs to determine the scope of work (areas of focus, timeline, and deliverables) for the working group.
- c. A working group convener will be appointed by the Census Bureau Director (the chair may be polled for possible suggestions).
- d. Working group convener may be asked to present findings or an update at a meeting(s).
- e. The working group may invite special guests and/or members of the public as external experts on working group conference calls.
- f. Working group convener submits report to CSAC for committee review and deliberation, which may result in final recommendations to the Census Bureau.

#### **Convener responsibilities:**

- a. Contact Advisory Committee staff should it be necessary to meet with Census SMEs to obtain more information about the purpose and scope of the working group.
- b. The working group convener will reach out to Committee members to invite members to volunteer as members of the working group.
- c. Work through Advisory Committee staff to develop deliverable targets, working group focus, and timeline.
- d. Identify external experts, as needed, for the working group.
- e. Follow-up with working group members who miss more than two consecutive meetings to determine a member's ability to continue serving on the working group.
- f. Inform the CSAC Chair if a member misses more than three consecutive meetings.
- g. Meet periodically with Advisory Committee staff to determine progress on working group deliverables and objectives.
- h. Work with CSAC Chair to determine whether new working group members may be added once the working group is formed.

**Census Bureau Advisory Committee staff will assist working group conveners with the following:**

- a. Coordinate an initial meeting with the convener to provide information about the purpose and scope of the working group.
- b. Organize meeting times and logistics.
- c. Maintain high-level notes and attendance during meetings.
- d. Record working group calls, upon request.
- e. Maintain working group documents.
- f. Coordinate fact-gathering opportunities with Census Bureau SMEs.
- g. Present findings and recommendations to the full CSAC for consideration.

If the CSAC adopts the working group's recommendations, the Census Bureau may respond to the recommendations.

Working group reports will be archived on the CSAC website following the submission of a working group report. Working group reports will be provided to CSAC members for deliberation during a public meeting.

After the completion and presentation of a working group final report to the CSAC, the Census Bureau will send formal letters of appreciation to the working group members.

**4. CSAC Role in Generating Ideas for New Working Groups**

Some working group reports or Committee recommendations may suggest new working group issues to the CSAC who may refer them to the Census Bureau Director through consensus recommendations. Working group formation will launch based on Census Bureau needs, budget considerations, and at the Director's discretion.

**5. Determining topics for working groups:**

Working groups/topics are proposed through the committee's recommendations or by the subject matter areas.

- a. If proposed by the committee through their recommendations, the Census Bureau subject area must "agree" to that need and be willing to support the working group by assigning staff to work with the group.

Once the working group is proposed, the CSAC program coordinator drafts the initial guidelines with input from committee chair, designated convener, and subject matter experts assigned to work with the working group for their review and approval.

Once all are in agreement, the guidelines are forwarded to management for their review and approval to move forward with the working group.

- b. If the Census subject area proposes the working group, the CSAC program coordinator will draft the guidelines incorporating what they want to see for deliverables and then work with committee chair and convener (if one has been assigned) for additional input.

Once all input has been reviewed and approved the draft guidelines will be forwarded to related Census Bureau leadership for approval prior to establishing the working group.

## CHAPTER EIGHT—COMMITTEE RECOMMENDATIONS

**1. Objectives and Scope of Activity:** The CSAC may submit recommendations to the Census Bureau. Recommendations should follow the steps outlined below:

- a. There are typically two avenues to submitting suggestions, which may result in final recommendations: (1) via formal suggestions documented in a written working group report or (2) more informal suggestions entered by individual committee members. The former is introduced during discussions set aside for “Working Group Reports.” The latter may be introduced during a time set aside during “Committee Discussion” at a public meeting.
- b. The Committee will deliberate and vote on the suggestions, which may result in final recommendations to the Census Bureau. The Committee may approve, reject, or alter a recommendation.
- c. The Committee may use “Committee Discussion” time that is normally allocated on the public meeting agenda for deliberations. The committee may deliberate either through general discussion or in small groups.
- d. In order for the Committee to submit consensus recommendations, there must be a quorum and a vote.
  - A **quorum** is defined as more than half of the current membership in attendance (either in-person or virtual). If less than half of the membership are present, the committee may submit individual written remarks to the Census Bureau.
  - **Consensus** does not mean unanimity. It means majority and dissent is allowed.

- e. If the Committee does not have sufficient time during the public meeting to finalize suggestions and recommendations, a subsequent public meeting will be scheduled to finalize.
- f. Final written recommendations are provided to the Census Bureau Director prior to the end of the public meeting (an additional 30 days may be allowed for non-substantive or grammatical editing by the CSAC Chair).
- g. Dissenting votes and views may be attached to the final recommendations.
- h. Committee recommendations resulting from the deliberations may be responded to by the Census Bureau.

## 2. FACA Guidelines Regarding Recommendations

- a. Advisory committee members must not develop and finalize recommendations outside a public forum.
- b. Advisory committee members should not discuss substantive issues or make substantive changes/additions to recommendations outside a public meeting.
- c. The final recommendations submitted at the end of the 30-day period after a public meeting should be substantively the same as those discussed during the open meeting.
- d. What is discussed outside a public meeting during the 30-day recommendation period must *only be administrative topics*, not substantive topics, new ideas, new recommendations, or debate on recommendations.
- e. Should committee members need to have substantive discussions about its consensus recommendations, another meeting should be scheduled to have those discussions in an open meeting.

## CHAPTER NINE —ONE-WAY BRIEFINGS

1. **Objectives and Scope of Activity:** One-way briefings are designed for Census Bureau subject matter experts to share information and answer questions regarding Census Bureau research and materials with advisory committee members. One-way briefings are an opportunity for advisory committee members to obtain administrative or programmatic information and engage in fact gathering.
2. **Do's and Don'ts during a One-Way Briefing:**
  - Advisory committee members **may not** offer advice, feedback, recommendations, or suggestions to the subject matter experts/presenters.

- Advisory committee members **may** ask clarifying questions or request follow up information.

### 3. How are one-way briefings different from a public meeting?

- One-Way Briefings are not considered public meetings as there is no notice *Federal Register Notice* (FRN) for public participation.
- It is not permissible for subject matter experts to solicit feedback from advisory committee members outside a formal meeting where a FRN is published, and members of the public are invited to attend.
- A public meeting will be necessary if members would like to provide collective, consensus advice to the Census Bureau or submit individual advice/recommendations for deliberation by the entire advisory committee membership.

### 4. Relevant Sections of the Federal Advisory Committee Management Final Rule

#### **GSA 41 CFR Parts 101–6 and 102–3, July 19, 2001**

**§ 102–3.25** *Committee meeting* means any gathering of advisory committee members (whether in person or through electronic means) held with the approval of an agency for the purpose of deliberating on the substantive matters upon which the advisory committee provides advice or recommendations.

#### **§102–3.150 How are advisory committee meetings announced to the public?**

A notice in the **Federal Register** must be published at least 15 calendar days prior to an advisory committee meeting.

#### **§ 102–3.160 What activities of an advisory committee are not subject to the notice and open meeting requirements of the Act?**

The following activities of an advisory committee are excluded from the procedural requirements contained in this subpart:

- (a) *Preparatory work.* Meetings of two or more advisory committee or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for a meeting of the advisory committee, or to draft position papers for deliberation by the advisory committee; and
- (b) *Administrative work.* Meetings of two or more advisory committee or subcommittee members convened solely to discuss administrative matters of the advisory committee or to receive administrative information from a Federal officer or agency.

**Appendix A to Subpart D -- Must all advisory committee and subcommittee meetings be open to the public?**

No. Advisory committee meetings may be closed when appropriate, in accordance with the exemption(s) for closure contained in the Government in the Sunshine Act, 5 U.S.C. 552b(c). (i) Subcommittees that report to a parent advisory committee, and not directly to a Federal officer or agency, are not required to open their meetings to the public or comply with the procedures in the Act for announcing meetings. (ii) However, agencies are cautioned to avoid excluding the public from attending any meeting where a subcommittee develops advice or recommendations that are not expected to be reviewed and considered by the parent advisory committee before being submitted to a Federal officer or agency. These exclusions may run counter to the provisions of the Act requiring contemporaneous access to the advisory committee deliberative process.