U.S. Census Bureau
National Advisory Committee on Racial, Ethnic, and Other Populations
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CHAPTER ONE – INTRODUCTION, SCOPE, and POLICY

Introduction
The U.S. Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations (NAC or Committee) standard operating procedures (SOPs) provide guidelines on committee management to assist the Advisory Committee Branch in fulfilling routine committee operations. As the NAC management instructions change, amendments to the NAC SOPs will be applied and available on the Advisory Committee Branch shared drive.

Committee Overview
The NAC is governed by the Federal Advisory Committee Act (FACA). Details found in this section are: a brief refresher of permitted member actions, the scope in which the Committee operates, the objectives of the Committee, and policies.

The Permitted Member Actions at a glance is a chart which offers a quick reference for permitted and non-permitted actions by Committee members.

<table>
<thead>
<tr>
<th>Permitted Member Actions at a glance</th>
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<tbody>
<tr>
<td><strong>NAC MEMBERS MAY:</strong></td>
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<tr>
<td>▪ Provide <em>collective, consensus advice</em> to the Census Bureau through the NAC*</td>
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<tr>
<td>▪ Submit individual advice/recommendations to NAC chair/vice-chair for public deliberation by the <em>entire NAC membership</em></td>
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<td>▪ Coordinate through Advisory Committee staff to meet with or pose a question to Census staff for purposes of <em>obtaining administrative information and engaging in fact gathering</em>**</td>
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<td>▪ Request to speak with or direct questions to Census subject matter experts (SMEs) through Advisory Committee staff and copy the Designated Federal Officer (DFO)</td>
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<td>▪ Provide dissenting votes/views from the NAC’s final deliberations (unanimity is not required and dissenting views may be provided)</td>
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<td>▪ Provide formal recommendations to Census Bureau via written working group reports which the chair/vice-chair will present to the <em>entire NAC</em> for deliberation at an open meeting</td>
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<tr>
<td><strong>NAC MEMBERS MAY NOT:</strong></td>
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<tr>
<td>▪ Provide advice or recommendations <em>directly</em> to the Director, subject matter experts, or other Census Bureau staff</td>
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<tr>
<td>▪ Deliberate or craft recommendations to be provided to the Census Bureau outside a public meeting</td>
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<tr>
<td>▪ Provide recommendations or advice to SMEs <em>during the course of working group meetings</em></td>
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<tr>
<td>▪ <em>Directly contact SMEs</em> (e.g., phone or email) for purpose of setting up a meeting or information gathering</td>
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<td>▪ Submit topics for new working groups directly to the Director or SMEs</td>
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<td>▪ Request meetings with SMEs (outside a formal meeting) to offer advice/recommendations</td>
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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 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. Whereas the Federal Advisory Committee Act Final Rule (41 CFR Part 101-6) is an administrative document that offers interpretive guidelines for the FACA. For more information on FACA, visit chapter one, section C.

3. 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.

4. 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.
5. **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.

6. **The Committee’s Official Designation**: U.S. Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations – commonly referred to as NAC.

**Section B – Objectives**
The objective of the NAC SOPs is to provide the requirements, responsibilities, processes, procedures, and controls for the management and operation of the Census Bureau’s NAC. The Census Bureau Advisory Committee program 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 bureau advisory committees, Committee Management Office (CMO), 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 Secretary of Commerce establishes the Census Bureau National Advisory Committee on Racial, Ethnic and Other Populations (NAC), in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 United States Code (U.S.C.) App.2, and with the concurrence of the General Services Administration.

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 and 41 CFR 102-3.105(b), 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, agency authority 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 TWO — ROLES, RESPONSIBILITIES and ACTIVITIES

Section A – Roles/Responsibilities

1. Committee Management Officer – The agency committee management officer coordinates all agency activities for federal advisory committees.

2. Agency Head – The U.S. Secretary of Commerce is the chief officer in this cabinet level department. The Director of the Census Bureau serve as the Agency head.

3. Program Manager External Stakeholder – The Program Manager for External Stakeholders is responsible for the implementation and operation of the Census Bureau Advisory Committee program.

4. Branch Chief – The Branch Chief is responsible for providing FACA guidance and support to Census Bureau Directorates, Divisions, and program offices; and serves as the primary point-of-contact with the Designated Federal Officer (DFO) and Census Bureau leaders.

5. Program Coordinator – The Program Coordinator provides oversight, control, and organizational support to the NAC and Census Bureau staff.

6. Designated Federal Officer – The Census Bureau director appoints a full-time or permanent part-time employee to serve as DFO. The DFO 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 t; 5) Chairing the meeting when so directed by the Director of the Census Bureau.
7. **Ethics Officer** – The Ethics Officer is responsible for ensuring that no person selected as a member of the NAC is engaged in employment or has a financial interest which is deemed likely to affect the integrity of their appointment/service on the committee.

8. **Committee Member** – Details regarding Committee membership can be found in Chapter Four.

**Section B – Activities**

1. The committee will advise the Director of the Census Bureau (the Director) on the full range of economic, housing, demographic, socioeconomic, linguistic, technological, methodological, geographic, behavioral and operational variables affecting the cost, accuracy and implementation of Census Bureau programs and surveys, including the decennial census.

2. The committee will advise the Census Bureau on the identification of new strategies for improved census operations, survey and data collection methods, including identifying cost-efficient ways to increase census participation.

3. The committee will address census policies, research and methodology, tests, operations, communications/messaging and other activities to ascertain needs and best practices to improve censuses, surveys, operations and programs.

4. The committee will review and provide formal recommendations and feedback on working papers, reports, and other documents related to the design and implementation of census programs and surveys.

5. The committee will use formal advisory committee meetings, webinars, conference calls, and other means of review to accomplish its goals, consistent with the requirements of FACA.

6. The committee will utilize technology, such as virtual collaboration and social media, as well as regional working groups to broaden grass roots participation in advisory committee issues and concerns and increase transparency.

7. The committee will function solely as an advisory body and shall fully comply with the provisions of FACA.

**CHAPTER THREE—OPERATIONS**

**Section A: Agency or Official to Whom the Committee Reports**

The NAC reports to the Director of the Census Bureau.
Section B: Charter and Duration of Committee

In accordance with FACA, the NAC charter must be renewed every two years. Members are appointed for a term not-to-exceed three years; and may be re-appointed to one consecutive term (not exceeding six years). The NAC may not operate, meet or take any action until its charter has been filed. When its charter expires, the NAC must cease all activity. In most instances, a Committee is terminated when its charter expires. To view the NAC charter, select the hyperlink.

Section C: Span of Control

In addition to appointing members, all critical facets of Committee activities such as the approval of agenda topics; the calling, conduct, and adjourning of meetings; and the creation of Working Groups shall be the responsibility of the Census Bureau.

Section D: Availability of Records

Detailed meeting-minutes and an electronic copy of transcripts of each NAC meeting will be posted to the NAC website. The NAC website will serve as a repository of presentations and reports received, issued, or approved by the Committee.

Meetings minutes shall be certified by the NAC DFO within 30 days of receipt.

Section E: Open Meetings

NAC meetings will be open to the public and whenever possible these meetings will be made available via conference calls, webinars, social collaboration, or other virtual tools that ease the burden of travel as well as provide an opportunity for the public to view the meetings.

Meeting Definition:
A meeting is the gathering of the entire NAC where a Federal Register Notice (FRN) is published by the Census Bureau and members of the public are invited to attend. Meetings must:

- Be open to the public unless limited statutory bases for closure is applicable.
- Have a DFO in attendance.
- Have minutes which are available for public inspection (except for portions of a meeting which were closed).

Meeting Frequency. The Census Bureau will convene at least two NAC meetings per year, budget and environmental conditions permitting. Virtual meetings may be convened as necessary.

Meeting Dates. The Census Bureau will establish NAC meeting dates three years in advance.
Meeting Length. The length of meetings (in-person or virtual formats) will be communicated in the FRN.

Public Notice. A notice of each NAC, in-person or virtual format, meeting must be published in the Federal Register at least 15-days prior to the meeting date. Advisory Committee Branch must develop the FRN in advance (to include clearance, approval, and publication) to meet the 15-day posting requirement.

Virtual / Teleconference Meetings. The same rules that apply to in-person meetings shall apply to virtual meetings, specifically ensuring:

- the public’s ability to “attend” virtual meetings and provide public comment on proceedings;
- the availability of a Designated Federal Officer to convene, preside and adjourn the virtual meeting;
- public notification through the Federal Register process to ensure the public is aware 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;
- a specific time on the agenda for the submission of public comments (for more information related to the public comment process view chapter three, section E);
- and additional capability (i.e., such as designated number of public call-in lines) to ensure access to online and/or video conference deliberations, and

Agenda Development. Meeting agendas will be developed by the Census Bureau in consultation with the NAC members as follows:

- The Committee coordinator will solicit agenda topics from Census Bureau leaders (Director, Deputy-Director, and Associate Directors) for potential agenda topics 90 days prior to the meeting date.
- The Census Bureau Director and DFO (via coordinator) will consult with the NAC chair/vice-chair on potential meeting topics and presentations prior to the meeting date. In some cases, the Committee may – in their recommendations – include suggested agenda topics for future meetings.
- The NAC chair/vice-chair will request input from the full NAC membership on potential agenda topics prior-to/in-preparation for the discussion with the Census Director.
- Final agendas will be approved by the Census Bureau Director 45 days prior to the next meeting.
- Agendas will incorporate adequate time for NAC working group reports, if applicable.
- Agenda topics will emphasize issues that need resolution by the Census Bureau, for which final decisions have not yet been made. On a case-by-case scenario, the agenda may include an update on completed Census Bureau work.
- Agendas will also include updates on activities subject to prior NAC recommendations.
The Census Bureau will email meeting notifications and agendas to diverse Census stakeholders (i.e. Government Accountability Office, Department of Commerce, Congressional staff, and press) prior to each meeting. (Additional information on the development on agenda topics is discussed in Chapter Eight).

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

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

**Discussants.** The role of a discussant is to provide feedback for a meeting presentation and stimulate committee discussion on the agenda topic presented. The Census Bureau will consult with the NAC chair/vice-chair to identify discussants.

- Discussants will be identified approximately four weeks prior to the meeting.
- Discussant selection shall not be limited to NAC membership. Outside experts with relevant expertise or perspectives may be invited by the Census Bureau Director in consultation with the chair/vice-chair to serve as “guest” discussants.
- 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 at least two-weeks in advance of the NAC meeting.
- Discussants may request to convene, through the Advisory Committee Branch, a conference call two to three weeks prior to the meeting to clarify issues with the Census Bureau presenter/SME(s).

**Census Presentations.**

Census Bureau presentations should be provided to NAC members at least 15-days prior to the meeting. In general, Census Bureau SME presentations are
designed for 15-minutes and end with three specific questions to the NAC. These questions should be directly related to the decisions that must be made by the Census Bureau in order 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 NAC members at least 30 days before the meeting and will provide background information or data on the topic to be presented.

Public Comment. The public shall be permitted to file written statements with the Census Bureau before or after a meeting.

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

Section F: New Member Orientation

The Census Bureau shall conduct an orientation for newly appointed NAC 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.
- NAC chair/vice-chair will brief new members on their role and responsibilities.
- A FACA overview and ethics briefing will be conducted during orientation.
- Attendees may include the DFO, Census Bureau Director or Deputy Director, NAC chair/vice-chair, new members and SMEs from key Census Bureau Directorates.

Section G: 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 activities conducted in their personal capacities, such as public statements, which must meet regulatory requirements to include a disclaimer that the views expressed are their own and do not represent the views of the Committee, the Census Bureau, the Department of Commerce, or the U.S. Government.

- As a courtesy, and to ensure the reporter has access to sufficient information, the Census Bureau appreciates members informing the Advisory Committee staff they were contacted and by which outlet/reporter.
CHAPTER FOUR —MEMBERSHIP

Membership and Designation

The Committee will consist of up to 32 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. Members may be evaluated at the conclusion of their first term with the prospect of renewal, pending Census Bureau 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 Committee member be unable to complete a three-year term, a new member may be selected through the established process to complete 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 Committee chair to a one-year term. At the Director’s discretion, the Committee chair/vice-chair can be appointed to additional terms, allowable under the term of their Committee membership.

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, nor should they be a representative of an organization that serves as a National Partner at the Census Bureau etc.). Members who have served on one Census Bureau Advisory committee may not be reappointed or serve on the NAC until at least three years have passed from the termination of previous service.

Committee Membership

Members will serve as “Special Government Employees” (SGEs). SGEs will be selected based on their expertise or experience in specific areas to include: diverse populations, (including race and ethnic populations); national, state, local and tribal interest organizations serving hard-to-count populations; research; community-based organizations; academia; business interests; organized labor; marketing and media; and professional associations. Details regarding membership will be outlined in appointment letters.
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 NAC activities.

NAC members are appointed for their personal expertise and may not use alternates to fulfill Committee functions. (Additional information related to the NAC Appointment process is discussed later in this chapter.)

Balanced Representation:
The diverse membership of the Committee assures expertise and perspectives reflecting the full breadth of the Committee’s responsibilities, and, where possible, the Department of Commerce will also consider the diversity of the United States population, including but not limited to the following:

- Technical knowledge
- Scientific knowledge
- Community involvement
- Industry-based experience
- Geographic diversity
- Sex
- Gender identity
- Age
- Race
- Ethnicity
- And other factors as applicable

NAC Appointments:
The Census Bureau shall issue a standard Federal Register Notice inviting the public to nominate new NAC members.

- The Census Bureau shall create a list of prospective new NAC members for committee vacancies.
- The Census Bureau Director may consult with the NAC chair/vice-chair regarding new NAC member appointments.
- The Census Bureau will conduct a vetting process for new NAC member appointments in accordance with DOC guidance.
- New NAC member appointments may be based on working group needs.
- The Census Bureau Director may appoint new NAC 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.

Role of Member
NAC members have the following responsibilities:
• SGE members are subject to the conflicts of interest laws and regulations and must file an annual Financial Disclosure Report (OGE Form 450) and complete ethics training.
• 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 (for in-person meetings only).
• Be willing to accept assignments on the committee and working groups.
• Listen and consider 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 others related to issues impacting the Census Bureau.

Role of Chair
The chair serves as the de-facto leader of the Committee.

Chair Responsibilities:
  a. Consults with the Census Bureau Director on meeting agendas, providing suggested topics for bi-annual Committee meetings.
  b. In collaboration with the vice-chair, identify discussants for each topic presented during bi-annual meetings.
  c. Assist the Designated-Federal-Officer (DFO) in presiding over Committee meetings.
  d. Submits the Committee written recommendations to the Census Bureau Director.
  e. Follows up on Committee recommendations or actions.
  f. Propose, to the Director, candidates to be appointed vice-chair.
  g. Liaise frequently with Advisory Committee staff, offering candid feedback and/or sharing concerns raised by the NAC.
  h. Engage all Committee members in the tasks assigned to the NAC.
  i. Ensure that working groups operate within the scope of its guidelines.
  j. Recommend the selection of conveners for working groups.
  k. With the assistance of the vice-chair, help working group conveners identify external-subject-matter-experts to join the working group for internal dialog.
  l. At the conclusion of term, offer suggestions and/or best practice for successor(s).

Role of Vice-Chair
The vice-chair serves as a back-up to the chair. In the absence of the chair, the vice-chair assumes chair duties.

Vice Chair responsibilities:
  a. Serve as a liaison between the chair, full Committee, and working groups.
  b. Ensure that working groups complete work as planned and within the scope of its guidelines.
  c. Assist the chair in identifying conveners for working groups.
  d. In consultation with the chair and Committee members, identify proposed topics for bi-annual Committee meetings
  e. In collaboration with the Chair, identify discussants for each topic presented during bi-annual/special session meetings.
f. Assist the chair in ensuring that all members of the Committee are engaged in the tasks assigned to the NAC.
g. Assists the chair in identifying external experts for the working groups.
h. In the absence of the chair, is expected to assume all the functional responsibilities assigned to the chair.

Nomination and Vetting Process for New Members
a. On an ongoing basis, the Census Bureau reviews its member roster for current and upcoming advisory committee vacancies
b. When soliciting new members, the Census Bureau issues a Federal Register Notice 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
   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
   ii. Census Advisory Branch will conduct a LexisNexis search on nominees and their current organizational affiliation
   iii. Advisory Committee staff conduct a Google search of the nominee and current organizational affiliation
d. Census Bureau executive selection panel is convened to select top candidates
e. Candidates receive a preliminary offer to participate as a member on the Committee. Offers are contingent on completion of ethics (SF-450) and FACA conflict of interest (Certificate of Status), with clearance conducted by the DOC Ethics Office attorneys
f. Upon clearance, nominees are notified via official invitation signed by the Census Director notifying them of their three-year term.
g. Upon final acceptance, the Census Bureau issues a news release announcing the new members.
h. Members attend an orientation (see details in Chapter Three) training containing an overview of Census programs and initiatives, along with a FACA and ethics training conducted by DOC FACA and Ethics attorneys
i. Members begin fully participating in committee public meetings.
CHAPTER FIVE—ETHICS REQUIREMENTS

1. **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 traditional Government employees.

2. **Annual Ethics Requirements for SGEs**: Government-wide Standards of Conduct provide that SGEs must annually file:
   - **Confidential Financial Disclosure Report** (OGE Form 450) prior to beginning appointment on a Federal advisory committee 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 SIX—WORKING GROUPS

**Objectives and Scope of Activity:**

The NAC will conduct temporary working groups to obtain outside perspectives and analysis and provide suggestions to the full NAC for further 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 NAC consensus recommendation or Census 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.

### 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 SMEs 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 SMEs during the course of a working group call or gathering.
f. It is not permissible for an individual member to request a meeting (outside a formal meeting) with SMEs to offer advice and suggestions.
g. It is not permissible for SMEs 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 NAC ‘meetings.’
i. Working groups shall terminate at the expiration date listed in the guidelines or once the assigned tasks are completed (whichever comes first).

### NAC 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 a working group.
c. A working group convener will be appointed by the Director (the chair may be polled for possible suggestions).
d. The convener may be asked to present findings or an update at meetings.
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 the full NAC for 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 NAC 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 NAC chair to determine whether new working group members may be added once the working group is formed.

Census Advisory Committee staff will assist working group conveners with the following:
  a. Coordinating an initial meeting with the convener to provide information about the purpose and scope of the working group.
  b. Organizing meeting times and logistics.
  c. Maintaining 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 SMEs.
  g. Present findings and recommendations to the full NAC for consideration.

If the NAC adopts the working group’s recommendations, the Census Bureau will respond to the recommendations.

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

The Census Bureau will send formal letters of appreciation to the working group members.

NAC Role in Generating Ideas for New Working Groups
Some working group reports or Committee recommendations may suggest new working group issues to the NAC who may refer them to the Director through consensus recommendations. Working group formation will launch based on Census Bureau needs, budget considerations, and at the Director’s discretion.
Determining topics for working groups:

Working groups/topics are proposed through the committee’s recommendations or by the SME areas.

a. If proposed by the committee through their recommendations, the Census Bureau subject area has to “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 NAC program coordinator drafts the initial guidelines with input from committee chair, designated convener, and SMEs 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 SME area proposes the working group, the NAC program coordinator will draft the guidelines incorporating expected deliverables and then work with committee chair and convener (if one has been assigned at this point) to include input from the committee in the guidelines. Once input from all stakeholders has been received, the draft guidelines will be reviewed and approved by the SME areas and the Convener/Committee chair, the draft guidelines are then forwarded to the Census Bureau directorate leader for approval prior to establishing the working group.

SEVEN—COMMITTEE RECOMMENDATIONS

Objectives and Scope of Activity:

a. The NAC may submit recommendations to the Census Bureau. Recommendations should follow the steps outlined below:

b. There are typically two avenues to submitting draft recommendations, which may result in final recommendations: (1) via formal draft recommendations documented in a written working group report or (2) more informal draft recommendations entered by individual committee members. The former are introduced during discussions set aside for “Working Group Reports.” The latter may be introduced at a time set aside for “Committee Discussion” during a public meeting.

c. The Committee will deliberate and vote on the draft recommendations, which may result in final recommendations to the Census Bureau. The Committee may reject or alter a draft recommendation, they may also approve it.

d. 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 in the public venue or virtually.

e. 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 Committee 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.

f. 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.

g. 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 NAC Chair).

h. Dissenting votes and views may be attached to the final recommendations.

i. Committee recommendations resulting from the deliberations may be responded to by the Census Bureau.

**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 EIGHT— Determining topics for committee meetings**

**Objectives and Scope of Activity:**

Meeting topics are selected for Census Bureau SMEs to share timely information for committee deliberation and answer questions regarding Census Bureau research and materials.

**Steps to ensure the committee receives timely and well-planned presentations during its public meetings:**

a. When NAC recommendations are received, the Advisory Committee Branch reviews them to determine if new topics have been proposed by the committee that they would like to hear about in upcoming meetings.

b. During the review of recommendations, the Advisory Committee Branch confirms whether the subject area is able to present on the recommended topic. The Advisory Committee staff will also review the Census Bureau responses to the NAC
to verify whether the responding program areas previously offered to make a presentation in an upcoming meeting.

c. About 3-4 months before the committee meeting, Advisory Committee staff will issue a “call for topics” email to all associate directors. In this email, Advisory Committee staff will specify if there are topics proposed by the NAC through recommendations or if there is a “carry-over” topic that did not make the last agenda due to time constraints. The associate director can either agree with the proposed topic(s) or offer new topic(s) for the meeting. Also, included in the “call for topics” email will be a copy of the previous NAC meeting’s agenda for reference.

d. Once Advisory Committee staff receive the proposed topics, the Advisory Committee program coordinator will schedule a conference call with the NAC chair for their input in determining the agenda. The NAC chair may opt to reach out to NAC members for additional input.

e. The Advisory Committee program coordinator then drafts the 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 offer other options to ensure the Committee receives the presentation, which could include:

1. Forwarding the NAC a white paper

2. Scheduling a virtual one-way briefing

3. Requesting the availability of Committee members for a Special Session – virtual/in-person public meeting

4. Adding the topic to the next or future meeting agenda

f. Once Advisory Committee staff have the draft agenda, Advisory Committee staff then will forward to the DFO, NAC chair/vice-chair and key Census Bureau leadership to solicit comments and/or thoughts on the proposed topics.

g. Finally, Advisory Committee staff and the DFO meet with the director to review and approve the agenda.

h. Once the meeting agenda is approved, the agenda will be sent to NAC members and will post to the NAC website.

CHAPTER TEN—ONE-WAY BRIEFINGS

Objectives and Scope of Activity:

One-way briefings are designed for Census Bureau SMEs 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.
Activities during a One-Way Briefing:

- Advisory committee members **may not** offer advice, feedback, recommendations or suggestions to the SMEs/presenters.
- Advisory committee members **may** ask clarifying questions or request follow up information.

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 SMEs to solicit feedback from advisory committee members outside a public 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 draft recommendations for deliberation by the entire advisory committee membership.
- Should additional public meetings be needed, an FRN must issue and post 15 calendar days prior to the meeting. An FRN takes approximately 4-5 weeks to clear Census Bureau and DOC prior to posting.

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.