



Highlights of [GAO-05-36](#), a report to the Honorable Tom Davis, Chairman, Committee on Government Reform, House of Representatives

## Why GAO Did This Study

FCC has regulatory authority over many complex telecommunications issues. To obtain expert advice on these issues, FCC often calls upon its federal advisory committees, comprised mostly of members from industry, private consulting, advocacy groups, and government. These committees must follow the Federal Advisory Committee Act (FACA), which sets requirements on the formation and operation of such committees. Because of your interest in how FCC receives advice from outside experts, this report provides information on (1) FCC's current advisory committees, (2) the extent to which the committees follow applicable laws, (3) how FCC makes use of the committees' advice, and (4) the non-FACA advisory groups that FCC has established.

## What GAO Recommends

To better ensure that FCC's federal advisory committee members are fully informed about the type of advice they are being asked to provide, we recommend that FCC establish a process for determining and documenting the type of advice that members are expected to contribute. Committee members who are not representing a specific viewpoint may be more appropriately appointed as special government employees.

FCC noted that future appointment letters for representative members would make clear the underlying viewpoint the advisory committee member is expected to represent.

[www.gao.gov/cgi-bin/getrpt?GAO-05-36](http://www.gao.gov/cgi-bin/getrpt?GAO-05-36).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Mark Goldstein at (202) 512-2834 or [goldsteinm@gao.gov](mailto:goldsteinm@gao.gov).

# FEDERAL COMMUNICATIONS COMMISSION

## Federal Advisory Committees Follow Requirements, but FCC Should Improve Its Process for Appointing Committee Members

### What GAO Found

The Federal Communications Commission (FCC) has seven federal advisory committees established at its discretion that address various telecommunications issues. FCC officials, committee members, and other stakeholders we contacted generally believed FCC's advisory committees operated effectively.

In forming and operating advisory committees, FCC must follow FACA and related regulations, which require, among other things, that committee membership is balanced in terms of points of view represented and that committee activities are transparent to the public. While FCC follows applicable requirements, GAO found that committee members are not always clear about their expected role on the committees—that is, the type of advice that FCC expects them to provide. FCC designates all of its committee members as “representatives,” meaning they are appointed with an expectation that they will provide advice reflecting the views of a company, organization, or other group. However, approximately 22 percent of responding committee members did not say they provided representative advice. Further, some committee members are affiliated with universities or consulting firms that may not have an obvious telecommunications viewpoint. If committee members are expected to primarily provide their own expert opinion, they are expected to be impartial and may be more appropriately appointed as special government employees. Such members are subject to ethics rules administered by the Office of Government Ethics, including conflict-of-interest reviews.

While FCC is not required to implement the advice or recommendations of its advisory committees, FCC has taken actions based on these committees' recommendations. Overall, GAO found FCC officials tended to be more satisfied with how FCC implements the committees' recommendations than other stakeholders, including committee members themselves. For example, of the committee members who responded to a GAO survey, only 54 percent were satisfied with the extent to which FCC takes the committees' advice into account when developing policy. Further, three trade groups we contacted said that the advisory committees' advice and recommendations have little influence on FCC actions.

In addition to its seven federal advisory committees, FCC considers five advisory groups as exempt from FACA requirements, including two “joint boards,” two “joint conferences,” and the Intergovernmental Advisory Committee. FCC was mandated to establish the joint boards and created the joint conferences at its discretion. Since the joint boards and joint conferences are considered exempt from FACA, they function differently from FCC's federal advisory committees. FCC created the Intergovernmental Advisory Committee, which it also considers exempt from FACA, to address telecommunications issues affecting state, local, and tribal governments.