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NASA Policy Directive

NPD 1150.12Effective Date: September 22,
2004Expiration Date: September 22,
2014**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change

(NASA Only)

Subject: Federal Advisory Committee Act Committee (Revalidated w/o changes 8/24/2009)

Responsible Office: Office of External Relations

1. Policy

a. NASA establishes and manages advisory committees to obtain the advice of persons from outside the Government who can offer scientific, technical, and managerial expertise to the Agency. The Agency also uses advisory committees to inform Agency managers of the concerns of external organizations that have an interest in NASA activities. NASA advisory committees operate in a manner fully consistent with the provisions of the Federal Advisory Committee Act (FACA), which was created to ensure that committee meetings and records are open and accessible to the public.

Subcommittees or task forces of NASA advisory committees that may not be subject to the FACA will be established and managed under procedures that ensure the same spirit of openness and public accountability that is embodied in the FACA.

b. NASA advisory committees subject to the FACA means the following: any committee, board, commission, council, conference, panel, task force, or other similar group established by NASA for the purpose of obtaining advice or recommendations on issues within the scope of the NASA Administrator's official responsibilities. Subcommittees or task forces that report to a parent advisory committee rather than a NASA official are not subject to FACA. However, such groups will operate under procedures that provide for public meetings and the maintenance of publicly available records.

c. Potential NASA advisory committees that are not subject to FACA include the following: any committees specifically exempted from FACA by statute, committees not managed or controlled by NASA, groups assembled to provide advice on an individual basis versus via group feedback, groups assembled purely to exchange information with the Agency, intergovernmental committees, intragovernmental committees, local civic groups, groups created to advise state or local officials, and committees formed to provide operational versus advisory services.

d. All NASA advisory committee operations governed by the FACA are subject to the

administrative guidelines and management controls prescribed by the Administrator of the General Services Administration (GSA) and published in the Code of Federal Regulations, GSA "Final Rule" on Federal Advisory Committee Management.

e. Unless otherwise specifically provided by statute or Presidential directive, NASA advisory committees shall be used solely for advisory functions. Only NASA officials may determine Agency policy or direct Agency actions.

2. Applicability

This NASA Policy Directive applies to NASA Headquarters and NASA Centers, including component facilities.

3. Authority

42 U.S.C. § 2473, section 203(c)(7) of the National Aeronautics and Space Act, as amended.

5 U.S.C. App. §§ 1-16, the Federal Advisory Committee Act (1972), as amended.

41 CFR Parts 101-6 and 102-3, General Services Administration: Federal Advisory Committee Management; Final Rule (July 19, 2001) (GSA FACA regulations).

4. Applicable Documents

5 U.S.C. § 552, The Freedom of Information Act, as amended.

5 U.S.C. § 552b(c), The Government in the Sunshine Act, as amended.

29 U.S.C. § 794, section 504 of the Rehabilitation Act of 1973, as amended.

NPD 1440.6, NASA Records Management.

NPR 1441.1, NASA Records Retention Schedules.

5. Responsibility

a. The NASA Administrator is responsible for:

(1) Approving the establishment of all discretionary NASA FACA advisory committees. The Administrator shall not establish an advisory committee without first making a determination as a matter of formal record that the committee is in the public interest with regard to the performance of legal duties imposed on NASA, after consultation with the GSA's Committee Management Secretariat and publishing notice in the Federal Register a minimum of 15 calendar days prior to filing a charter;

(2) Amending existing charters. Major amendments to charters must follow consultation with the GSA Secretariat;

(3) Issuing administrative guidelines and management controls that apply to NASA advisory committees, consistent with the GSA FACA regulations;

(4) Designating:

(i) An Advisory Committee Management Officer (ACMO); and

(ii) A Designated Federal Officer (DFO) for each advisory committee and its subcommittees, as applicable;

(5) Appointing and setting the terms and conditions of service of advisory committee

members;

(6) Appointing the chair of advisory committees;

(7) Reviewing annually the need to continue each existing FACA advisory committee, consistent with the public interest and the purpose or functions of each advisory committee. The Administrator also is responsible for renewing or terminating advisory committees;

(8) Determining compensation (if any) for advisory committee members and for experts and consultants to advisory committees, and ensuring that budgeted levels of NASA support for advisory committees are adequate;

(9) Developing procedures to ensure that the advice or recommendations of advisory committees will not be inappropriately influenced by NASA's senior management or by any special interest, but will, instead, be the result of the advisory committees' independent judgment.

b. The ACMO is responsible for the following:

(1) Supervising the establishment, operations, procedures, and review of advisory committees established by NASA, including creation and filing of their charters;

(2) Assembling, maintaining, and managing the reports, records, and other papers, including the minutes and any transcripts, of any such committee during its existence;

(3) Making such reports, records, and other papers available to the public in accordance with the provisions of the GSA FACA Regulations and the Freedom of Information Act;

(4) Retaining and disposing all such reports, records, and other papers in accordance with NPD 1440.6, NASA Records Management and NPR 1441.1, NASA Records Retention Schedules;

(5) Performing any tasks delegated by the NASA Administrator;

(6) Providing required information on advisory committees electronically to the Secretariat on an annual basis, in accordance with the GSA FACA Regulations; and

(7) Ensuring that the interests and affiliations of advisory committee members are reviewed for conformance with applicable conflict of interest statutes, regulations issued by the U.S. Office of Government Ethics (OGE), and other Federal ethics rules.

c. The DFO is responsible for the following:

(1) Maintaining systematic information on the nature, functions, and operations of each advisory committee to which the DFO is assigned;

(2) Attending each meeting of the advisory committee and chairing such meetings when directed by the Administrator. An advisory committee shall not conduct a meeting in the absence of the DFO. The DFO may also adjourn any meeting, when the DFO believes it to be in the public interest;

(3) Calling or giving advance approval of meetings and, for committees other than Presidential advisory committees, approving an agenda;

(4) Obtaining prior approval from the ACMO for closing a meeting to the public;

- (5) Providing required information on advisory committees electronically to the GSA Secretariat on an annual basis, in accordance with the GSA FACA regulations;
 - (6) Providing a written determination stating the reasons for closing any advisory committee meeting to the public, in whole or in part, in accordance with specific exemptions of the Government in the Sunshine Act, 5 U.S.C. § 552b(c), and making the determination available to the public upon request;
 - (7) Providing the opportunity for reasonable participation by the public in advisory committee activities, subject to GSA FACA regulations, the Freedom of Information Act, specific exemptions of the Government in the Sunshine Act, 5 U.S.C. § 552b(c), section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and NASA procedural requirements;
 - (8) Ensuring that detailed minutes of the advisory committee meetings are kept.
- d. All employees are responsible for coordinating with the Office of the General Counsel regarding the establishment of committees or teams involving non-NASA personnel.

6. Delegation of Authority

The Administrator may delegate all responsibilities listed in paragraph 5, above, except the establishment and termination of a NASA advisory committee subject to the FACA and the approval of FACA advisory committee charters. These three functions may be delegated, but only to the Deputy Administrator.

7. Measurements/Verification

None.

8. Cancellation

NPD 1150.11 dated September 22, 2009, to correct directives number.

**REVALIDATED 8/24/09, ORIGINAL SIGNED BY: /s/ Sean O'Keefe
Administrator**

Attachment A: (Text)

None.

(URL for Graphic)

None.

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