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NASA Policy Directive

NPD 1150.11A

Effective Date: June 20, 2012

Expiration Date: June 20, 2017

COMPLIANCE IS MANDATORY[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: Federal Advisory Committee Act (FACA) Committees

Responsible Office: Office of International and Interagency Relations

1. POLICY

a. It is NASA's policy to establish and manage 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 are defined as: 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 that report to a parent advisory committee rather than directly to a NASA official are not subject to FACA. Such subcommittees will nonetheless operate under procedures that provide for public meetings and the maintenance of publicly available records. Other external advisory groups that receive direction from or report directly to a NASA official are subject to FACA.

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; international committees; local civic groups; groups created to advise state or local officials; and committees formed to provide operational versus advisory services in accordance with General Services Administration (GSA) FACA regulations and guidelines.

d. All NASA advisory committee operations governed by the FACA are subject to the administrative guidelines and management controls prescribed by the Administrator of 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 NPD applies to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers.

3. AUTHORITY

- a. The National Aeronautics and Space Act, as amended, 51 U.S.C. § 20113(g).
- b. The Federal Advisory Committee Act (1972), as amended, 5 U.S.C. App. §§ 1-16.
- c. Lobbying Disclosure Act of 1995, as amended, 2 U.S.C. § 1605. General Services Administration: Federal Advisory Committee Management; Final Rule (July 19, 2001), 41 CFR Parts 101-6 and 102-3 (GSA FACA regulations).

4. APPLICABLE DOCUMENTS AND FORMS

- a. The Freedom of Information Act, as amended, 5 U.S.C. § 552.
- b. The Government in the Sunshine Act, as amended, 5 U.S.C. § 552b. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
- c. Presidential Memorandum, Lobbyists on Agency Boards and Commissions (June 18, 2010).
- d. Presidential Memorandum, Scientific Integrity (March 9, 2009). Office of Science and Technology Policy Memorandum, Scientific Integrity (December 17, 2010).
- e. NASA Report to the Office of Science and Technology Policy, Ensuring Scientific Integrity at the National Aeronautics and Space Administration (April 16, 2011).
- f. NPD 1440.6, NASA Records Management.
- g. NPR 1441.1, NASA Records Retention Schedules.

5. RESPONSIBILITY

- a. The NASA Administrator is responsible for:

(1) Approving the establishment, renewal, and reestablishment of all discretionary NASA FACA advisory committees and their charters. The Administrator shall not establish, renew, or reestablish 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, consulting with the GSA Committee Management Secretariat, and publishing notice in the Federal Register. No NASA Federal advisory committee may meet until its charter has been filed with the Administrator, Congress, the Library of Congress, and the GSA Committee Management Secretariat, in accordance with GSA FACA regulations and guidelines;

(2) Amending existing advisory committee charters. Major amendments to charters also require prior consultation with the GSA Committee Management Secretariat and compliance with GSA FACA regulations and guidelines;

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

(4) Appointing the NASA Committee Management Officer (CMO), an Agencywide Federal advisory committee management oversight and compliance position, and a Designated Federal Officer (DFO) for each NASA Federal advisory committee and its subcommittees, as applicable;

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

committee members;

(6) Appointing the chair of each NASA Federal advisory committee;

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

(8) Determining compensation (if any) for NASA Federal 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 NASA Federal 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; and

(10) Providing the opportunity for reasonable participation by the public in NASA Federal advisory committee activities, subject to the GSA FACA regulations and guidelines and NASA guidelines.

b. The NASA CMO is responsible for the following:

(1) Supervising the establishment, operations, procedures, and review of Federal advisory committees established by NASA, including charter development, membership balance plan development, subsequent coordination and review by GSA of the advisory committee charters, and filing of all charters with the Administrator, NASA's Congressional oversight committees, the Library of Congress, and the GSA Committee Management Secretariat;

(2) Announcing NASA Federal advisory committee vacancies widely, including notice in the Federal Register with an invitation to the public to nominate individuals for consideration and for self-nominations to be submitted. Ensuring that the recruitment process for new advisory committee members is as transparent as possible, and the Agency has access to a broad pool of qualified applicants;

(3) Ensuring that the selection of members to serve on a NASA scientific or technical Federal advisory committee is based on expertise, knowledge, and contribution to the relevant subject area;

(4) Ensuring that professional biographical information for NASA's appointed Federal advisory committee members is made widely available to the public in a way that clearly illustrates the members' qualifications for service;

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

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

(7) Ensuring that all reports, recommendations, and products produced by NASA Federal advisory committees are treated as the findings of such committees rather than the U.S. Government and, thus, not subject to revision by NASA;

(8) 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;

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

(10) Providing required performance, financial, and other information on NASA Federal advisory committees electronically to the GSA Committee Management Secretariat annually in accordance with the GSA FACA Regulations and guidelines;

(11) 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;

(12) Ensuring that advisory committee members are not federally registered lobbyists under the Lobbying Disclosure Act of 1995, as amended, at the time of their appointment or reappointment; and

(13) Making publicly available the names of all committee members receiving Conflict of Interest waivers.

c. The NASA DFO is responsible for the following:

(1) Approving or calling the meetings of the advisory committee or its subcommittees and, for committees other than Presidential advisory committees, approving an agenda;

(2) Attending each meeting of the advisory committee and chairing the meeting 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 determines it to be in the public interest;

(3) Conducting advisory committee meetings, based on principles of openness and transparency, and providing for public accessibility to NASA Federal advisory committee meetings subject to GSA FACA regulations and guidelines, the Freedom of Information Act, specific exemptions of the Government in the Sunshine Act, 5 U.S.C. § 552b, section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and NASA procedural requirements; Presidential memoranda; and Office of Science and Technology Policy memoranda;

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

(5) Obtaining prior approval from the CMO and Office of the General Counsel for any proposed preparatory, fact-finding, and administrative non-public (non-FACA) advisory committee meetings in accordance with GSA FACA regulations and guidelines and for any proposed advisory committee meetings to be closed to the public in accordance with the Government in the Sunshine Act, 5 U.S.C. § 552b;

(6) Providing a written determination stating the reasons for convening any non-public (non-FACA) preparatory, fact-finding, or administrative advisory committee meeting in accordance with GSA FACA regulations and guidelines;

(7) 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, and making the determination available to the public upon request;

(8) Ensuring that detailed minutes of the advisory committee meetings are kept; and

(9) Providing required summary information on the advisory committee electronically to the CMO as part of NASA's annual report filing to the GSA Committee Management Secretariat, known as the GSA Annual Comprehensive Review (i.e., the FACA Database), in accordance with GSA FACA regulations and guidelines.

d. All NASA employees are responsible for coordinating with the Office of International and Interagency Relations and Office of the General Counsel in advance of establishment of any advisory committees, working groups, task forces, or teams that involve at least one non-Federal employee as a member.

6. DELEGATION OF AUTHORITY

The NASA Administrator may delegate all responsibilities listed in paragraph 5, above, except the establishment, renewal, reestablishment, and termination of NASA Federal advisory committees subject to FACA and the approval of NASA Federal advisory

committee charters. These functions may be delegated, but only to the Deputy Administrator.

7. MEASUREMENT/VERIFICATION

None.

8. CANCELLATION

NPD 1150.11, Federal Advisory Committee Act (FACA) Committees, dated September 22, 2004, to correct directives number.

/s/ Charlie F. Bolden
Administrator

ATTACHMENT A: (TEXT)

None.

(URL for Graphic)

None

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