

**PRIMER REGARDING
FEDERAL ADVISORY COMMITTEES
AND
FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDC's)**

FACA

- The Federal Advisory Committee Act (FACA) became law in 1972 and is the legal foundation defining how federal advisory committees operate. The law has special emphasis on open meetings, chartering, public involvement, and reporting.
- The Federal law with all amendments and annotations can be found at:
<http://www.gsa.gov/portal/content/100916>.
- Sec. 8. summarizes responsibilities of agency heads and other management functions:
 - o Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10.
 - o Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.
 - o The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall:
 - Exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;
 - Assemble and maintain the reports, records, and other papers of any such committee during its existence; and
 - Carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.
- Sec. 9. summarizes the establishment and purpose of advisory committees and other requirements of a FACA:
 - o No advisory committee shall be established unless such establishment is:
 - Specifically authorized by statute or by the President; or
 - Determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.
 - o Unless otherwise specifically provided by statute or Presidential directive, advisory committees **shall be utilized solely for advisory functions. Determinations of action to be taken** and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations **shall be made solely by the President or an officer of the Federal Government.**
 - o No advisory committee shall meet or take any action until an advisory committee charter has been filed. A copy of any such charter shall also be furnished to the Library of Congress.
 - o NOAA has six Federal Advisory Committees, which are summarized at
<http://www.externalaffairs.noaa.gov/advisory.html>.

FFRDC

- Overall management of the U.S. Government's FFRDCs is governed by congressional legislation and executive branch regulation
- IAW (1) 48 CFR 35.017-2; (2) the Office of Federal Procurement Policy (OFPP) within the Office of Management and Budget (OMB), OFPP Policy Letter 84-1; and (3) Federal Acquisition Regulation (FAR), Part 35, paragraph 35.017-2, when considering to establish an FFRDC, the sponsor needs to ensure:
 - o Existing alternative sources for satisfying agency requirements cannot effectively meet the special research or development needs
 - o The Executive Office of the President, OSTP, is notified.
 - o Controls are established to ensure that the costs of the services being provided to the Government are reasonable.
 - o The basic purpose and mission of the FFRDC is stated clearly enough to enable differentiation between work which should be performed by the FFRDC and that which should be performed by non-FFRDC's.
 - o Approval is received from the head of the sponsoring agency.