

National Science Foundation
Directorate for
Mathematical and Physical Sciences
Advisory Committee



FACA Briefing & Conflicts of Interest



Thanks for Serving!

- Advisory committees play an important role in shaping the programs and policies of the federal government.
- Your deliberations and feedback, both collectively and as individuals, help federal agencies decide how to best use taxpayer dollars for their investment.
- We hope you find the experience interesting and fulfilling!



This is a FACA Committee

- Through enactment of the ***Federal Advisory Committee Act (FACA) of 1972 (Public Law 92-463)***, the U.S. Congress formally recognized the merits of seeking the advice and assistance of our nation's citizens to the executive branch of government.
- FACA was enacted to ensure that advice given to federal government agencies by groups of individuals that include non-federal employees is objective and accessible to the public.
- FACA Committees must
 - Provide advice that is relevant, objective, and open to the public;
 - Act promptly to complete their work;
 - Comply with reasonable cost controls and recordkeeping requirements;
- Sponsored by NSF, which provides a Designated Federal Official.
- MPSAC Meetings are open to the public and announced in the Federal Register (and on the MPSAC website: <https://www.nsf.gov/mps/advisory.jsp>).
- Agenda, Minutes & Presentations posted online.
- Meeting attendance recorded.



What Does An Advisory Committee Do?

An advisory committee meets, deliberates, reaches consensus, and provides advice and/or recommendations directly to a federal agency.

At NSF we have two primary types of advisory committees.

1. “Traditional” advisory committees that provide advice and/or recommendations regarding **policy matters**.
2. Merit review panels that provide recommendations regarding **grant proposals**.

You are serving on a “traditional” NSF FACA committee.



Advisory Committee Meeting Best Practices

1. Notice of FACA committee meetings must be provided to the public.
 - Traditional advisory committee – published in the Federal Register
 - Merit review panel – published on the NSF website
2. The public must be allowed to have reasonable access to the meeting unless the meeting, or a portion of the meeting, is closed. Generally, NSF closes portions of FACA committee meetings where the information being discussed is proprietary, would constitute an invasion of privacy, and/or would frustrate proposed agency actions.
3. Committee members must electronically sign in at the beginning of the meeting.
4. Meeting minutes must be created and maintained by NSF.
5. **Committee members must not discuss the business of the committee outside of the meeting.**



Advisory Committee Conflicts of Interest

- Standard Conflicts of Interest rules apply.
- Committee Members have a conflict of interest and should recuse themselves from offering project or program advice if they...
 - are employed at an **institution whose financial interests would be affected** as a result of an Agency following such advice;
 - serve on the **Board of Directors of an awardee** with financial responsibility for the project or program;
 - have a **financial interest** in any contractor that would be directly impacted by such advice;
 - feel that they **cannot be fully objective and unbiased**, or that another person could have reason to question their objectivity.



Relevant “Acts to follow”

Hatch Act

No political activity in the Federal workplace.

If you want to make a call to support a presidential candidate - **use your personal phone, on a committee break time, and step outside the building.**

If you want to attend a political fundraiser- can attend **only after meeting is adjourned.**

Anti-Lobbying Act

Do not engage in, or encourage, lobbying during the meeting or other Government duty time.

The Act **prohibits the use of appropriated funds** (including the use of official employee time and Government resources) for activities that are intended or designed (directly or indirectly) **to influence in any manner a member of Congress** (or an official of any Federal, state, or local government) in support of or opposition to legislation or appropriations.

If you are representing your university, your professional society, or yourself to Congress - **make sure its on your own time, not using any NSF affiliation or resources.**



QUESTIONS?

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