



U.S. DEPARTMENT OF
ENERGY

Office of
Science

National Quantum Initiative Advisory Committee (NQIAC)

Federal Advisory Committee Act (FACA) considerations

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NQIAC meeting
Virtual / SLAC National Accelerator Laboratory
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Quick FACA facts

- ▶ “FACA” refers to the Federal Advisory Committee Act of 1972 (P.L. 92-463).
- ▶ The enactment of FACA formally recognized the merits of seeking the advice and assistance of our nation's citizens, while seeking to assure that advisory committees:
 - ▶ Provide advice that is relevant, objective, and open to the public;
 - ▶ Act promptly to complete their work; and
 - ▶ Comply with reasonable cost controls and record keeping requirements.
- ▶ FACA and its Implementing Regulations provide the basis for and guidance concerning the management and operations of federal advisory committees.
- ▶ In general, the provisions of FACA apply when the government utilizes (i.e., manages and controls) an outside group (two or more individuals) to provide advice and recommendations to a Federal official.

FACA open access requirements

- ▶ Under the provisions of FACA, federal agencies sponsoring advisory committees must:
 - ▶ Arrange meetings that are reasonably accessible and at convenient locations and times;
 - ▶ Publish adequate advance notice of meetings in the *Federal Register*;
 - ▶ Open advisory committee meetings to the public (with very limited exceptions, per the "Government in the Sunshine Act");
 - ▶ Make available for public inspection, subject to the Freedom of Information Act, papers and records, including detailed minutes of each meeting; and
 - ▶ Maintain records of expenditures.

Characteristics, operation, and sub-groups

- ▶ FACA requires that committee memberships be “fairly balanced in terms of the points of view represented and the functions to be performed”
- ▶ Each FACA committee is required to have a Designated Federal Officer (DFO) who protects the government’s interests and whose responsibilities include: ensuring compliance with FACA; calling, attending, and adjourning all committee meetings; approving agendas; and maintaining records
- ▶ All deliberative meetings of the full committee are (with rare, specific exceptions) open to the public and include an opportunity for public comment
- ▶ Agencies may create sub-groups to facilitate the efforts of the full committee, but these cannot report directly to Federal agencies – they must report to the full committee which may then deliberate on and use such input in its reporting to Federal officials.

The NQIAC under FACA

- ▶ Federal agencies, including DOE, operate various FACA Committees - some long-standing - to provide consensus expert advice on a broad range of topics
- ▶ NQIAC is a new FACA committee, established by statute (via the NQI Act, signed into law December 2018) and as directed by Executive Order 13885 (August 2019).
- ▶ Provides advice and recommendations to the Subcommittee on Quantum Information Science of the National Science and Technology Council, the Secretary of Energy, and the President
- ▶ A formal charge to the NQIAC is under development and forthcoming
- ▶ More on the statutory basis and responsibilities of the NQIAC later from Alex Cronin of the NQCO...