

**FEDERAL ADVISORY COMMITTEE MANAGEMENT
HANDBOOK**

REVISED EDITION

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INTRODUCTION

The Committee Management Handbook, originally compiled in 1983, is designed to provide guidance and general information to those persons who are new to the field of committee management. Due to changes in the field and new laws, we have revised and updated the handbook to provide current information on committee management. In the new edition, you will notice a change in the format for submitting documents to the Department Committee Management Office. This handbook is intended to be used as a reference in preparing the necessary, material and documents needed to establish or renew a committee, appoint committee members, schedule and conduct federal advisory committee meetings, prepare reports, and maintain records.

Brief Overview of Relevant Laws, Regulations, Policy Documents, and Executive Orders

Listed below are the laws, regulations, and other documents that govern federal advisory committees.

A. FEDERAL ADVISORY COMMITTEE ACT (FACA) (Public Law 92-463)

This law was passed October 6, 1972. Because of the numerous committees advising the Federal Government, Congress decided to establish a system to govern the creation, operation, and duration of advisory committees in the Executive Branch of the Federal Government.

Specifically, Congress determined that:

1. the need for many existing committees had not been reviewed;
2. new committees should be established only when determined to be essential;
3. committees should be terminated when they are no longer needed.
4. there should be standard and uniform procedures governing the operation of committees;
5. Congress and the public should be kept informed of the number, purpose, membership activities, and cost of advisory committees, and
6. the function of advisory committees should be advisory only.

In order to accomplish this, the FACA outlines general responsibilities of federal officials involved with the committee management and broad guidelines for the operation of advisory committees.

B. GOVERNMENT IN THE SUNSHINE ACT (Public Law 94-409)

The purpose of this Sunshine Act is to provide information regarding the decision-making process of the Federal Government to the public. In one section of the Act, which is cross-referenced by the FACA, exemptions are listed for closing or partially closing advisory committee meetings to the public. This one section, containing exemptions, is the only section of the Act that applies to the Department's FACA committees. The exemptions most applicable to the Department are as follows:

1. Exemption 4 of the Government in the Sunshine Act (5 U.S.C. 552 b(c)(4)) applies to "trade secrets and commercial or financial information obtained from a person and, privileged or confidential." It is most reasonably used where it can clearly be determined that potentially patentable information would be disclosed.

2. Exemption 6 of the Government in the Sunshine Act (5 U.S.C. 552b(c)(4)) applies to “information of a personal nature where disclosure would constitute a clearly unwanted invasion of personal privacy.” It is used to protect personal privacy of identifiable individuals. One example of its use is where applications are being reviewed, and the information to be disclosed would relate to an individual’s personal or professional qualifications or characteristics.

C. PUBLIC HEALTH SERVICE (PHS) ACT (Title 42 U.S.C)

The legislation mandates the creation of specific federal advisory committees and gives the Secretary of the Department of Health and Human Services and other agency officials discretionary authority to create additional advisory committees when warranted. In case of mandated or statutory committees, details regarding the establishment, function, membership, and duration are often but not always, included in the PHS Act, as well as the roles and responsibilities of federal staff.

D. PRIVACY ACT (Public Law 93-574)

Congress found that in order to protect the privacy of individuals identified in information systems maintained by federal agencies, it was necessary to regulate the collection, maintenance, use, and dissemination of information collected by such agencies. The purpose of the Privacy Act is to provide safeguards for an individual against an invasion of personal privacy. Records of members of advisory committees are subject to the Privacy Act.

E. FREEDOM OF INFORMATION ACT (Public Law 104-231)

The Freedom of Information Act sets standards for determining which records held by Government agencies must be made available to the public and which records may be withheld.

F. NEGOTIATED RULEMAKING ACT (Public Law 101-648)

The Negotiated Rulemaking Act provides for the creation of negotiated rulemaking committees, which are advisory committees subject to FACA that consider and discuss issues for the purpose of reaching a consensus in the development of a proposed rule. The Negotiated Rulemaking Act has provision concerning the determination of need for a negotiated rulemaking committee, publication of notice, applications for membership, establishment, conduct of committee activity, termination, services, facilities, and payment of committee member expenses.

G. FACA FINAL RULE (41 CFR Part 101-6)

The Final Rule is a regulation that provides interpretive guidelines for the management and operation of federal advisory committees that are governed by the provision of FACA.

H. HHS CHAPTER 9-00 GENERAL ADMINISTRATION MANUAL (GAM)

The General Administration Manual was developed by the Department to define HHS policies on charter establishments, renewals, charter amendments, and terminations of advisory committees; the nomination and appointment of committee members, the roles and responsibilities of federal staff involved with the operation of committees, conflict of interest, confidentiality, procurement integrity, and ethical conduct of committee members, the conduct of committee business, and advisory committee reports.

I. EXECUTIVE ORDER 12024

This Executive Order signed by President Jimmy Carter on December 1, 1977, transfers certain functions under the FACA as amended from the Office of Management and Budget to the General Services Administration.

J. EXECUTIVE ORDER 12838

This Executive Order signed by President Clinton on February 10, 1993, orders the reduction of federal advisory committees within the Executive Branch and limiting the establishment of new committees.

DEFINITIONS

Acknowledgement of Invitation – The form used by the candidates to indicate acceptance or declination of the Secretary's or designated official's invitation to serve on a federal advisory committee.

Ad Hoc Committee – A federal advisory committee that has an expected duration of twelve (12) months or less.

Advisory Committee Member – An individual who is retained, designated, appointed, or employed to serve on an advisory committee, with or without compensation.

Agency Committee Management Officer (CMO) – The employee in the agency who coordinates all facets of committee management for the entire OPDIV or STAFFDIV under the direction of the Department Committee Management Officer. A CMO may also be referred to as a Government Federal Official (GFO).

Attendance Log – Record of people who attend all or part of a committee meeting in person or identify themselves when virtually attending a meeting. This listing will be included in the summary of minutes of the meeting.

Authority – The right, which is reserved by the Secretary, Presidential directive, or statute, to establish a federal advisory committee.

Authorized by Law – Legislation that authorizes but does not direct the President or an agency to establish a committee. (See Discretionary Advisory Committee)

Board of Scientific Counselors – The principal external review committee for the intramural programs, which is utilized by the various Bureaus, Centers, Institutes and Research Divisions. The Board consults and advises on the quality of scientists and the research programs.

Budget Officer or Representative – A Department employee who provides the official budgetary and financial operation of a federal advisory committee.

Chair – Individual appointed to preside at committee meetings and ensure that all rules of order and conduct are maintained during each session.

Closed Meeting – A meeting held to review, discuss, and deliberate confidential data and documents, which are prohibited from public disclosure.

Committee Management Secretariat (CMS) – The office, within the General Services Administration (GSA), responsible for providing advice and guidance on the administration and management of federal advisory committees to ensure compliance with FACA.

Conflict of Interest – A matter in which a member of a federal advisory committee has a financial interest or a financial interest that is imputed to the member under 18 U.S.C. 208. Also includes use of the committee office by a member which appears to be or is motivated by a private gain for his/herself or other person(s), particularly those with whom he or she has family, business, or financial ties. (HHS Standards of Conduct, 45 CFR, Part 73)

Consultant – A person who serves on a specific federal advisory committee on an intermittent basis to provide specialized knowledge.

Delegation of Authority – A document approved by the Secretary or agency head which authorizes a Department official to: (1) select and invite members to serve on a committee; (2) renew, amend, and terminate a committee; and 3) approve waivers of Department policy regarding membership restrictions.

Department Committee Management Officer – The HHS employee who provides leadership, direction, and assistance to HHS official and Agency Committee Management Officers in the preparation and management of federal advisory committees.

Department Committee Management Office – This office formulates and oversees the implementation of Department policies, laws, regulations and procedures governing committee management activities.

Designated Federal Officer (DFO) – The DFO is responsible for the committee's overall management and administrative matters. The DFO must be present at all advisory committee meetings. The DFO may sometimes be referred to as an Executive Secretary, Executive Director, or Scientific Review Officer.

Discretionary Advisory Committee – A discretionary advisory committee, sometimes referred as a non-statutory advisory committee is authorized by law and established at the discretion of the Secretary or other authorized federal official. Establishment requires consultation with GSA.

Establishing Authority – The law, authorizing establishment of a federal advisory committee.

Executive Secretary/Executive Director – (See Designated Federal Officer)

Ex Officio Member – A federal employee who serves on a federal advisory committee to represent his/her agency and who has expertise in the subject matter.

Expert – A person with excellent qualifications in a professional, scientific, technical or other field, who is regarded as an authority or a practitioner of unusual competence and skill by other persons in the profession, occupation, or activity.

Federal Advisory Committee – Any committee, board commission, council, conference, panel task force, initial review group, special emphasis panel, working or other similar group which is not composed entirely of full-time or permanent part-time officers or employees of the Federal Government. This committee is established or utilized by the Department to advise or make recommendations on matters relating to the programs, responsibilities, or activities of the Department. There are three types of advisory committees: (1) Presidential Advisory Committee established by an Executive Order, (2) Statutory Advisory Committee established by Congress, and (3) Discretionary Advisory Committee established under the authority of the Secretary, agency head, or other HHS official with establishment authority.

Federal Register – The daily publication used as a means to provide the public with information regarding regulations and legal notices issued by Federal agencies.

Federal Register Notice – A specific document published in the Federal Register to inform the public about the various activities of federal advisory committees, i.e., the establishment of new committees, charter renewal of existing committees, to solicit the names of potential nominees and meetings.

Filing Date – The date the committee’s charter is filed with appropriate standing committees of the Senate, House of Representatives, and the Library of Congress. The filing date also serves as the establishment date for the committee, except for committees established by Executive Order. The establishment date for committees established by Executive Order is the date the charter is filed with the Committee Management Secretariat, GSA.

Financial Operating Plan – Total Cost (and the distribution of those costs) to operate an advisory committee.

Form SF 61, Appoint Affidavits (The Oath of Office) – The oath of office is an affirmation to defend and support the Constitution of the United States. The oath must be administered to the new committee members before the individual can perform any official duties.

Form OGE-450, Confidential Financial Disclosure Report – This is a required ethics reporting document. A federal advisory committee member who is classified as an SGE is required to complete and submit this document upon entering the position in which he or she is appointed. This is an annual reporting requirement throughout their term of appointment, unless otherwise specified by the appointing agency.

Form HHS-532, Request for Approval of Nominees for Public Advisory Committees – The form submitted by the OPDIV/STAFFDIV heads to the Secretary or other appointed officer to nominate a committee member.

Form HHS-697, Foreign Activities Questionnaire – This is a required ethics reporting document that must be completed and submitted by federal advisory committee members who are classified as SGEs. This form was developed by the HHS Office of General Council Ethics

Division to assist agencies in determining if individual advisory committee members are involved in activities that violate the restriction of the Emoluments Clause of the U.S. Constitution, the Foreign Gifts and Declarations Act, and the Foreign Agents Registration Act.

Guest – An individual who has been requested by the DFO or other federal official to share views or knowledge of a subject before the committee. A guest may also be asked to deliver a lecture or to present a scientific paper to an advisory committee, subcommittee, or workshop.

Initial/Integrated Review Group – The generic term for any committee chartered to provide specific and technical peer review of the initial merit review of research grant applications, cooperative agreements, or contract proposals.

Letter of Appreciation – A letter from the appointing official thanking the member after completion of service.

Members Appointed by Heads of OPDIVS and STAFFDIVS – Members who are selected, invited, and appointed by an official to serve on a committee. The Secretary has delegated the appointing authority to this official or the authorizing legislation has named the appointing official.

Members Appointed by the Secretary – Members selected, invited, and appointed by the Secretary to serve on a committee.

Members Appointed by the President – Members selected, invited, and appointed by the President of the United States to serve on a committee.

Membership Balance Plan – A description of the agency's plan to ensure that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested and qualified, as appropriate to the nature and functions of the advisory committee.

Membership Roster – A list of current and ex-officio members, including their name, address, phone number, email, end term dates (if applicable) and other pertinent data. This information must be kept confidential and not distributed to the public.

Non-Discretionary Advisory Committee – Another name for a committee established by statute. (See Statutory Advisory Committee)

Non-Statutory Advisory Committee – Another name for a committee established by discretionary authority. (See Discretionary Advisory Committee)

Office of Government Ethics (OGE) – An Executive Branch agency established under the Ethics in Government Act of 1978, as amended (5 U.S.C, appendix 4, section 401). The OGE establishes standards of ethical conduct for the executive branch and ensures transparency in government through financial disclosure.

Open Meeting – An advisory committee meeting must be open to the public except where a closed or partially-closed meeting has been determined proper and consistent with the exemption(s) of the Government in the Sunshine Act, 5 U.S.C. 552(b)(c), as the basis for closure.

Operational Committee – An operational committee is one whose functions include making or implementing decisions, as opposed to offering recommendations or advice. It is not covered by the FACA.

Partially Closed Meeting – A federal advisory committee meeting that has open and closed sessions. The open session is open for public attendance and participation either in person or the web. The closed session of the meeting involves matters exempt from disclosure under the Government in the Sunshine Act.

Presidential Advisory Committee – Any advisory committee established by Executive Order or other Presidential directive to provide advice and counsel directly to the President. This also applies to any committee designated by statute as Presidential.

Presidential Directive – This applies to a committee's establishment when directed by Presidential Executive Order, memorandum, or proclamation. GSA consultation is not required.

Press Release – A public announcement of new appointments issued by the Office of Public Affairs, including Federal Register notices.

Professional Area Breakdown – A chart that shows current and proposed committee composition by professional category, geographic balance, female/minority balance, and in chronological order by term ending dates. The chart must include all members, even those whose term is ending, on the list until the vacancy is filled.

Program Advisory Committee – A committee that provides advice on specific research programs, future research needs and opportunities, and identifies and evaluates extramural or intramural initiatives.

Public Member - An individual from the general population who is appointed to a position because of their knowledge and experience on a committee's respective subject matter.

Quorum – A quorum is a majority (one more than half) of the committee's appointed membership, unless the charter states otherwise.

Reappointment of Members – The reappointment of a member to the same committee.

Reestablishment Date – The most recent filing date for the charter of a federal advisory committee that previously had been terminated.

Renewal – The process used to continue the charter of a federal advisory committee.

Regulatory Negotiation “A Reg Neg Committee” – Membership on this committee includes participants who held extreme or opposing viewpoints, but have agreed to negotiate in good faith to develop a workable solution. The committee’s objective is to reach a consensus on a resolution of the issues and to prepare a proposed regulation for consideration by the Department/Agency.

Representative – A representative is not a federal employee and is not classified as a Special Government Employee. A representative is an individual who is appointed for the sole purpose of providing the points of view or perspective of outside interests or group stakeholders.

Secretary – The Secretary of the U.S. Department of Health and Human Services.

Scheduled Vacancy – The vacancy that occurs when a committee member completes his/her designated term of service.

Scientific Member – An individual who fills a scientific position on a committee.

Scientific Review Evaluation Award (SREA) – A funding mechanism used to reimburse non-Special Government Employee members on peer review committees.

Special Government Employee (SGE) – An officer or employee in the executive branch of the Federal Government who is appointed to perform temporary duties, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days.

Specifically Directed by Law – (See Statutory Advisory Committee)

Special Emphasis Panel – A committee which functions both as an initial review group performing the scientific and technical peer review of applications and cooperative agreement applications, as reviewers of contract proposals, and concept reviews. The membership is fluid and individuals are appointed to serve for only one meeting.

Statutory Advisory Committee – A committee established by Congress or required to be established by Congress. These types of committees may also be referred to as non-discretionary, mandated, specifically created by law.

Subcommittee – A group, generally not subject to the FACA, that reports to a duly established advisory committee and not directly to a federal officer or agency, whether or not its members drawn in whole or in part from the parent advisory committee. If a subcommittee makes recommendations directly to a federal officer or agency and the parent committee without further deliberations of its recommendations, then there must be statutory authority to do so. Absent such rare statutory authority, the group would be acting as a separate advisory committee and would have to comply with all FACA requirements as a separate advisory committee.

Terms of Appointment – This is the time period that is established for an individual to serve as a member of a federal advisory committee.

Termination Date – The date the committee ceases to function whether by merger or expiration.

Unscheduled Vacancy – The vacancy that occurs when a member resigns, dies, or service is terminated for other reason(s).

Utilized – A committee that is not established by the Federal Government is “utilized” within the meaning of the FACA when the President or a federal officer or agency exercises actual management or control over its operations. Such a committee is subject to the requirements of the FACA.

Waiver – An instrument utilized to document the act of intentionally relinquishing or abandoning a known right, claim, or privilege. There are three types:

1. Conflict of Interest – A written document, approved by the employing agency official in advance of participation under the authority of 18 U.S.C. 208(b)(3), which enables the Special Government Employee (SGE) to participate in one or more particular matters in which the SGE has a financial interest or an interest which is imputed to the SGE under 18 U.S.C 208(a)
2. Membership – This is a request to waive departmental policy regarding membership restrictions.
3. Waiver of Compensation – This waiver is an advance written agreement from a committee member to serve without compensation.

Office of the White House Liaison/Department Committee Management Office – Office with HHS that has responsibility for providing guidance and oversight for management of the federal advisory committees, subject to FACA, that is operated within the Department.

PART I: ROLES AND RESPONSIBILITIES

A. OS/DEPARTMENT COMMITTEE MANAGEMENT OFFICER (DCMO)

The DCMO assists the Secretary and the White House Liaison in the management of federal advisory committees and Presidential Advisory Committees within the jurisdiction of the Department of Health and Human Services (HHS). The DCMO is responsible for developing and issuing policies, guidelines, standards, and procedures for management control of HHS advisory committees. In addition to responsibilities listed in the General Administration Manual (GAM), Chapter 9-0050B, the DCMO:

1. provides leadership, direction, and assistance to HHS officials and agency committee management officers (CMOs) in the management and operation of federal advisory committees;
2. reviews and approves an advance copy of each charter and nomination package prior to their being submitted for approval/clearance by the Secretary and Committee Management Secretariat (GSA);
3. reviews/compares proposed and current charters to ensure that any significant changes are justified and ensure compliance with appropriate legislative authority and applicable statutes, and departmental policy;.
4. assures that appropriate concurrences have been obtained, e.g., OPDIV, General Counsel;
5. prepares consultation memoranda to the Committee Management Secretariat (GSA) for discretionary committees as required by the Federal Advisory Committee Act (FACA) and the FACA Final Rule;
6. advises initiating CMO or OPDIV of GSA response when GSA actions do not support the Department's position;
7. review, makes recommendations for actions, and forwards committee management documents to the Secretary for approval;
8. forwards transmittal (filing) letters to appropriate standing committee of the Senate, House of Representatives and the Library of Congress; and
9. returns approved committee documents to CMO for appropriate action;

B. AGENCY COMMITTEE MANAGEMENT OFFICER (CMO)/GOVERNMENT FEDERAL OFFICER (GFO)

CMO's will provide additional guidance on the roles and responsibilities and office procedures for staff in their specific agencies: The CMO:

1. coordinates all committee management activities for the agency and serves as the liaison official between the DCMO and the OPDIV/STAFFDIV in the agency (See Chapter 9-00-50D of GAM);
2. furnishes staff guidance, assistance and leadership to agency officials in the various facets of the committee management activities;
3. establishes controls and procedures to ensure compliance with applicable rules, regulations, and Department policy, and submission of required documents and reports;
4. ensures that an advance copy of the charter and nomination packages, for those committees requiring approval by the Secretary, are sent to the DCMO. Once approval is given by the DCMO, the CMO assures that the formal packages are forwarded through agency/OPDIV channels to the DCMO;
5. maintains copies of the charter and membership records, as well as copies of annual reports;
6. is responsible for coordinating and/or preparing the following reports:
 - a. Annual Comprehensive Review of Federal Advisory Committees (ACR);
 - b. Annual Report on Closed Meetings;
 - c. Report of Presidential Advisory Committee Recommendations;
 - d. Report of Scheduled Vacancies;
 - e. Annual Ethics Report; and
 - f. Other reports as required.
7. prepares/coordinates the preparation of invitation letters to members who are selected by the Secretary; advises OPDIV of the nominees' acceptance or declination to serve on an advisory committee;
8. coordinates the preparation of Federal Register notices and ensures their publication in a timely manner.

C. Designated Federal Officer (DFO):

1. approves or calls the meeting, approves the agenda, attends the meeting, and when necessary, adjourns the meeting;

2. works closely with the program office and/or CMO to assure that appropriate deadlines are met and that the committee is meeting the objective of the organization;
3. maintains the records, reports, transcripts, minutes, working papers, drafts, studies, agenda, or other documents that are made available to or are prepared for or by an advisory committee; ensures that the minutes of the committee meeting are certified by the Chair within 90 days after the meeting has been held;
4. initiates all nomination and personnel actions for new members;
5. initiates letters of invitation, appreciation, and certificates of appreciation, when appropriate;
6. serves as the main resource person available to the organization regarding the renewal and amending of the committee charter;
7. informs committee members of his/her responsibilities while serving on a federal advisory committee;
8. provides orientation to new members, ensures that incoming members receive ethics training;
9. participates in the financial disclosure process to review for conflicts of interest and determine the need for conflict of interest (COI) waivers or other measures to avoid conflicts of interest for the initial review as well as the annual review;
 - When a committee member(s) is disqualified from participation in a committee discussion because of conflicting financial interest, the DFO ensures that the disqualified member(s) does not participate and/or physically leaves the room. Also, ensures that the minutes and transcript clearly indicate that the member(s) did not participate and/or was not present during the discussion;
10. may serve as the Chair of a committee, if necessary, except in the case of Presidential advisory committees.

NOTE: The DFO may also be referred to as an Executive Secretary, Executive Director, Scientific Review Officer or other similar term.

D. CHAIR

1. presides at all committee meetings and ensures that the agenda is closely followed. In the absence of the Chair, the DFO will serve as the Chair;
2. ensures that all rules of order and conduct are maintained during each session;
3. calls on individuals for opinions and comments and terminates any discussion which is felt to be unnecessary. Calls for a vote, if required;

4. controls public participation during the open portion of meeting;
5. certifies the accuracy of the minutes of each committee meeting within 90 days after the meeting has been held.

E. MEMBER

1. serves as a source of independent expertise and advice on policy and program activities carried out by the committee;
 - or, as a representative member, represents the interests of a specific industry/organization. Representative members are not classified as SGEs, and therefore, the ethics rules and regulations do not apply to them;
2. attends scheduled meetings of the full committee in their entirety and, as appropriate, any meetings of subcommittees of which he/she is a member; notifies the DFO or other designated official, well in advance, of any changes in personal schedule that may prevent his/her presence at all or part of a scheduled meeting;
3. reviews required material before meetings to allow effective discussion, commenting, and voting on issues brought before the committee;
4. makes recommendations on technical evaluation reports/summary statements for contract proposals, grants, and cooperative agreements;
5. reads and understands provisions related to COI ethics, and confidentiality and, as appropriate, complete necessary forms relating to these areas;
6. protects and maintains as confidential any privileged information disclosed in the meeting;
7. refrains from discussion outside of the committee meetings information obtained during closed sessions;
8. completes necessary paperwork to ensure compensation for his/her duties; this does not apply to representative members.

PART II: CHARTERS

A. COMMITTEE ESTABLISHMENT OF A NEW COMMITTEE

Prior to submitting a formal request for establishment of a Presidential or statutory advisory committee, program officials should consult with the OPDIV, CMO, or the DCMO for advice and recommendations. Program officials interested in establishing a discretionary advisory committee should consult with the CMO or DCMO for advice and to determine if the establishment of a committee is the best way to obtain the needed advice.

There are a number of ways for agencies to obtain advice without establishing a federal advisory committee. For example, the following activities are not covered by FACA and do not require establishment of a federal advisory committee (See FACA Final Rule, 41 CFR 102-3-40)

- groups that assemble to provide individual advice;
- groups that assemble to exchange facts or information;
- groups that consist entirely of federal employees;
- meetings to obtain recommendations or advice from an individual

FACA requires that a charter be approved and signed by the Secretary and delegated official. When establishing a new federal advisory committee, unless otherwise provided for by law, all charters have a maximum duration of two years.

***See pages 36-68 for required format of documents pertaining to Charter Establishments, Renewals, Amendments, and Termination**

1. Request to Establish a Committee: Charter Package

Certain documents are incorporated into a charter package when establishment of a charter is requested. All committee requests do not require the same documents (i.e., Presidential, discretionary, statutory advisory committees). A breakdown follows which shows the required documents according to the committee type. The CMO should verify that a committee slot is available before submitting a charter package for a new discretionary advisory committee. In addition, all proposed charters for the establishment of a new committee should be submitted in draft form for review by the DCMO, prior to submitting a final charter package.

a. Discretionary Advisory Committee:

- Decision Memorandum to Secretary: Request a Committee
- Proposed Charter
- Formal Determination
- Membership Balance Plan
- Financial Operating Plan
- Delegation of Authority (if applicable)

- Copy of Legislative Authority
- Filing Letters and Envelopes

b. Statutory Advisory Committee:

- Decision Memorandum to Secretary: Request a Committee
- Proposed Charter
- Finding
- Membership Balance Plan
- Financial Operating Plan
- Delegation of Authority (if applicable)
- Copy of Legislative Authority
- Filing Letters and Envelopes

c. Presidential Advisory Committee:

- Decision Memorandum to the Secretary: Request a Committee
- Proposed Charter
- Finding
- Membership Balance Plan
- Financial Operating Plan
- Copy of Establishing Authority/Executive Order
- Filing Letters and Envelopes

d. Agency Established Committee:

- Follow agency procedures
- Submit a complete copy of the charter package to the DCMO
- Submit filing letters and envelopes to the DCMO

2. A federal advisory committee is not officially established until the following have been completed:

- a. the Secretary or designed official has signed the charter, finding, or formal determination, as appropriate;
- b. a public announcement of the establishment of a discretionary committee has been made in the Federal Register by the initiating organization fifteen (15) calendar days prior to the DCMO filing the committee's charter.
- c. discretionary, statutory, and Presidential advisory committee charters must be filed with the appropriate Congressional committees, the Library of Congress, and the Committee Management Secretariat, GSA.

B. RENEW

Charters are to be renewed every two (2) years in order to continue a committee. Certain documents are incorporated into a charter package for the renewal request. A breakdown follows which shows the required documents according to the committee type.

1. Request to Renew Charter Package

a. Discretionary Advisory Committee

- Decision Memorandum: Request for Charter Renewal
- Notice of Renewal
- Proposed Charter
- Delegation of Authority (if applicable)
- Current Charter
- Membership Balance Plan
- Current Membership Roster
- Professional Areas Breakdown
- Financial Operating Plan
- Copy of Legislative Authority
- Filing Letters and Envelopes

b. Statutory Advisory Committee

- Decision Memorandum: Request for Charter Renewal
- Notice of Renewal
- Proposed Charter
- Delegation of Authority (if applicable)
- Current Charter
- Membership Balance Plan
- Current Membership Roster
- Professional Area Breakdown
- Financial Operating Plan
- Copy of Legislative Authority
- Filing Letters and Envelopes

c. Presidential Advisory Committee

- Decision Memorandum: Request for Charter Renewal
- Notice of Renewal
- Proposed Charter
- Current Charter
- Membership Balance Plan
- Current Membership Roster
- Professional Area Breakdown

- Financial Operating Plan
 - Copy of Authority/Executive Order
 - Filing Letters and Envelopes
2. A federal advisory committee is not officially renewed until the following steps have been completed:
- a. If the Secretary is the approving official for the charter, OGC, General Law Division, must review and approve the document before the charter can be sent to the Secretary for the necessary action to be taken;
 - b. the Secretary or designated official has approved and signed the charter and notice of renewal, as appropriate;
 - c. the committee's charter has been filed with the appropriate Congressional Committees, the Library of Congress, and the Committee Management Secretariat, GSA, and by the DCMO, in accordance with FACA.

Note: A notice in the Federal Register, announcing the renewal of a discretionary advisory committee is required by the GSA Final Rule. Although, there is no requirement to publish a notice in the Federal Register for the renewal of a statutory advisory committee, in the interest of keeping the public informed, a notice of such action should be published. This notification can be made after the charter has been appropriately filed.

C. AMENDMENTS (if applicable)

1. Required documents for charter amendments (discretionary, statutory, or Presidential):
 - a. Decision Memorandum: Request to Amend a Charter
 - b. Amended Charter
 - c. Current Charter
 - d. Membership Balance Plan
 - e. Current Membership Roster
 - f. Professional Area Breakdown
 - g. Financial Operating Plan
 - h. Copy of Legislative Authority
 - i. Filing Letters and Envelopes
2. The Secretary or the designated official must approve all charter amendments. Consultation with GSA is required for all charter amendments.

D. TERMINATION

1. Termination of discretionary advisory committees requires a memo to the DCMO.

2. Termination of statutory advisory committees requires a request from the Secretary to the Speaker of the House to repeal the statute unless otherwise stated in the legislative authority.
3. Agency established committees should follow agency procedures for terminations and submit a copy to the DCMO.

PART III: NOMINATIONS/SELECTIONS/APPOINTMENTS

Persons are nominated, selected, and appointed to an HHS federal advisory committee based on their qualifications and ability to contribute to the accomplishments of the committees' objectives. The authority, which establishes the committee or the committee charter, spells out the qualification requirements for committee membership. Departmental policy provides that committee membership will be fairly balance in terms of points of view represented and the committee's function. Consideration will be given to a broad representation of geographic areas. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status.

***See pages 69-78 for required format of documents pertaining to Nominations, Selections, and Appointments**

A. NOMINATIONS

1. Locating Prospective Members

The DFO identifies and initiates nominations of the advisory committee members. This involves long-range planning, suggestions, and information from many sources. Every effort is made to fill advisory committee membership by U.S. citizens. Recommendations for advisory committee membership by non-citizen of the U.S., are handled on a case-by-case basis.

The DFO will identify suitable nominees based on:

- a. knowledge of potential nominees' discipline and expertise; and/or
- b. solicitation of names of outstanding individuals from various sources, including the Federal Register, in a given area from leaders in pertinent fields, scientific and professional organizations, and staff.

2. Availability & Waivers

After selecting potential nominees, the DFO must determine if the individual is available to serve or if a waiver of department policy will be required.

- a. It is department policy to avoid excessive individual service on advisory committees and multiple committee memberships. Therefore, restrictions may apply to advisory committee membership. A federal advisory committee member may not:
 - serve continuously as a member of any single advisory committee for more than four years;
 - serve for more than eight combined years within a period of 12 years on one or more committees within an agency;
 - serve on more than one committee within an agency at the same time;

- serve on the same committee at the same time with another individual who is affiliated with a particular non-federal organization or institution in the same city excluding designated multi-campus organizations and State systems.
- b. If any of the above restrictions apply, the individual OPDIV/STAFFDIV has the delegated authority to approve waivers. However, the approved waiver must be included in the nomination package and submitted to the DCMO.

3. How to fill a vacancy?

- a. Scheduled Vacancy: Submit the name of a nominee to the DCMO at least three (3) to four (4) months in advance of the vacancy's occurrence.
- b. Unscheduled Vacancy: Submit the nomination as soon as the vacancy occurs, but not later than two (2) months after the occurrence.

4. Draft review of proposed nominees

Each agency must submit a draft review of proposed nominees to the DCMO at least three (3) to four (4) months prior to the date the term is scheduled to begin. The proposed nomination slate should include:

- a. Decision Memorandum: Recommended Nominees
- b. Current Charter
- c. Professional Area Breakdown
- d. Current Membership Roster
- e. Resumes

Note: HHS Form 552 is not required in the draft review package.

B. SELECTION OF MEMBERS

OPDIV/STAFFDIV heads must submit requests for approval of the nominees to the Secretary through the CMO and the DCMO. The Secretary will review and approve the nominated individuals, sign the HHS Form 532, and return the HHS Form 532 and a copy of the signed invitation letter to the CMO through the DCMO.

1. Members appointed by the Secretary

Use the following uniform format when submitting nomination packages to the Secretary.

- a. Decision Memorandum: Recommended Nominees
- b. TAB A: Current Charter
- c. TAB B: Membership Balance Plan
- d. TAB C: Membership Roster
- e. TAB D: Professional Area Breakdown

- f. TAB E: Financial Operating Plan
- g. TAB E: HHS Form 532 and the following
 - Resumes
 - Waivers (if applicable)
- h. Letters of Invitation

Letters of Invitation are prepared for the Secretary’s signature and forwarded along with the nomination package with an envelope addressed to the nominee. After the Secretary approves the nominee(s), letters are sent to nominees inviting them to serve on the committee.

- Enclosures to the letter are:
 - Acknowledgement of Invitation
 - Copy of Current Charter
 - Return Addressed Envelope
- Secretary signs letter. Letter is then mailed to the nominee. A copy is sent to the CMO.
- Designed office receives acknowledgement of invitation from nominee showing acceptance or declination.
- CMO prepares a follow-up letter for the appropriate agency official’s signature, after the nomination slate has been reviewed by the agency CMO and approved by the agency official who has authority to appoint members. Contact the agency for additional procedures.

NOTE: Copy and Assembly Requirements
Prepare and submit one (1) original with tabs.

2. Members Appointed by the President

The nomination process is handled by the White House on a case-by-case basis. The White House Liaison will provide instructions on this process to the program official.

3. Members Who Are Appointed by OPDIV and STAFFDIV Heads

Follow procedures provided by the CMO. A letter of invitation is prepared for the OPDIV/STAFFDIV official’s signature, after the nomination slate has been reviewed by the agency CMO and approved by the agency official who has authority to appoint members. Contact the agency for additional procedures.

C. APPOINTMENT PROCEDURES

1. The appropriate official (e.g., Director, Commissioner, Administrator, and Executive Secretary) informs the nominee, in writing, of the necessary appointment procedures and the forms to be completed as follows:
 - a. OGE 450 – Confidential Financial Disclosure Report: Executive Branch (new appointees are required to complete and submit this form). The completed

form is reviewed by the program and agency ethics officials to determine if the appointee has any financial interests or affiliations in the private sector which may conflict with performance of the appointee's official duties. Information reported on the OGE Form 450 is protected under the Ethics In Government Act and the Privacy Act from unauthorized disclosure.

- b. SF 61 – Appointment Affidavit
- c. other forms, as required by the agency/OPDIV

2. Upon receipt of the completed forms, the appropriate official:

- a. Reviews the form for completeness and accuracy, and the OGE Form 450 for possible conflict of interest;
- b. Forwards the request for personnel action to the appropriate personnel office, if no real or apparent conflicts of interests exists. If a conflict of interest exists, the appropriate official must consult with the nominee. Whereby there is still a conflict of interest after consulting with nominee, the appointment will not be completed and the OGE Form 450 will be returned to the nominee;
- c. Ensures that the personnel action is effected for one year as required by Office of Personnel Management regulations, unless a statutory authority provides otherwise, i.e., for the entire term period. Therefore, the personnel action will have to be renewed (conversion to the excepted appointment each year). If the member has been selected for a full term, the appointment will be effective the first day of the specific term as shown on the HHS Form 532. If the member was selected/invited after the beginning of the specific term, the effective date is the date of the Acknowledgement of Invitation;
- d. Notifies the Office of Public Affairs so that an announcement of the new appointments may be made to the Press at the discretion of the Department.

NOTE: Reappointment procedures and the selection of a member to serve as the Chair are the same as above except that OGE Form 450 and appointment forms are not required to be completed again. (Indicate changes on HHS Form 532)

D. ORIENTATION OF NEW MEMBERS

The DFO is responsible for ensuring new members are properly oriented regarding the purpose and goals of the committee, including their responsibilities to the committee and the agency. New members also receive briefing on ethics and other administrative procedures as deemed necessary.

E. COMPENSATION ISSUES CONCERNING REPRESENTATIVE MEMBERS

As an initial matter, representatives cannot receive compensation from the government because they speak for, or represent the views of, their industry or non-governmental group, and therefore, are not employees of the government.

Although the FACA does not prohibit voluntary services, 31 U.S.C. 1342 precludes the government from accepting voluntary services "exceeding that authorized by law." The statute

or executive order providing legal authority for the establishment of a particular advisory committee may address whether the consumer and industry representative may serve without compensation. If the authorizing statute or executive order provides that the industry and consumer representative member shall serve without compensation, then these members are not compensated and this ends the inquiry.

If the authorizing statute or presidential executive order is silent on the compensation issue, separate authority is required before accepting voluntary services from the committee members. In the absence of such statutory authority, an agency may nevertheless accept “gratuitous services.” The distinction is that “voluntary services” are not rendered pursuant to a prior contract or obligation, and therefore, are likely to form the basis of future claims against the government, while “gratuitous services” are rendered in an official capacity pursuant to an appointment to office which is authorized by law to be nonsalaried.

When the authorizing statute for a committee authorizes appointment of members without regard to civil service laws and fixes only the maximum rate of compensation to be paid, the industry and consumer representative members may serve without compensation if the service is “gratuitous”, as opposed to “voluntary.” Therefore, provided each representative member formally agrees in advance to serve without compensation and waives all claims against the government for such service, 31 U.S.C. 1342 would not prohibit the Department from accepting the gratuitous services of such advisory committee members.

F. LETTER AND CERTIFICATE OF APPRECIATION

A letter of appreciation and/or a certificate of “Recognition and Appreciation” may be prepared for the signature of the appointing official when members complete their designated terms of service or if they leave for any reason. Letters and certificates prepared for the Secretary’s signature must be forwarded directly to the DCMO, not the Office of the Executive Secretary.

PART IV: MEETINGS

No meeting shall be held in the absence of a quorum. Unless otherwise established in the charter of the committee, a quorum shall consist of a majority of the committee's authorized membership, including ex-officio members. Each meeting of a committee shall be conducted in accordance with an approved agenda. A DFO must be present at each committee or subcommittee meeting. If simultaneous subcommittee meetings are to be held, each subcommittee shall have a full or part-time federal employee in attendance, serving as the DFO.

1. Before the Meeting, the DFO:

- a. Approves plans to hold a committee meeting;
- b. Determines whether the meeting will be opened, closed, or partially closed (refer to definition)
 - Closing federal advisory committee meetings (if applicable)
 - Refer to the Government in the Sunshine Act 5 U.S.C. 552b(c)
 - The DFO makes a written request to the Secretary or designee for approval to fully or partially close a meeting to the public. This request, called a Determination to Close or Partially Close a Meeting, must be cleared by the OPDIV/STAFFDIV and OGC prior to being submitted to the signing official. The signed Determination remains in the committee's official file and is made available for public review on request.
 - Where there is only a portion of the meeting dealing with exempt matters, that portion of the meeting may be closed. Under this circumstance, the agenda is arranged so that members of the public may attend the open portion of the meeting.
- c. Invites the guest speaker(s) to a committee meeting, subcommittee meeting, or workshop, and makes necessary arrangements for the speaker(s) (if applicable);
- d. Prepares the agenda, which includes
 - Concise description of each major subject or problem listed in the agenda;
 - Priority and timing of topics;
 - Open and closed sessions of the meeting, grouped together for the convenience of the public.
- e. Sends committee members the agenda and copies of all information relating to the meeting;
- f. Arranges for resource persons and supplementary materials to aid the committee in dealing with agenda items.

- g. Reviews members' conflict of interest statements in conjunction with the topics to be discussed to determine whether any member(s) should be disqualified from reviewing a given topic. Any disqualification must be announced at the beginning of the committee meeting. Prepares waivers, if appropriate;
- h. Makes recording arrangements for verbatim transcripts, when necessary;
- i. Makes logistical arrangements for the meeting, when necessary, including arranging overnight accommodations for members;
- j. Notifies the public of the meetings and performs the following duties:
 - Maintains a list of persons and organizations who have requested notification, and notifies them in advance;
 - Ensures that all, open and closed, meeting notices are published in the Federal Register fifteen (15) days prior to the committee meeting. Whenever possible, thirty (30) days notice should be given.
 - If the fifteen (15) day notice is not given, the reason(s) must be a part of the meeting announcement.
 - The agency can provide less than fifteen (15) days notice in exceptional circumstances. The reason for this exception must be described in the Federal Register meeting notice.
 - The announcement must include the following:
 - The name of the committee;
 - The time, date, place, and purpose of the meeting;
 - A summary of the agenda and/or topics to be discussed;
 - The extent to which the meeting is open or closed;
 - If the meeting is closed or partially closed, state the reasons why, citing the specific exemption of the Government in the Sunshine Act 5 U.S.C. as the basis for closure;
 - The name, address, and telephone number of the committee's DFO or other official who may be contacted for additional information concerning the meeting.
 - A cancellation or amended notice of a previously announced meeting must be submitted to the Federal Register in time for public notice before the original meeting date.
 - Ensures that other forms of notice, such as press releases and notices in professional journals, are used to the extent practicable;
 - Notifies members of the dates(s), time and place of each meeting and arranges for the preparation of the necessary travel documents.

2. During the Meeting

- a. The DFO:
 - Sits next to the Chair so they may confer;

- Chairs meeting in the Chair's absence;
- Maintains an attendance log;
- Ensures that the committee conducts its business in accordance with all applicable regulations, policies, and procedures;
- Assures that accurate records are kept of the committee's deliberations. If a closed portion of a meeting is recorded, the DFO ensures that only an official transcriber for the organization performs the recording;
- Reminds members and other attendees that advance review materials, meeting reviews, discussions, and committee recommendations on applications are to be treated confidentially;
- Records motions and votes on each item of business and takes notes on discussions and proceedings, as necessary, to prepare the minutes;
- Authorizes the premature adjournment of any committee meeting if adjournment is in the best interest of the Government. Also authorizes adjournment of any meeting not considered to be in the public interest, such as unwarranted departure from the agenda of the meeting.

b. Public Participants

- May attend the open portion of the meeting. If they wish to participate in the discussion, the procedures for doing so are published in the Federal Register and/or announced at the opening of a meeting;
- Are not allowed to question committee members or other participants except with the advance approval of the committee Chair or DFO;
- May submit written statements, but should be advised to address them to the DFO.
- Also, public participants should be advised that committee members are given copies of all written statements submitted to the public;
- Any further public participation will be solely at the discretion of the Chair, with approval of the DFO in attendance.

3. After the Meeting, the DFO:

- a. Prepares and makes copies of the minutes available, within ninety (90) days, to member and the general public
- b. Prepares summary minutes of a closed or partially closed meeting within fourteen (14) days after its completion. (Because the public does not have access to the detailed minutes, the summary is made available upon request;
- c. Ensures members are properly compensated for services provided.

PART V: RECORDS/REPORTS/MINUTES/TRANSCRIPTS

All records, reports, and other documents of each advisory committee must be available for public inspection and copying pursuant to the FACA. The documents referred to include the records, reports, transcripts, minutes, working papers, drafts, studies, agenda, or other documents made available to or prepared for or by each advisory committee.

A. REPORTS

*All advisory committees must file the following reports, unless stated otherwise:

1. Annual Report of Closed Meetings

Each CMO and the DCMO is responsible for ensuring that all federal advisory committees issue a written annual report when an entire or portion of the meeting is closed to the public as required by Section 10(d) of the FACA. The report must include:

- a. The function of the committee;
- b. A list of members and their business address;
- c. The dates and places of meetings;
- d. A summary of committee activities and recommendations during the preceding year;
- e. Final Report is sent to the Library of Congress

*Notice of availability of such reports must be published in the Federal Register no later than 60 days after completion.

2. Annual Comprehensive Review of Federal Advisory Committees

The DCMO coordinates the Department's submission of the fiscal year review. GSA will issue instructions regarding the requirements and procedures. GSA will use this information to prepare program recommendations and status reports on advisory committees.

3. Report on Presidential Advisory Committee Recommendations

Section 6(b) of the FACA requires that: "within one (1) year after a Presidential Advisory Committee has submitted a public report to the President, the President or his delegate will make a report to Congress stating either his proposals for action or reasons for inaction, with respect to the recommendations contained in the public report."

4. Report of Scheduled Vacancies

Upon request by the DCMO, each CMO provides a report of scheduled vacancies for each advisory committee whose members are appointed by the Secretary. The reports include the committee name, date of vacancy, expertise needed, and member types.

5. Annual Ethics Report

Each CMO provides information to their respective agency ethics official for the annual ethics report that is submitted to the Office of General Counsel (OGC), Ethics Division.

6. Other special reports as requested.

B. MEETING MINUTES

1. Detailed minutes are kept by the DFO or designee, of each committee meeting, including formal or informal meetings of subcommittees.

2. The minutes must include at least the following:

- a. The time and place of the meeting;
- b. A list of advisory committee members, staff and full-time federal employees present at the meeting;
- c. A detailed summary of matters discussed and conclusions reached;
- d. Copies of all materials received, issued, or approved by the committee;
- e. An explanation of the extent to which the meeting was open to the public;
- f. An explanation of the extent of public participation including a list of members of the public who presented oral or written statements, and an estimate of the number of members of the public who attend the meeting.

3. When a meeting or portion of the meeting is closed and detailed minutes are not to be made available in their entirety to the public, the advisory committee prepares and makes available to the public, within fourteen (14) days of the closed meeting, a summary of its activities and related matters which are informative to the public and consistent with the policy of 5 U.S.C. 552(b).

4. The minutes are to be completed and submitted to the Chair between sixty (60) and ninety (90) days after the meeting. The Chair of the committee certifies to the minutes accuracy and submits them to the DFO for submission to the official whom the committee advises.

C. PUBLIC ACCESS TO RECORDS

1. Advisory committee records, which the public may inspect, must be available for inspection and copying at a single location in the offices of the advisory committee or the OPDIV/STAFFDIV to which the advisory committee reports.

2. Only official designated in the HHS Chapter 9.00, General Administration Manual may deny access to committee records or delete any portion of a record requested by a member to the public.

D. RECORDS MAINTENANCE AND DISPOSAL

Records of the committee and any respective subgroups should be handled in accordance with General Records Scheduled 26, Item 2 or other approved agency records disposition schedule. These records will be available for public inspection and copying subject to the Freedom of Information Act, 5 U.S.C., Section 552.

PART VI: REQUIRED FORMAT

All documents must be submitted in Times New Roman, font size 12. As you read through the exhibits /required format, please pay special attention to the type of paper (letterhead, bond, stationery, etc.) that is to be used for document.

1. Decision Memorandum	Page
Request to Establish a Committee	36-37
Request for Renewal	38-39
Request to Amend a Charter	40
Notice of Termination	68
Recommending Nominees	69-70
2. Charters	Page
Charter for a New Committee	41-43
Amended Charter	65-66

Note: The list following Charter & Nomination Package Documents below is not all inclusive. Please refer to Part II and III for detailed list of documents to be included in the Charter and Nomination Packages.

3. Charter Package Documents	Page
Formal Determination	44
Finding	45
Notice of Renewal	46-47
Delegation of Authority, if applicable	48
Financial Operating Plan Instruction and Form	49-59
Membership Balance Plan	60-62
Filing Letters & Instructions	63-64
Amended Charter	65-66
Amended Charter Filing Letter	67
Professional Area Breakdown	76
4. Nomination Package Documents	Page
Membership Balance Plan	60-62
Letter of Invitation	71
Letter of Reappointment	72
Acknowledgement of Invitation	73
Letter of Appreciation	74
Certificate of Appreciation	75
Professional Area Breakdown	76
Membership Roster	77
HHS Form 532	78
5. Waiver of Compensation	79

DECISION MEMO TO THE SECRETARY:

**FORMAT FOR REQUESTING ESTABLISHMENT OF DISCRETIONARY, STATUTORY,
OR PRESIDENTIAL COMMITTEE**

*This memo is sent from the OPDIV/STAFFDIV head to the Secretary.

TO: The Secretary
 Through: COS _____
 WHL _____
 OGC _____

FROM: (Title of Requesting Official)
 (Name of OPDIV/STAFFDIV/AGENCY)

SUBJECT: Request to Establish the (Name of Committee)—Decision

ISSUE

Request to establish the (Name of the Committee).

BACKGROUND/DISCUSSION

<This section should set forth, as concisely as possible, background information and need for group, including why function (s) cannot be performed by OPDIV/STAFFDIV personnel, by an existing committee, and other facts which substantiate need.>

<If delegation of authority to appoint the Chair and invite members is desired, a brief paragraph should be included to justify.>

RECOMMENDATION

That the Secretary approves the proposed charter attached at Tab A, the formal determination (or finding, if appropriate) attached at Tab B, establishing the (Name of the Committee), and the delegation of authority attached at Tab C.

(Signing Official's Name)

DECISION

Approve_____Disapprove_____Date_____

Kathleen Sebelius
Secretary

Attachments:

- Tab A- Proposed Charter
- Tab B- Formal Determination or Finding
- Tab C- Delegation of Authority (if applicable)
- Tab D- Membership Balance Plan
- Tab E- Financial Operating Plan
- Tab F- Copy of Legislative Authority/Directive
- Tab G- Filing Letters and Envelops

DECISION MEMO TO THE SECRETARY:

FORMAT FOR REQUESTING RENEWAL

*This memo is sent from the OPDIV/STAFFDIV head to the Secretary.

TO: The Secretary
 Through: COS _____
 WHL _____
 OGC _____

FROM: (Title of Requesting Official)

SUBJECT: Request to Continue or Renew the (Name of the Committee)—Decision

ISSUE

Request to continue or renew the (Name of the committee).

BACKGROUND/DISCUSSION

<As concisely as possible, give background information of the group; the accomplishments over the last two-year period; what the plans are for the next two-year period, and other facts, which substantiate the need to continue the committee.>

RECOMMENDATION

That the Secretary approves the proposed charter attached at Tab A, the notice of renewal at Tab B continuing the (Name of the committee).

(Signing Official's Name)

DECISION

Approve _____ Disapprove _____ Date _____

Kathleen Sebelius
Secretary

Attachments:

Tab A- Proposed Charter

Tab B- Current Charter

Tab C- Notice of Renewal

Tab D- Delegation of Authority (if applicable)

Tab E- Membership Balance Plan

Tab F- Membership Roster

Tab G- Professional Area Breakdown

Tab H- Financial Operating Plan

Tab I- Copy of Legislative Authority/Directive

Tab J- Filing Letters and Envelopes

DECISION MEMO TO THE SECRETARY:

FORMAT FOR REQUEST TO AMEND A CHARTER

*This memo is sent from the OPDIV/STAFFDIV head to the Secretary.

TO: The Secretary
Through: COS _____
WHL _____
OGC _____

FROM: (Title of Requesting Official)

SUBJECT: Request to Amend the Charter of the (Name of the Committee)—Decision
ISSUE

Request to amend the Charter of the (Name of the committee).

DISCUSSION

<In detail, discuss which parts of the Charter are being amended.>

RECOMMENDATION

That the Secretary approves the proposed amended Charter attached at Tab A.

(Signing Official's Name)

DECISION

Approve _____ Disapprove _____ Date _____

Kathleen Sebelius
Secretary

Attachments:

- Tab A- Proposed Amended Charter
- Tab B- Current Charter
- Tab C- Membership Balance Plan
- Tab D- Membership Roster
- Tab E- Professional Area Breakdown
- Tab F- Financial Operating Plan
- Tab G- Copy of Legislative Authority/Directive
- Tab H- Filing Letters and Envelopes

THE SECRETARY HHS STATIONERY

FORMAT FOR CHARTER TO ESTABLISH A COMMITTEE

Committee's Official Designation (Title)

Provide the committee's exact legal name

Authority

Provide the authority for the establishment of the committee (e.g., cite the statute, Executive Order, or note that the committee is agency authority) and reference that the committee is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App

Objectives and Scope of Activities

Describe the objectives and scope of the committee's mission or charge.

Description of Duties

Describe the particular functions the advisory committee is expected to perform. In the absence of specific statutory authority or Presidential Directive to the contrary, these duties must be advisory only.

Agency or Official to Whom the Committee Reports

Identify the agency or official (by title or position) to whom the advisory committee provides its advice. Normally, this is the agency head.

Support

Identify the agency (and component/office) responsible for providing necessary support for the committee.

Estimated Annual Operating Costs and Staff Years

Provide the estimated annual fiscal year costs to operate the advisory committee in dollars and staff years (in full-time equivalent, or FTE). The cost expenditure categories used in the Annual Comprehensive Review of Federal Advisory Committees should be used to estimate these costs. The cost estimates include the salary cost of staff support with benefits.

Designated Federal Officer

This paragraph should indicate that a full-time or permanent part-time employee, appointed in accordance with agency procedures, would serve as the DFO (or designee). It should also state

that the DFO will approve or call all of the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

Estimated Number and Frequency of Meetings

Provide the estimated number of meetings anticipated within a fiscal year and, if known, how frequently (e.g. "approximately every four months") the meetings will occur.

Duration

State the period of time anticipated to be necessary for the advisory committee to carry out its purposes. For a committee that will exist for a longer period, "continuing" is appropriate.

Termination

Provide the committee's termination date, if less than two years from the date of the committee's establishment.

Membership and Designation

Provide the estimated number of members, a description of the expertise required, and/or groups to be represented in order to achieve a fairly balanced membership and whether the committee will be composed of Special Government Employees (SGEs), Representative members, Regular Government Employees (RGE), or members from several categories.

Subcommittees

Provide a statement as to whom (the agency) has the authority to create subcommittees and states that subcommittees must report back to the parent committee, and must not provide advice or work products directly to the agency.

Recordkeeping

State that the records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Filing Date

This is the date that the charter is filed with Congress.

Approved:

Date

(Type Secretary's Name)

THE SECRETARY OF HHS STATIONERY

FORMAL DETERMINATION

I determine, after appropriate consultation between this Department and General Services Administration, that formation of the (Name of Committee) is in the public interest in connection with the performance of duties imposed on the Department by law, and that such duties can best be performed through the advice and counsel of such a group.

I deem that it is not feasible for the Department or any of its existing committees to perform these duties, and that a satisfactory plan for appropriate balance of committee membership has been submitted.

Date

(Type Secretary's name)

THE SECRETARY OF HHS STATIONERY

FINDING

(Name of the Committee)

I find that establishment of the (Name of the Committee) is specifically authorized by
* _____ U.S. Code _____.

I deem that such establishment is desirable to provide advice and consultation to (the Secretary and/or other official, identify by title) in connection with this Department's functions, that neither the Department nor any of its existing committees can feasibly perform these duties, and that a satisfactory plan for appropriate balance of committee membership has been submitted.

Date

(Type Secretary's name)

**If the law has not been codified, use the public law number.*

THE SECRETARY OF HHS STATIONERY

NOTICE OF RENEWAL FOR NON-DISCRETIONARY/STATUTORY COMMITTEES

(Name of the Committee)

The committee was established by statute and has functions, which are of a continuing nature so that its duration is not governed by Section 14(a) of the Federal Advisory Committee Act but is otherwise provided for by law. The Committee is renewed in accordance with Section 14(b) (2) of said Act.

Date

(Type Secretary's name)

THE SECRETARY OF HHS STATIONERY

NOTICE OF RENEWAL FOR DISCRETION/NON-STATUTORY COMMITTEES

(Name of the Committee)

I determine, after appropriate consultation between this Department and the General Services Administration, that renewal of the (Name of the Committee), is in the public interest in connection with the performance of duties imposed on the Department by law, and that such duties can best be performed through the advice and counsel of such a group. The Committee is continued until (next termination date).

I deem that it is not feasible for the Department or any of its existing committees to perform these duties, and that a satisfactory plan for appropriate balance of committee membership has been submitted.

Date

(Type Secretary's name)

THE SECRETARY OF HHS STATIONERY

DELEGATION OF AUTHORITY TO DESIGNATE
THE CHAIR AND INVITE MEMBERS TO SERVE ON THE

(Name of the Committee)

Effective immediately, I delegate to the (title of the OPDIV/STAFFDIV head) authority to designate the Chair and invite members to serve on the (name of the committee).

This authority may be redelegated to the (next level). This authority may not be redelegated below the (next lower level).

Redelegation will be effected in writing, copies of which will be delivered to the Department Committee Management Office within five business days.

Date

(Type Secretary's Name)

FINANCIAL OPERATING PLAN (FOP)

INSTRUCTIONS

Date: Enter date of preparation.

Name of Committee: If a name change is being proposed, enter that name in caps and the current name in parentheses underneath it.

Authorized Public Members: Enter the total number of authorized public members as shown in the charter or the legislation.

Authorized Federal Members: Enter the total number of authorized Federal members as shown in the charter or legislation.

Current Public and Federal Members: On the appropriate line, enter the number of members on the committee at the time of preparation of the FOP.

Number of Members for Projected Year, if other than authorized members: If an increase or decrease is expected in the projected year, enter the number you are using to compute the financial information for that year.

TOTAL COSTS PER COMMITTEE

Add items 1 and 2 (under total costs per committee) and complete as the last entry.

1. Operating Costs—Total

To arrive at this total, enter the data for Members Costs, Ad Hoc Visitors, and Administrative Overhead, add all the subtotals for Member Costs, Ad Hoc Visitors, and Administrative Overhead on pages 1—3. Enter for Current and Projected Years, respectively, at Operating Costs, Line 1 on page 1.

2. Federal Staff Costs—Total

To arrive at this total, add items 1—13 on pages 4 and 5 (plus any additional pages) for each employee listed for the current year and projected year and enter at the top of pages 1 and 3.

MEMBER COSTS

1. Meetings

- a. Travel: Under the current year, enter the amount spent by the members on all travel (including local transportation costs). Under the projected year, enter an estimated amount. The latter costs should reflect the projected inflation rate specified for that year.
- b. Per Diem: Under the current year, enter the total amount of reimbursement for daily expenses. Under the projected year, enter an estimated amount. Per Diem rates are not affected by the inflation factor.
- c. SGE/Consultant Fees: Enter the daily rate of compensation for committee members in the blank preceding “per day.” For the current year, enter actual expenses for compensation. To determine this figure, multiply the number of man meeting days (that is, the number of days multiplied by the number of participants) by the daily rate of compensation, e.g., 6 meeting days x 16 members x \$100 per day - \$9600. Federal members do not receive consultant fees. For projected year, use the same formula to estimate consultant fees.
- d. SUBTOTAL—Meeting Costs: Add Lines 1.a. through 1.c. and enter the total on this line.
- e. Number of Meeting Days: For the current year, enter on the line to the left of the diagonal the actual number of days the committee met. For the projected year, enter on the line to the right of the diagonal the estimated number of days the committee is expected to meet in the coming year.
- f. Number of Non-Federal Man Meeting Days: To determine the number of non-federal man meeting days, multiply the total number of meeting days by the total number of non-Federal members participating in the meetings and enter on the line to the left of the diagonal for the current year. Use the same formula to estimate man meeting days for the projected year and enter to the right of the diagonal mark.
- g. Number of Federal Man Meeting Days: For federal members, follow instructions in Item f.

2. Site Visits

- a. Travel: Under the current year, enter the amount spent by the members on travel (including local transportation). Under the projected year, enter an estimated amount. The latter costs should reflect the projected inflation rate specified for that year.
- b. Per Diem: Under the current year, enter the total amount of reimbursement for daily expenses. Under the projected year, enter an estimated amount. Per Diem rates are not affected by the inflation factor.
- c. SGE/Consultant Fees: Enter the daily rate of compensation for committee members in the blank preceding “per day.” For the current year, enter actual expenses for compensation. To determine this figure, multiply the number of site visit man days (that is, the number of days multiplied by the number of participants) by the daily rate of compensation, e.g., 4 site visit days x 2 members x \$100 per day-\$800. Federal members do not receive consultant fee. For projected year, use the same formula to estimate consultant fees.
- d. SUBTOTAL-Site Visit Costs: Add lines 2.a. through 2.c. and enter total on this line.
- e. Number of Site Visit Days: For the current year, enter on line to the left of the diagonal the number of days the members participated in site visits. For the projected year, enter on the line to the right of the diagonal the number of days the members may be expected to participate in site visits.
- f. Number of Non-Federal Site Visit Man Days: To determine the number of non-federal site visit man days, multiply the total number of non-federal members participating in site visits and enter on the line number to the left of the diagonal for the current year. Use the same formula to estimate site visits days for the projected year and enter to the right of the diagonal.
- g. Number of Federal Site Visit Days: For federal members, follow instructions in Item f.

3. Other Committee-related Activities

Report costs of travel, per diem, and consultant fees for committee members who participate in planning or special project meetings or any other activity not covered in Items 1 and 2 above.

Complete other items as instructed above.

AD HOC VISITORS

For meetings and site visits, list expenses for persons who are not committee members but who provide specific services related to committee activities. Follow instructions to report travel, per diem, and SGE/Consultant fees, as shown in Items 1 and 2 above. Report only number of meeting days attended by the ad hoc visitor—not the number of days the committee met.

ADMINISTRATIVE OVERHEAD

Include only those costs, which would be eliminated if the committee were terminated. Costs for such things as utilities, telephones, ordinary postal fees, messenger service, supplies, and materials, and Xeroxing would continue if there were no committee and, therefore, should not be reported here. Where appropriate, include the designated inflation rate for the projected year figures.

FEDERAL STAFF COSTS

Title/Grade: Enter the title, grade, and step of the federal employee, e.g., Executive Secretary, GS 15/3.

1. Annual Salary: Enter the annual rate of pay from the appropriate published pay schedule for General Schedule (GS) employees. Enter this figure in both columns for Annual Salary. The rates for General Merit (GM) employees and Commissioned Corps (CC) will vary and may be obtained from the Personnel or Budget Offices or from the employee's pay stub. (See footnote regarding compensation for Commissioned Corps personnel). *

* For Commissioned Officers, enter base pay for actual and projected years on line 1., "Annual Salary." Use line 5, "Fringe Benefits," for both years to report a lump sum for such things as Basic Allowance for Quarters and Subsistence, Variable Housing Allowance, FICA, and Special Retention Pay. If these figures are not available to you, add 22.5 percent to the base pay recorded on line 1 and enter on line 5 of both years. In addition, to calculate the projected year, enter the percentage and amount of the cost-of-living increase on line 2, add lines 1 and 2 and Enter the total on line 4; complete the remainder of the column as instructed.

2. Cost-of-Living Increase: For projected year, enter the amount of the expected increase for all employees, including commissioned officers. Merit pay employees do not always receive the same rate of increase. (Merit pay employees carry the designation “GM” before their grade and generally are managers and supervisors in grades 13 to 15). Include appropriate percent on blank lines. Merit pay bonuses should not be included here. (See footnote regarding compensation for Commissioned Corps personnel).
3. Other Projected Increases: Include here any amounts for merit pay bonuses, within-grade increases, quality step increases, and any other increases, which are anticipated for the projected year. Type in blank space the source of the increase, e.g., “in-grade increase” or “promotion.” Enter N/A on the percent line if it does not apply.
4. SUBTOTAL—Projected Annual Salary: Add the figures on line 1 through 3 and enter the result here.
5. Fringe Benefits: For GS and GM employees, enter percentage of the amount shown on line 1 for the current year and on line 4 for the projected year. Report Commissioned Corps additional income, as instructed in item 2, above. (See footnote regarding compensation for Commissioned Corps personnel.)
6. Annual Compensation: For the Current Year, add items 1 through 5 and enter the total at item 6. For the Projected Year, add items 4 and 5 and enter the total on this line.
7. Percent of Time Devoted to Committee Work: For the Current Year, enter on the line to the left of the diagonal the percent of time actually spent. For the projected year, enter on the line to the right of the diagonal the percent of time anticipated to be spent.
8. Net Compensation: To arrive at this figure, multiply the annual compensation (line 6) by the percent of work time (line 7), e.g., \$69,503 x .50 = \$34,752 and enter the result on this line. It is the cost of the time devoted to, or projected to be devoted to, committee work.
9. Meetings
 - a. Travel: Under the current year, enter the amount spent by the employee on all travel (including local transportation costs). Under the projected year, enter the amounts anticipated to be spent. The latter costs should reflect the projected inflation rate specified for that year.

- b. Per Diem: Under the current year, enter the total amount of reimbursement for daily expenses. Under the projected year, enter the amount estimated for the coming year. Per Diem rates are not affected by the inflation factor.
- c. Number of Days: For the current year, enter to the left of the diagonal the total number of meeting days attended. For the coming year, project the number of meeting days and enter on the line to the right of the diagonal mark.

- 10. SUBTOTAL—Meeting Costs: Add lines 9.a and 9.b and enter results here.
- 11. SITE VISITS: Follow instructions shown under item 9.
- 12. SUBTOTAL—Site Visit Costs: Add lines 11. a and 11. b and enter results here.
- 13. TOTAL STAFF COSTS: Add lines 8., 10., and 12., and enter total on this line.

Use additional pages for staff costs, as needed.

TOTAL STAFF SUPPORT YEARS

To arrive at this total, add items 7 on pages 4 and 5 (plus any additional pages) for each employee listed for the current year and for the projected year and enter on the second line from the top of page 4. Show in decimals the actual percentage used, e.g., 1.50 staff support years. The staff support year figure shown here must be the same figure as that shown in the chart and the Financial Comparison form.

Date _____

FINANCIAL OPERATING PLAN (Fiscal Year)

Name of Committee _____

Authorized Public Members _____ Current Public Members _____

**Authorized Federal Members _____ Current Federal Members _____ Number for Projected Year _____

(** Authorized federal members designated in the charter.)

	Current Fiscal Year	Projected Fiscal Year
<u>TOTAL COSTS PER COMMITTEE</u>	\$ _____	\$ _____
1. Operating Costs—Total	_____	_____
2. Federal Staff Costs—Total	_____	_____

MEMBER COSTS

	Current Fiscal Year	Projected Fiscal Year
1. <u>Meetings</u>		
a. Travel: Non-Federal Members	_____	_____
Federal Members	_____	_____
b. Per Diem: Non-Federal Members	_____	_____
Federal Members	_____	_____
c. SGE/Consultant Fees at \$ _____ per day	_____	_____
d. SUBTOTAL—Meeting costs	\$ _____	\$ _____
e. Number of Meeting Days _____/____		
f. Number of Non-Federal Meeting Days _____/____		
g. Number of Federal Meeting Days _____/____		

2. Site Visits

	Current Fiscal Year	Projected Fiscal Year
a. Travel: Non-Federal Members	_____	_____
Federal Members	_____	_____
b. Per Diem: Non-Federal Members	_____	_____
Federal Members	_____	_____

Name of Committee _____

	Current Fiscal Year	Projected Fiscal Year
c. Consultant Fees at \$_____ per day	_____	_____
d. SUBTOTAL—Site Visit Costs	\$_____	\$_____
e. Number of site visit days____/____		
f. Number of Non-Federal site visit days____/____		
g. Number of Federal site visit days ____/____		
3. <u>Other Committee-related Activities</u>	Current Fiscal Year	Projected Fiscal Year
a. Travel: Non-Federal Members	_____	_____
Federal Members	_____	_____
b. Per Diem: Non-Federal Members	_____	_____
Federal Members	_____	_____
c. Consultant fees at \$_____ per day	_____	_____
d. SUBTOTAL—Other Activities	_____	_____
e. Number of meeting days ____/____		
f. Number of Non-Federal meetings days____/____		
g. Number of Federal meeting days ____/____		

AD HOC VISITORS

1. <u>Meetings</u>	Current Fiscal Year	Projected Fiscal Year
a. Travel: Non-Federal Members	_____	_____
Federal Members	_____	_____
b. Per Diem: Non-Federal Members	_____	_____
Federal Members	_____	_____
c. SGE/Consultant Fees at \$_____ per day	_____	_____
d. SUBTOTAL—Meeting costs	\$_____	\$_____
e. Number of meeting days ____/____		
f. Number of Non-Federal meeting days ____/____		
g. Number of Federal Meeting days ____/____		

Name of Committee _____

	Current Fiscal Year	Projected Fiscal Year
2. <u>Site Visits</u>		
a. Travel: Non-Federal Members	_____	_____
Federal Members	_____	_____
b. Per Diem: Non-Federal Members	_____	_____
Federal Members	_____	_____
c. Consultant Fees at \$_____ per day	_____	_____
d. SUBTOTAL—Site Visit Costs	\$_____	\$_____
e. Number of site visit days ___/___		
f. Number of Non-Federal site visit days ___/___		
g. Number of Federal site visit days ___/___		

ADMINISTRATIVE OVERHEAD

	Current Fiscal Year	Projected Fiscal Year
1. Printing (Special publication, reports, etc.)	\$_____	\$_____
2. Rental of Meeting Facilities	_____	_____
3. Supplies and Materials (Stationery, Special Equipment, etc.)	_____	_____
4. Special Mailing Cost (Federal Express, Purolator, etc.)	_____	_____
5. Court Reporting/Transcripts	_____	_____
6. SUBTOTAL—Administrative Overhead	\$_____	\$_____

Name of Committee _____

	Current Fiscal Year	Projected Fiscal Year
<u>TOTAL FEDERAL STAFF COSTS</u>	\$ _____	\$ _____
Total Staff Support Years:	_____	_____
A. Title/Grade: _____	Current Fiscal Year	Projected Fiscal Year
1. Annual Salary	\$ _____	\$ _____
2. Cost-of-Living Increase (_____)		_____
3. Other Projected Increase (_____) within-grade		_____
4. SUBTOTAL—Projected Annual Salary		_____
5. Fringe Benefits (20% for GS; lump sum/40% for CC) _____		_____
6. Annual Compensation	_____	_____
7. Percent of time devoted to committee work ____/____		
8. Net Compensation	\$ _____	\$ _____
9. <u>Meetings</u>		
a. Travel	_____	_____
b. Per Diem	_____	_____
c. Number of days ____/____		
10. SUBTOTAL—Meeting Costs	\$ _____	\$ _____
11. <u>Site Visits</u>		
a. Travel	_____	_____
b. Per Diem	_____	_____
c. Number of days ____/____		
12. SUBTOTAL—Site Visits	\$ _____	
\$ _____		
13. TOTAL STAFF COST—Employee A	\$ _____	\$ _____

Name of Committee _____

	Current Fiscal Year	Projected Fiscal Year
<u>TOTAL FEDERAL STAFF COSTS</u>	\$ _____	\$ _____
Total Staff Support Years:	_____	_____
A. Title/Grade: _____	Current Fiscal Year	Projected Fiscal Year
1. Annual Salary	\$ _____	\$ _____
2. Cost-of-Living Increase (_____)		_____
3. Other Projected Increase (_____) within-grade		_____
4. SUBTOTAL—Projected Annual Salary		_____
5. Fringe Benefits (20% for GS; lump sum/40% for CC) _____		_____
6. Annual Compensation	_____	_____
7. Percent of time devoted to committee work ____/____		
8. Net Compensation	\$ _____	\$ _____
9. <u>Meetings</u>		
a. Travel	_____	_____
b. Per Diem	_____	_____
c. Number of days ____/____		
10. SUBTOTAL—Meeting Costs	\$ _____	\$ _____
11. <u>Site Visits</u>		
a. Travel	_____	_____
b. Per Diem	_____	_____
c. Number of days ____/____		
12. SUBTOTAL—Site Visits	\$ _____	\$ _____
13. TOTAL STAFF COST—Employee A	\$ _____	\$ _____

USE PLAIN BOND PAPER

MEMBERSHIP BALANCE PLAN

1. Name

State the legal name of the Federal advisory committee.

2. Authority

Identify the authority for establishing the federal advisory committee (e.g., cite the statute, Executive Order, or note that the federal advisory committee is established under agency authority).

3. Mission/Function

Describe the mission/function of the federal advisory committee.

- (a) If the Federal advisory committee is discretionary, the mission/function will be a primary factor influencing the balance of the federal advisory committee.
- (b) If the Federal advisory committee is statutory or created by Executive Order, the composition of the committee may already be prescribed by the authorizing legislation (which may result in a pre-determined balance of the members).

4. Points of View

Based on the purpose of the federal advisory committee, this section:

- (a) should describe the process that will be used to ensure the committee is balanced in terms of the points of view represented for the function(s) to be performed by the committee. This should include identifying the categories (e.g., individual expertise or represented interests) for which candidates will be considered;
- (b) could consider identifying an anticipated relative distribution of candidates across the categories; and
- (c) should discuss how a determination was made to appoint any individuals as Special Government Employee (SGE) or Representative members.

This analysis will affect the size of the federal advisory committee, how it will be structured, and whether it is balanced. Although numerical parity is not required, too many or too few individuals representing one interest or area of expertise could result in the federal advisory committee not being balanced in the viewpoints represented. If the federal advisory committee is statutory or created by Executive Order, the exact number of members or a cap on the total number of members may be specified in the authorizing legislation.

This section should clearly state that membership balance is not static and may change, depending on the work of the committee.

5. Other Balance Factors.

List any other factors your agency identifies as important in achieving a balanced federal advisory committee. These factors, which are not legally required, could include, the geographic location of candidates, importance of including regional, state, or local government expertise, consideration of the impact on local or specific communities, diversity in work sector (e.g., private industry, academia), etc.

6. Candidate Identification Process

Summarize the process intended to be used to identify candidates for the federal advisory committee, key resources expected to be tapped to identify candidates (e.g., recommendations from current and former federal advisory committee members, publication of nomination notices, search of relevant professional associations, etc), and the key persons (by position, not name) who will evaluate federal advisory committee balance (e.g., the Designated Federal Officer, agency FACA attorney, agency head, etc). The summary should:

- (a) describe how the process will result in consideration of a cross-section of those directly affected, interested, and qualified and/or will identify individuals with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed (41 CFR §102-3.60(b)(3));
- (b) identify the key agency staff (again, by position, not name) involved in determining balance on the federal advisory committee;
- (c) briefly describe how federal advisory committee vacancies, if any, will be handled by the agency (vacancies, and the length of time they remain unfilled, can impact the balance of the federal advisory committee); and
- (d) state the membership term limit of federal advisory committee members, if applicable. Term limits result in turnover of membership and new perspectives, which affects the balance of a federal advisory committee.

7. Subcommittee Balance

Subcommittees subject to FACA* should either state that the process for determining federal advisory committee member balance on subcommittees is the same as the process for the parent federal advisory committee, or describe how it is different.

8. Other

Provide any additional information that supports the balance of the federal advisory committee.

9. Date Prepared/Updated

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated. This is not the date the charter consultation is held with GSA.

*See 41 CFR § 102-3.35, What policies govern the use of subcommittees, in the 2001 FACA Final Rule.

**INSTRUCTIONS FOR PREPARING FILING LETTERS TO
APPROPRIATE HOUSE AND SENATE COMMITTEES
AND THE LIBRARY OF CONGRESS**

Letters (sample letter attached) are to be prepared for the following:

The Honorable (Name of Chair)
Chairman, (appropriate name of committee)
House of Representatives
Washington, DC 20515

The Honorable (Name of Chair)
Chairman, (appropriate name of committee)
United States Senate
Washington, DC 20510

Library of Congress
Federal Advisory Committee Desk
Government Documents Section
101 Independence Avenue, SE
Washington, DC 20540

Note: You may contact the DCMO office to obtain the appropriate name of the committee as the name of the committees change when the political administration changes.

STATIONERY, ENVELOPES AND NUMBER OF COPIES:

An original letter typed on Office of the Secretary stationery with properly addressed Office of the Secretary envelope for each addressee -1 each

Document (s) to be filed (CHARTER OR CHARTER AMENDMENT ONLY)

HOW TO ASSEMBLE PRIOR TO SUBMITTING TO THE DCMO FOR SIGNATURE:

1. Original of outgoing letter, and enclosure (s) (charter or charter amendment) arranged in the sequence in which mentioned or listed in the letter, when appropriate.
2. Envelope for outgoing letter and enclosure (s).
3. The remaining three (3) copies of enclosure (s), also arranged in the sequence mentioned or listed in the letter.

OS LETTERHEAD

SAMPLE FILING LETTER

Note: This letter is sent to the House, Senate, and Library of Congress.

Addressee:

The Honorable (name)

House; Senate

Dear Mr. Chairman:

Library of Congress

Address (refer to instructions)

A copy of the charter for the following committee is enclosed for your committee file in accordance with section 9(c) of Public Law 92-463:

(NAME OF THE COMMITTEE)

The Act requires the Department to file a copy of the Charter for each Advisory Committee it utilizes with the standing committee of the Senate and of the House of Representatives having legislative jurisdiction of the Department, and with the Library of Congress.

Sincerely,

Name

Department Committee Management Officer

Enclosure

THE SECRETARY OF HHS STATIONERY

AMENDED CHARTER

OF THE

(Name of the Committee)

Authority

<insert revised authority, if applicable>

Objectives and Scope of Activities

<insert revised language, if applicable>

Description of Duties

<insert revised language, if applicable>

Agency or Official to Whom the Committee Reports

<insert revised language, if applicable>

Support

<insert revised language, if applicable>

Estimated Annual Operating Costs and Staff Years

<insert revised language, if applicable>

Designated Federal Officer

<insert revised language, if applicable>

Estimated Number and Frequency of Meetings

<insert revised language, if applicable>

Duration

<insert revised language, if applicable>

Termination

<use current termination language>

Membership and Designation

<insert revised language, if applicable>

Subcommittees

<insert revised language, if applicable>

Recordkeeping

<use standard language>

Filing Date

<use current charter filing date>

Approved:

Date

(type Secretary's name)

OFFICE OF THE SECRETARY STATIONERY

**SAMPLE FILING LETTER FOR AN AMENDED CHARTER
TO THE STANDING COMMITTEE OF THE SENATE, HOUSE
OF REPRESENTATIVES, AND THE LIBRARY OF CONGRESS**

Addressee:
The Honorable (name)
House/Senate

Dear Mr. Chairman:

Library of Congress
Address (refer to instructions)

A copy of the amended charter for the following committee is enclosed for your committee file in accordance with Section 9 (c) of Public Law 92-463.

(NAME OF COMMITTEE)

The Act requires the Department to file a copy of the Charter for each Advisory Committee it utilizes with the standing committee of the Senate and of the House of Representatives having legislative jurisdiction of the Department, and with the Library of Congress.

Sincerely,

Name
Department Committee Management Officer

Enclosure

MEMORANDUM TO THE DCMO
OPDIV/STAFFDIV STATIONARY

FORMAT FOR NOTICE OF TERMINATION

TO: DCMO

FROM:

SUBJECT: Notice of Termination

This is to notify you that the (Name of the Committee) issued its final report on (month, day, year) and will be officially terminated on (month, day, year).

(Signed by CMO or DFO)

OPDIV/STAFFDIV STATIONERY

DECISION MEMO: RECOMMENDING NOMINEES

FORMAT FOR MEMORANDUM TO THE SECRETARY

TO: The Secretary

THROUGH: COS _____
WHL _____

FROM: (Title of Requester)

SUBJECT: Recommended Nominees for (Name of Committee)

ISSUE

<briefly describe the purpose of the memorandum>

BACKGROUND/DISCUSSION

<give background or purpose of this committee.>

Attached are HHS forms 532 and supporting data for the nomination of members to serve on the (Name of Committee). The proposed new members include (number of) female candidates and (number of) minority candidate (s). If this slate is adopted, the Committee will have (number of) minority representative (s) and (number of) women out of (total number of members).

Retiring Members

<list the name of members retiring.>

Nominees

<List each nominee separately, his/her title, Place of Employment, City and State. Also, provide strong justification as to why the nominee's appointment to the committee is required, e.g., his/her expertise is uniquely germane to the committee.>

EXAMPLE:

1. Lisa Moore, M.D., Assistant Professor of Medicine, Department of Medicine, School of Medicine, University of North Carolina.

Dr. Moore received her medical degree from the University of Pittsburgh School of medicine, Pittsburgh, Pennsylvania. She is (write a strong justification as to why the nominee's appointment to the committee is required, e.g. her expertise is uniquely germane to the function of the committee.)

2. Wayne L. Crocus, Ph.D., Yale University School of Medicine, New Haven, Connecticut.

Dr. Crocus received his doctoral degree in biophysics from the University of Hawaii. His research interests include chemical senses and food intake in mammals. (Write a strong justification as to why this nominee's appointment to the committee is required and his expertise is uniquely germane to the function of the committee.)

Write similar information as #1 and # 2 above for each nominee. Also indicate by asterisk (*), the proposed chair of the committee.

(signing official's name)

RECOMMENDATION

I recommend that you approve the appointment of these nominees.

DECISION

APPROVE _____ DISAPPROVE _____ DATE _____

Kathleen Sebelius
Secretary

THE SECRETARY OF HHS STATIONERY/DELEGATED OFFICIALS
OPDIV/STAFFDIV STATIONARY

SAMPLE LETTER OF INVITATION

Name of Nominee
Title
Department
Address

Dear Dr./Mr./Ms. (name):

I am delighted to invite you to serve on the (Name of the Committee), for a term beginning (immediately) and ending (month, day, and year), subject to prescribed appointment procedures and to periodic review of the Committee's functions. Enclosed is a copy of the charter, which describes the structure and functions of the Committee.

Please indicate your acceptance or declination by signing and returning the enclosed Acknowledgement of Invitation form. Upon learning of your acceptance, I will ask the (title of official) to provide you with further information concerning your appointment.

I hope you will be able to accept this invitation and give us the benefit of your valued counsel.

Sincerely,

signing official's name
(title if appropriate)

Enclosure

THE SECRETARY OF HHS STATIONERY

SAMPLE LETTER OF REAPPOINTMENT

Name of member
Title
Company
Address

Dear (prefix and last name):

I am delighted to invite you to continue to serve on the (Name of Committee) for a term beginning (immediately) and ending (month, day, and year), subject to prescribed appointment procedures. Enclosed is a copy of the charter, which describes the structure and functions of the Committee.

Please indicate your acceptance or declination by signing and returning the enclosed Acknowledgment of Invitation form. Upon learning of your acceptance, I will ask the (title of official) to provide you with further information concerning your appointment.

I hope you will be able to accept this invitation and give us the benefit of your valued counsel.

Sincerely,

signing official's name
(title, if appropriate)

Enclosure

BOND PAPER

SAMPLE OF ACKNOWLEDGEMENT OF INVITATION

ACKNOWLEDGEMENT OF INVITATION

Name of Contact Person
OPDIV/STAFFDIV/AGENCY
Address

Subject Committee: (NAME OF COMMITTEE)

_____ I am pleased to accept the Secretary's invitation to serve on the Committee named above, and await further instructions regarding the Committee's schedule.

_____ I regret that I am unable to accept the Secretary's invitation to serve on the Committee named above.

Signature

Date

MAILING ADDRESS:

Name of Nominee
Title
Address

THE SECRETARY OF HHS STATIONERY

SAMPLE LETTER OF APPRECIATION

Name of member
Title
Company
Address

Dear (prefix and last name):

Thank you for your dedicated service as a member of the (name of committee). I commend your willingness to spend long hours in preparation for your committee responsibilities and the sacrifice of your private interests to assist in developing policy-relevant recommendations for (purpose of committee).

In recognition of your services on the (name of committee), I am pleased to present the enclosed certificate of appreciation.

Sincerely,

(type Secretary's name)

Enclosure

CERTIFICATE PAPER

CERTIFICATE OF APPRECIATION

presented to

(Name of outgoing member)

In appreciation for the service you provided as a member
of the *(name of advisory committee to which member was appointed)*
from *(start date)* to *(end date)*

Name and Title of Approving Official

PROFESSIONAL AREA BREAKDOWN
(Name of Committee)

Authorized Positions: 6

Ex Officio Positions: 1

<u>NAME</u>	<u>TERM DATES</u>	<u>EXPERTISE</u>	<u>FED</u>	<u>SCI</u>	<u>PUB</u>	<u>GEOG DIST</u>	<u>MIN</u>	<u>FEM</u>
ORCHID	3/1/2011 1/31/2013	General Preventative Medicine; Public Health		X		PA		
ZINNIA	3/1/2011 1/31/2013	Law, Consumer Rep.			X	CA		
PANSY	3/1/2011 1/31/2013	Researcher		X		TN	X	X

PROPOSED NOMINEES

DAISY	2/1/2013 1/31/2015	Behavioral Therapy			X	IL		X
ROSE	2/1/2013 1/31/15	Psychology			X	MD	X	X
AZALEA	2/1/2013 1/31/2015	Health Policy	X			MN		

PROPOSED CHAIR

MEMBERSHIP ROSTER
(Name of Committee)

Chair (Name)
Title
Organization
Address
City/State/Zip Code

DFO/Executive Secretary (Name)
Title
OPDIV/STAFFDIV
Address
City/State/Zip Code

MEMBERS

Name
Title
Organization
Address
City/State/Zip Code

EX-OFFICIOS

Name
Title
OPDIV/STAFFDIV
Address
City/State/Zipcode



DEPARTMENT OF HEALTH AND HUMAN SERVICES
REQUEST FOR APPROVAL OF NOMINEES
FOR PUBLIC ADVISORY COMMITTEES

Date Prepared

Principal

Name of Companion Nominee

Alternate

Name of Nominee: (last, first, middle, prof. degrees)

Business Title:

Home Address:

Business Address:

Date of Birth:

Place of Birth:

Agency: **Department of Health & Human Services**

Proposed Committee:

Initial Appointment
 Proposed term:
 From:
 To:

Reappointment
 Proposed term:
 From:
 To:

Current Term:
 From:
 To:

Name of Retiring Member:

Termination Date:

Sources of Recommendations:

Name

Title

Date

Special Qualifications of Nominee (briefly describe unique qualifications)

Type of Qualifications Needed for Committee Position

Previous Membership on DHHS Committees and Terms of Office

Program Director Recommendation/Approval

Agency Head Recommendation/Approval

_____ BY:
 Date

_____ BY:
 Date

Department Committee Management Office Concurrence

OPDIV HEAD Recommendation/Approval

_____ BY:
 Date

_____ BY:
 Date

Assistant to the Secretary Recommendations

SECRETARY'S APPROVAL

_____ BY:
 Date

_____ BY:
 Date Secretary

BOND PAPER

SAMPLE WAIVER OF COMPENSATION

I, _____, agree to serve on the (Name of the committee) without compensation, and hereby waive my rights to any compensation from the United States to which I am entitled under law.

Date

Signature