

# ***OFACP Policy:***

## ***Consolidating Federal Register Notices For Meetings of NIH Federal Advisory Committees May 2014***

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### **Note Regarding Re-Issuance of the Policy:**

This guidance document is being re-issued to provide updated procedures on consolidating Federal Register Notices for different types of NIH Federal advisory committees and the use of electronic systems to create these notices for publication. Consolidation of like types of meeting notices, in addition to their submission in an electronic format, is cost effective and meets Government-wide goals.

### **Background**

The Federal Advisory Committee Act (FACA), 5 U.S.C. App., requires that meetings of Federal advisory committees be announced in the Federal Register for public access and notification. The Federal Advisory Committee Management Final Rule, 41 CFR Parts 101-6 and 102-3, requires that each meeting of a Federal advisory committee be announced in the Federal Register at least 15 calendar days prior to the meeting to ensure that all interested persons receive proper notification of each meeting.

The NIH Office of Federal Advisory Committee Policy (OFACP) is now required to submit all Federal Register Notices electronically in Word format for review and certification by the NIH Federal Register Liaison Officer in the Division of Management Support, Office of

Management Assessment, Office of Management, Office of the Director, NIH. The NIH Federal Register Liaison Officer also has the responsibility for sending NIH Notices to the Office of the Federal Register for publication. Institute/Center Committee Management Officers may use approved NIH systems and/or software programs to create Federal Register Notices in an electronic Word format.

To ensure the timeliness of these notices and as a courtesy to the interested public, NIH policy stipulates that Federal Register Notices for National Advisory Councils (NACs) be submitted to OFACP for approval at least 45 calendar days prior to the meeting. Notices for all other NIH Federal advisory committee meetings [Program Advisory Committees (PACs), Boards of Scientific Counselors (BSCs), Initial/Integrated Review Groups (IRGs) and Special Emphasis Panels]] must be submitted electronically to OFACP at least 30 calendar days prior to the meeting.

### **Policy Statement: NACs, PACs and BSCs:**

Institutes/Centers (ICs) may prepare a single Federal Register Notice to announce all known Federal advisory committee meetings of their NAC(s), PAC(s), or BSC(s) occurring during the upcoming year. When meeting announcements are consolidated, a single Federal Register Notice may be prepared for each Federal

advisory committee type. For example, all of an IC's NAC meetings may be combined on a single Federal Register Notice. To ensure the timeliness, the consolidated notice must be submitted to OFACP for approval at least 45 calendar days prior to the first meeting referenced in the consolidated notice.

*Discussion:*

Many NIH NAC, PAC, and BSC Federal advisory committee meetings are scheduled months and years in advance of the actual meeting date in order to ensure member attendance and to secure meeting space and hotel accommodations for members. These advance dates are routinely included on IC websites and in meeting agendas and minutes. Publishing a Federal Register Notice once a year and announcing all meeting dates for that particular advisory committee provides a more efficient and cost effective method of informing the public of NIH advisory committee meetings.

If a change occurs after publication of the consolidated notice that would affect the open session(s) of a meeting, such as a change to the date, time and/or location of a particular meeting, including cancellation of the meeting, OFACP must be notified as soon as possible so that arrangements may be made for publication of an amended Federal Register Notice (prepared by the IC CMO) to keep the public informed. In addition, the IC can update the public on the current status of the committee's planned activities by information provided on the IC's website.

As required by the Federal Advisory Committee Management Final Rule, Federal Register Notices must include the time, date, place, agenda summary, and contact person for each meeting. Notices of open and partially closed meetings will also include the internet address for each IC website, if available, that will provide more updated and specific information about each meeting. The Committee Management Module (CM IMPAC II) has the

functionality to consolidate notices and to include the IC's web address.

**Policy Statement: IRGs and SEPs:**

Institutes/Centers (ICs) should prepare Federal Register Notices to announce all known Integrated/Initial Review Groups (IRGs) and/or Special Emphasis Panel (SEP) meetings that have been identified as complete in CM IMPAC II. A complete record is one where all information required to advertise a meeting (see 41 CFR 102-3.150) of a Federal advisory committee has been entered into CM IMPAC II. IRG and SEP meetings are usually entirely closed meetings and multiple meetings occurring in the same Council/Review cycle should be announced together on a single Federal Register Notice. For example, an IC should announce their standing scientific review group (SRG) meetings along with known SEP meetings on a single Federal Register Notice, even if one or more meetings may require a late statement.

*Discussion:*

Many NIH IRG and SEP Federal advisory committee meetings are scheduled months in advance of the actual meeting date in order to ensure member attendance and to secure meeting space and hotel accommodations for members. These advance dates are routinely included on IC and NIH websites. Publishing a single Federal Register Notice announcing all SRG meeting dates (IRG and SEP) for that particular Council/Review cycle provides a more efficient and cost effective method of meeting the FACA notification requirements.

If a change occurs to one or more IRG/SEP meetings after publication of the consolidated notice that would affect one or more particular meetings, such as a change to the date, time and/or location, including cancellation of the meeting, OFACP must be notified as soon as possible so that arrangements may be made for publication of an amended Federal Register

Notice (prepared by the IC CMO) to keep the public informed.

**General Information:**

OFACP will continue to accept and prepare for publication single meeting Federal Register Notices as necessary. This includes unscheduled or special meetings of all committee types including SEPs. Federal Register Notices for these meetings must be submitted electronically to OFACP at least 30 calendar days prior to the meeting.

For more detailed guidance on preparing Federal Register Notices, please refer to the Committee Management Handbook on OFACP's website at <http://ofacp.od.nih.gov>. Issues related to this policy should be referred to the Director, OFACP at (301) 496-2123.