

NATIONAL INSTITUTES OF HEALTH COMMITTEE MANAGEMENT HANDBOOK

Program Advisory Committee Establishment/Renewal

NIH Letterhead – *Times New Roman 11point*
For committees with other approving official, use
appropriate letterhead

Chapter III - Illustration 2

Key to text: Black text is standard text that should be followed. Red identifies text that is unique, for example IC name, expertise, or costs for this individual committee. Blue provides some explanations and reasons why certain paragraphs contains specific information.

CHARTER

[NAME OF PROGRAM ADVISORY COMMITTEE]

If amending a current charter, replace “Charter” with “AMENDED CHARTER” as the title. If the name of the committee is changing, state the new Name of Committee followed by (formerly (full former name).

COMMITTEE’S OFFICIAL DESIGNATION

[Official Name of Program Advisory Committee]

Official Name of Advisory Council should be pulled from the FACA Database.

AUTHORITY

Required by section [INSERT SPECIFIC SECTION OF PHS ACT, as amended]. The [Insert full committee name (also known as [committee acronym] or Committee) is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2).

The sample authority section above should be used by a program advisory committee that is established/renewed under a statutory authority. If the program advisory committee will be discretionary, then the authority section will be “Authorized” by [insert authority].

OBJECTIVES AND SCOPE OF ACTIVITIES

The purpose of the Committee is to advise, consult with, and make recommendations to the [Insert positions/titles of all individuals listed in statute] with respect to [insert appropriate language to describe, in general, the statutory requirements.]

The text above should be more general than specific as a more detailed description is provided in “Description of Duties.” If it is a discretionary (non-statutory) committee, then the scope is more flexible and the individuals receiving advice can also include any appropriate NIH/HHS officials.

DESCRIPTION OF DUTIES

[Insert specific duties expected to be performed by the committee.]

If the committee is statutory (required by legislation), the description of duties must follow the written legislation. If the committee is discretionary, there is flexibility in designing and identifying the duties.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The Committee will advise, assist, consult with, and make recommendations to **[Insert appropriate federal employees/officials]**.

In general, it should match the officials identified in Objectives and Scope. If statutory, there may be some instruction in the legislation that is different but generally will match Objectives and Scope. In the case of a discretionary committee, this section should, in general, match the officials identified in the Objectives and Scope section.

SUPPORT

Management and support services will be provided by the **[Insert Office/Program]**, **[IC ACRONYM]**.

The office or program area cited here represents the area responsible for providing funds to cover the costs incurred by the operation of the Board such as travel and per diem for members and other costs associated with holding a meeting. It could be an intramural or IC Office of the Director that provides this support.

ESTIMATED ANNUAL OPERATING COST AND STAFF YEARS

Estimated annual cost for operating the **[Committee Acronym or Committee]**, including compensation and travel expenses for members, but excluding staff support, is \$**[Insert dollar amount from FOP]**. The estimate of annual person-years of staff support required is **[Insert support effort from FOP]**, at an estimated annual cost of \$**[Insert dollar amount from FOP]**.

When establishing a committee, a Financial Operating Plan (FOP) is developed that estimates costs on the number of members, number of meetings, and NIH staff time needed to manage the committee. The projected costs are inserted in the paragraph above for a committee establishment or a charter renewal.

DESIGNATED FEDERAL OFFICER

The Director, **[IC ACRONYM]**, will assign a full-time or permanent part-time **[IC ACRONYM]**, employee as the Designated Federal Officer (DFO) of the Committee. In the event that the DFO cannot fulfill the assigned duties of the Committee, one or more full-time or permanent part-time **[IC ACRONYM]** or NIH employees will be assigned as DFO and carry out these duties on a temporary basis.

The DFO will approve all of the Committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when it is determined to be in the public interest, and chair meetings when directed to do so by the Director, **[IC ACRONYM]**.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

The [Committee Acronym or Committee] will meet [see explanation below]. Meetings will be open to the public except as determined otherwise by the Secretary of Health and Human Services (Secretary) in accordance with subsection (c) of section 552b of Title 5 U.S.C. Notice of all meetings will be given to the public. In the event a portion of a meeting is closed to the public, as determined by the Secretary in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act, a report will be prepared which will contain, as a minimum, a list of members and their business addresses, the Committee's functions, dates and places of meetings, and a summary of the Committee's activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer.

Legislation creating statutory committees usually include a specific number or a phase such as not less than a specific number of meetings per year. A discretionary advisory committee can have as many or as few as needed. It is always suggested using the phase "approximately" in case a specific number can't be met in any given year.

DURATION

Continuing.

TERMINATION

Unless renewed by appropriate action, the charter of the [Committee Name] will expire two years from the date the charter is filed.

MEMBERSHIP AND DESIGNATION

The Committee will consist of up to [Insert number of members, including Chair, types of members (voting, public, scientific, as appropriate. Also include the type(s) of expertise needed. Provide as much detail as necessary.]

Appointed members must be eligible to serve as Special Government Employees (SGEs) and will serve as SGEs. Members and the chair will be invited to serve for overlapping terms of up to [insert number, for example four] years. [Insert term for chair if different than regular members.] A member may serve after the expiration of that member's term until a successor has taken office. A quorum for the conduct of business by the full Committee will consist of a majority of currently appointed members.

Terms of more than two years are contingent upon the renewal of the Committee charter by appropriate action prior to its termination. Members may serve after the expiration of their terms until their successors have taken office. A quorum for the conduct of business by the full Committee will consist of a majority of currently appointed members.

Follow the Guide on Use of Federal Members. Also, in rare cases some members may serve as representatives. Consult with OFACP staff/assigned analyst on the appropriate types of members for the committee.

SUBCOMMITTEES

As necessary, subcommittees and ad hoc working groups may be established by the DFO within the [Committee Acronym or Committee] jurisdiction. The advice/recommendations of a subcommittee/working group must be deliberated by the parent advisory committee. A subcommittee/working group may not report directly to a Federal official unless there is statutory authority to do so.

Subcommittee membership may be drawn in whole or in part from the parent advisory committee. All subcommittee members may vote on subcommittee actions and all subcommittee members count towards the quorum for a subcommittee meeting. Ad hoc consultants are not members, do not count towards the quorum, and may not vote. A quorum for a subcommittee will be three members. The Department Committee Management Officer will be notified upon establishment of each standing subcommittee and will be provided information on its name, membership, function, and estimated frequency of meetings.

RECORDKEEPING

Meetings of the [Committee Acronym or Committee] and its subcommittees will be conducted according to the Federal Advisory Committee Act, other applicable laws and Departmental policies. Committee and subcommittee records will be handled in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, 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. 552.

ESTABLISHMENT FILING DATE or FILING DATE

Establishment File Date is used only when a committee is first established. The OFACP Program Analyst will enter date for an establishment. Filing Date is used when a committee charter is renewed. The IC CMO will insert renewal date and keep date if submitting an amendment.

AMENDED FILING DATE

This section is only used if amending a committee's charter. The OFACP Program Analyst will enter date for an amendment.

APPROVED

Date

[Insert title of approving official]

Signature lines are dependent on authority used to establish or renew the committee's charter. Consult with assigned OFACP Program Analyst or other OFACP staff member for guidance.