



United States Department of Agriculture

CHARTER

Center for
Nutrition Policy
& Promotion

3101 Park
Center Drive

Alexandria, VA
22302-1500

1. Committee's Official Designation

2020 Dietary Guidelines Advisory Committee

2. Authority

The 2020 Dietary Guidelines Advisory Committee (the Committee) shall be formed and governed under the provisions of the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C., App), which sets forth standards for the formation and use of advisory committees.

3. Objectives and Scope of Activities

Under Section 301 of Public Law 101-445 (7 U.S.C. 5341, the National Nutrition Monitoring and Related Research Act of 1990, Title III) the Secretaries of the U.S. Departments of Agriculture (USDA) and Health and Human Services (HHS) are directed to jointly publish at least every five years a report entitled Dietary Guidelines for Americans. The law instructs that this publication shall contain nutritional and dietary information and guidelines for the general public, shall be based on the preponderance of scientific and medical knowledge current at the time of publication, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program. Recent editions of the Dietary Guidelines provide dietary advice for Americans ages 2 years and older. The Agricultural Act of 2014 mandates the addition of dietary guidance for women who are pregnant and infants and toddlers from birth to 24 months of age beginning with the 2020 edition. The Committee is established to provide independent, science-based advice and recommendations to be considered by USDA and HHS in the development of the 2020-2025 Dietary Guidelines for Americans.

To assist the Committee in its review, the Departments will identify specific topics and scientific questions for which it seeks advice to be examined by the Committee. The Departments are taking a life stage approach for this edition of the Dietary Guidelines; thus, the Committee's focus will be on priority topics and scientific questions from birth through older adulthood. The Departments will identify topics and scientific questions to promote transparency, respond to feedback on the Dietary Guidelines development process, identify expertise needed on the Committee, help manage resources, and ensure the advice provided by the Committee addresses Federal nutrition policy and program needs. The Committee

will limit its review and advice to dietary guidance for human nutrition on the topics and scientific questions specified by the Departments.

4. Description of Duties

The work of the Committee will be solely advisory in nature and time-limited. The Committee will examine the evidence on the topics and questions identified by the Departments, including new scientific evidence and current resource documents, and then develop a report to be submitted to the Secretaries that outlines its science-based recommendations and rationale, which will be considered by the Secretaries in developing the 2020-2025 Dietary Guidelines for Americans.

5. Agency or Official to Whom the Committee Reports

The Committee will provide its advice and recommendations to the USDA Under Secretaries of Food, Nutrition, and Consumer Services (FNCS) and Research, Education, and Economics (REE) and HHS Assistant Secretary for Health.

6. Support

Management and support services for the Committee will be provided by the USDA Center for Nutrition Policy and Promotion (CNPP) within FNCS. The USDA also recognizes and acknowledges that the Secretaries of Agriculture and Health and Human Services have been vested by statute with joint authority for carrying out aspects of the National Nutrition Monitoring and Related Research Act (NNMRA) under 7 U.S.C. Chapter 84. Responsibility for coordinating administrative support by the two Departments under that statute is shared between CNPP and staff of the HHS Office of Disease Prevention and Health Promotion (ODPHP). Other agencies from USDA and HHS also may provide administrative support under that statute. HHS will be responsible for providing administrative support of its own activities in furtherance of the NNMRA under 7 U.S.C. Chapter 84.

7. Estimated Annual Operating Costs and Staff Years

The estimated annual USDA cost for operating the Committee, including travel and per diem expenses for members, but excluding staff support is \$350,000 in year 1 and \$220,000 in year 2. It is estimated that the annual person-years of USDA staff support required is 2.0 FTE, at an estimated cost of \$265,000 in year 1 and \$130,000 for year 2. Members of the Committee shall serve without pay, but will be allowed reimbursement for travel expenses including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703. Expenses will be subject to review and approval by the Designated Federal Officer.

8. Designated Federal Officer

USDA Under Secretaries of FNCS and REE will appoint two Co-Executive Secretaries from USDA, one from CNPP, who will serve as the Designated Federal Officer (DFO), and the other a scientist from the ARS, who will: (1) coordinate the acquisition of requested nutrition data, including data from What We Eat in America; and (2) facilitate peer-review of CNPP's Nutrition Evidence Library systematic reviews.

Since USDA has responsibility for providing management and support services for the Committee, the Co-Executive Secretaries will schedule and approve all meetings of the Committee, and make logistical arrangements that are necessary for public meetings of the Committee. The Co-Executive Secretaries will prepare and approve all meeting agendas; development of the meeting agenda also can include consultation with the Committee Chair(s). The DFO or other official to whom the authority has been delegated will be present at all meetings of the full Committee and any subcommittees that have been established to assist the Committee. The DFO has authority to adjourn meetings, when it is determined to be in the public interest, and may also chair the Committee meetings when directed to do so by the Under Secretary of FNCS and/or other authorized official.

In recognition of the joint responsibilities that have been vested in the Secretaries of Agriculture and Health and Human Services for carrying out the NNMRRRA under 7 U.S.C. Chapter 84, the USDA DFO shall keep the HHS Assistant Secretary for Health apprised of all the activities of the 2020 DGAC, through communication with officials of the HHS Office of Disease Prevention and Health Promotion (ODPHP). The USDA DFO shall consider any recommendations of the ODPHP made in furtherance of the NNMRRRA when fulfilling the duties of the DFO.

9. Estimated Number and Frequency of Meetings

It is estimated that the Committee will meet approximately five times during the projected period for its operation. More meetings may be held upon approval by the DFO if it is necessary to accomplish the objectives of the Committee and time and funds are available to support additional meetings. It is required that two-thirds of the appointed members be present for the Committee to meet to conduct business.

Meetings will be open to the public, except as determined otherwise by the Secretaries of USDA and HHS or other official to whom this authority has been delegated, in accordance with guidelines under Government in the Sunshine Act at 5 U.S.C. 552b(c) and the FACA. Notice of all Committee meetings will be provided to the public through the Federal Register and at www.DietaryGuidelines.gov.

Meetings will be conducted and records of the proceedings will be kept, as required by applicable laws and Departmental policies.

10. Duration

The Committee is established to accomplish a single, time-limited task. It is expected that the Committee will complete the objectives for which it was established within two years from the date this charter is filed.

11. Termination

Unless renewed, the Committee will terminate after delivery of its final report to the Secretaries of USDA and HHS or two years from the date this charter is filed, whichever comes first.

12. Membership and Designation

Members will be invited to serve for the duration of the Committee. Individuals who are appointed to serve as members of the Committee will be jointly agreed upon by the Secretaries of USDA and HHS. All appointed members of the Committee will be classified as Special Government Employees (SGEs).

12a. This Committee will be balanced fairly in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing a Committee in which most members have not served on a previous Dietary Guidelines Advisory Committee and including members with varying points of view on the topics and questions to be examined by the Committee.

12b. The Committee will consist of not more than 20 members, with a minimum of 13 members, including the Chair and Vice-Chairperson. Individuals selected to serve on the Committee must have demonstrated expertise and current scientific knowledge in human nutrition. Expertise will be sought in specialty areas related to the topics and scientific questions identified by the Departments to be examined by the Committee. Efforts will be made to have a broad representation of geographic areas and academic institutions.

12c. Of these members, one will be designated by the Departments to become the Chairperson who is recognized for his or her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. A Vice-Chairperson may be assigned by the Departments.

12d. Ethics Statement

To maintain the highest levels of honesty, integrity, and ethical conduct, no Committee or subcommittee member shall participate in any "specific party matters"

(i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct financial interest. This includes the requirement for Committee or subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee's recommendations.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee's advice and recommendations.

Members appointed as SGEs are considered intermittent Federal employees and are subject to Federal ethics laws. SGE's are appointed due to their personal knowledge, academic scholarship, background, or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) via the FDonline e-filing database system. Upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards, USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

12e. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals who are minorities, women, and persons with disabilities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, political beliefs, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs).

13. Subcommittees

To accomplish its objectives, and with approval of the DFO, the Committee may establish subcommittees that are composed of members of the parent committee. The purpose of the subcommittees is to review evidence and provide advice and/or make recommendations to the parent committee. Subcommittees must limit their review and advice to dietary guidance for human nutrition on the topics and scientific questions specified by the Departments. All reports and recommendations developed by an established subcommittee may only be submitted to the parent Committee for the appropriate action to be taken.

The USDA Committee Management Officer will be notified if any subcommittee is established for the Committee, and will be provided information regarding the name of the subcommittee, function, membership, and estimated frequency of meetings.

14. Recordkeeping

Records of the Committee and any established subcommittee will be handled in accordance with General Records Schedule (GRS) 6.2 or other approved agency records disposition schedule. These records will be made available to the public for inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at: www.DietaryGuidelines.gov and www.FACAdatabase.gov.

15. Filing Date

OCT - 5 2018