

**CHARTER
2025 DIETARY GUIDELINES ADVISORY COMMITTEE**

COMMITTEE'S OFFICIAL DESIGNATION

2025 Dietary Guidelines Advisory Committee

AUTHORITY

The 2025 Dietary Guidelines Advisory Committee (Committee) is authorized under 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. 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).

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 Health and Human Services (HHS) and Agriculture (USDA) 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. The Committee is established to provide independent, science-based advice and recommendations to be considered by HHS and USDA in the development of the *Dietary Guidelines for Americans, 2025-2030*.

The Departments will identify specific scientific questions to be examined by the Committee. These questions will be identified and prioritized based on the following criteria: relevance to the *Dietary Guidelines*, importance to public health, potential impact to federal programs, avoiding duplication with other federal efforts, and research availability. If the Committee identifies modifications or additional scientific questions needed to inform its advice on the topics identified by the Departments, a limited number of questions may be added to the evidence review. These questions must meet the prioritization criteria, be discussed in a public forum, take resources into consideration, and be jointly agreed upon by the Committee and both Departments.

DESCRIPTION OF DUTIES

The work of the Committee will be solely advisory in nature and time limited. The Committee will examine evidence on the scientific questions, using approaches including systematic reviews, food pattern modeling, and data analysis. The Committee will then develop a scientific report to be submitted to the Secretaries. The scientific report should describe the Committee's review and conclusions and provide science-based advice and rationale to the Departments based on the preponderance of evidence reviewed. HHS and USDA will consider the Committee's scientific report as they develop the *Dietary Guidelines for Americans, 2025-2030*.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

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

SUPPORT

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

ESTIMATED ANNUAL OPERATING COST AND STAFF YEARS

The estimated annual HHS cost for operating the Committee, including travel and per diem expenses for members, but excluding staff support is \$355,000 in fiscal year 2023, \$394,600 in fiscal year 2024, and \$300,000 in fiscal year 2025. There is an allocation of 4.4 FTEs projected to provide staff support for Committee activities in fiscal years 2023 and 2024, and 1.5 FTEs projected in fiscal year 2025; the annual cost for the projected human resources is \$714,356 in fiscal year 2023, \$733,644 in fiscal year 2024, and \$251,151 in fiscal year 2025. 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.

DESIGNATED FEDERAL OFFICER (DFO)

The HHS Assistant Secretary for Health shall appoint the Designated Federal Officer (DFO) from among permanent full-time staff within OASH who have knowledge of the subject matter and skills and experience necessary to manage the Committee. The DFO will delegate authority as needed and will be responsible for facilitating necessary scientific and administrative support for the Committee and ensuring that the FACA is followed. The DFO will collaborate with ODPHP and CNPP leadership and staff to fulfill all responsibilities.

As specified by the FACA, the DFO will ensure efficient and transparent committee operations; ensure that the Committee is not inappropriately influenced by the appointing authority or special interest groups; approve meeting agendas and minutes; and maintain all public records, including costs and membership records. The DFO will attend all meetings of the Committee and any respective subcommittee meetings and will make logistical arrangements that are necessary for public meetings of the Committee. The DFO also 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 Assistant Secretary for Health and/or another authorized official.

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 HHS and USDA 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.

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.

TERMINATION

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

MEMBERSHIP AND DESIGNATION

The Committee will consist of not more than 20 members, with a minimum of 15 members, including the Chair and Vice-Chairperson. The members shall be selected from among individuals possessing demonstrated experience and expertise in human nutrition for one or more of the specific scientific questions identified by the Departments to be examined by the Committee. Expertise will also be sought related to health equity and the scientific approaches used to review the evidence (systematic reviews with or without meta-analysis, food pattern modeling, and data analysis). All appointed members of the Committee will be classified as Special Government Employees (SGEs) and are subject to government ethics rules.

Members will be invited to serve for the duration of the Committee, for up to two years. Individuals who are appointed to serve as members of the Committee will be jointly agreed upon by the Secretaries of HHS and USDA. The members of the Committee shall serve without compensation for their work.

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 and consultants on specific topics, if needed. The purpose of the subcommittees is to review evidence and provide advice and/or make recommendations to the parent committee. All reports and recommendations developed by an established subcommittee must be submitted to the parent Committee for approval.

The HHS 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.

RECORDKEEPING

Records of the Committee and any established subcommittee will be handled in accordance with General Records Schedule 6.2: Federal Advisory Committee Records, or other approved agency records disposition schedule. Applicable 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.

FILING DATE: December 9, 2022

APPROVED:

December 9, 2022

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Date

Xavier Becerra