

Appendix C. I.

CMO Standard Operating Procedure (SOP)

ESTABLISH, RENEW & MAKE AMENDMENTS TO A FEDERAL ADVISORY COMMITTEE CHARTER

PURPOSE

This standard operating procedure (SOP) establishes the requirements for the creation, renewal, amendment of a Federal Advisory Committee charter within DHS.

SPECIFIC PROCEDURES

1. The following documents are required for the establishment of a Federal Advisory Committee:
 - a. **Action Memorandum**
 - i. Must be from the component head requesting the establishment/renewal/amendment of said committee.
 - ii. If established under discretionary authority, a consultation with CMO and the Secretariat required. Please review **§ 102–3.60** of the FACA final rule for these discretionary requirements.
 - iii. If established under Presidential or Statutory authority, it must include the appropriate statutory language.
 - iv. Must include the authorizing official.
 - b. **Charter** - The Charter represents the committee’s mission or charge. See also **§ 102–3.75** of the FACA Final Rule.
 - c. **Bylaws** - Must consist of how the committee is to be governed.
 - d. **Membership Balance Plan (MBP)** - Must explain how the committee intends to seek and create fairly balanced membership.
 - e. **Federal Register Notice**
 - i. Must convey the establishment of this committee and may also solicit for candidates.
 - ii. If established under discretionary authority, a notice must be posted to the Federal Register 15 days prior to the congressional filing. Please note section **§ 102–3.65** of the FACA Final rule for discretionary notice requirements.
2. Ensure these documents go through component leadership along with the appropriate ethics and legal officials for approval before sending to CMO.
3. Send these documents to the CMO for review. This review will also include a preliminary review by OGC.
4. Once processed and reviewed by the CMO/OGC, we will send to the GSA CMS for their preliminary review.
5. Upon GSA review, CMO will consolidate edits and send back to program office for finalization and any adjudication of edits and responses to comments. (Return package to CMO for confirmation of adjudicated edits and/or comments.)
6. After preliminary reviews of the package are complete, the program office will need to route the package through Exec Sec for final approval.
7. The DFO will submit the signed package to the CMO and submit to the GSA CMS for a formal consultation. If there are any comments or edits CMO will resolve with OGC and the Program Office. Once concurrence is received, CMO will finalize the committee’s charter, prepare a filing letter and submit to Congress. The date of filing will be noted as the committee’s renewal date and entered in the FACA DB along with the charter, bylaws, and mbp.



* CHARTER RENEWALS

Renewals will follow the same procedure noted in this SOP. Note that submission of renewal packages is recommended 90 days ahead of the committee's renewal date. If the renewal date lapses, the committee must cease all operations until filed. If the committee is discretionary a re-establishment will need to be filed. Also see **§ 102–3.70 of the FACA Final Rule**.

* CHARTER AMENDMENTS

Amendments will follow the same procedures in this SOP. Note that amendments should be consulted with CMO prior to submission of packages. Please also note that the filing of an amendment does not affect the committee's charter renewal date. See **§ 102–3.80 & § 102–3.85 of the FACA Final Rule** for more on amendments.