DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY

CHARTER OF THE EXPERT PANEL ON COST ESTIMATING FOR THE PUBLIC ASSISTANCE PROGRAM

(FEDERAL ADVISORY COMMITTEE #10733)

OFFICIAL DESIGNATION

This Charter re-establishes the Expert Panel on Cost Estimating for the Public Assistance Program pursuant to section 406(e)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 106-390, as amended (the Stafford Act), in accordance with the provisions of the Federal Advisory Committee Act, (FACA) (5 U.S.C. Appendix 2).

OBJECTIVES AND SCOPE OF ACTIVITIES

In carrying out its responsibilities, the Panel shall meet not later than one year after the date of promulgation of regulations by FEMA, three years after that date and at the end of each two-year period thereafter. The purpose of the meetings is to examine the appropriateness of the adopted cost estimating procedure contained in the Recommendation Report of Federal Advisory Committee #10733, October 2002, and to periodically submit a report to Congress on the Panel's findings.

The Panel shall function solely in an advisory capacity.

DURATION

The Panel shall function on a continuing basis in accordance with the authorizing Statute unless terminated by appropriate legislative authority.

OFFICIAL TO WHOM THE COMMITTEE REPORTS

This Panel reports to the Under Secretary, EP&R/FEMA, through the Director, Recovery Division.

SPONSOR AND OFFICE PROVIDING SUPPORT

The Director, Recovery Division, EP&R/FEMA, will sponsor the Panel's activities. The Recovery Division, EP&R/FEMA, will provide administrative support for the Panel's activities.

DUTIES

The Panel will provide advice and recommendations to the Under Secretary, EP&R/FEMA, through the Director, Recovery Division, in accordance with the Board Objectives and Scope of Activities listed above.

MEETINGS

Depending on funding availability and scheduling considerations, the Panel will meet not later than one year after the date of promulgation of regulations by FEMA, three years after that date, and at the end of each two-year period, to address its objectives and duties. The Panel shall meet at a location in the Washington, DC, metropolitan area, unless permission to meet at an alternate location is granted by the Under Secretary, EP&R/FEMA or the Director, Recovery Division.

The Under Secretary or the Director, Recovery Division, may call a special meeting of the Panel to address an agenda within its purview. Timely notices of each meeting shall be published in the Federal Register, and meetings shall be open to the public except when closed in accordance with section 10(d) of FACA.

MEMBERSHIP

The Panel shall be comprised of up to ten members and include technical experts from the construction industry; and representatives of state and local government, the Designated Federal Official from FEMA, and a representative of the National Emergency Management Association. In fulfilling the technical and representation requirements of the Stafford Act, FEMA shall invite professional organizations to nominate candidates for membership on the Panel. Panel members are required to have expertise in design, construction and cost estimating of roads, water control facilities, buildings, utility systems, and recreational facilities, and represent various geographical regions of the country. The Designated Federal Official, FEMA, shall be Chairperson of the Panel and the NEMA representative shall serve as Vice-Chairperson.

Members who are not full-time employees of the Federal government shall serve as representatives of non-Federal interests, rather than as representatives of the public at large and are not Special Government Employees (SGEs).

Members shall be appointed to terms of office of up to three (3) years and may be reappointed to a subsequent 3-year term. Members will continue to serve until their replacement is appointed. A member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of the term. Members' terms are staggered to provide for continuity of Panel participation. No more than half of the members shall be replaced or reappointed in any given year unless there are vacancies for reasons other than term expiration.

OFFICERS

The Under Secretary shall appoint from the Panel members a Chairperson and Vice-Chairperson. These officers shall serve for the ensuing year and may serve successive terms.

In the absence of both the Chairperson and the Vice-Chairperson, the Panel shall select a member from those present to preside as Chairperson pro-tem for that meeting.

DUTIES OF THE CHAIRPERSON

The Chairperson is the presiding officer of the Panel and guides its efforts to the effective completion of its assigned tasks. The Chairperson provides leadership and adheres to the Charter and such other rules of order and operating procedures as the Panel adopts, maintains order, and conducts each meeting in accordance with the prescribed rules and procedures.

DUTIES OF THE VICE-CHAIRPERSON

The Vice-Chairperson shall assume the duties and responsibilities of the Chairperson in the absence of the Chairperson.

SUBCOMMITTEES

The Chairperson may establish subcommittees with the Sponsor's approval. To the extent practicable, subcommittees of the Panel should be composed of members of the parent Panel. If that is not feasible, at least some members, including the Chairperson, must be members of the Panel.

COSTS

The annual operating costs associated with supporting the Panel's functions (including all direct and indirect expenses) are estimated to be $25,000 per year and approximately 0.75 FTE staff years.

MEMBER COMPENSATION

In accordance with the authorizing statute, the members of the Panel shall not be compensated for their services, but shall be reimbursed (including travel and per diem) for appropriate and permitted expenses actually incurred in the performance of their duties as members of the Panel.

ADMINISTRATIVE PROVISIONS

The Deputy Director, Recovery Division, FEMA, is the Designated Federal Official who will attend each meeting of the Panel and is authorized, whenever he/she so determines it to be in the public interest, to adjourn any such meeting. The Deputy Director may designate a member of the management staff of the Recovery Division to be the Designated Federal

Official to act on his/her behalf in his/her absence. The Panel shall not conduct meetings in the absence of the Designated Federal Official or his/her designee.

The Deputy Director, Recovery Division, shall also designate an employee of the Recovery Division to serve as the Secretary of the Panel with all the attendant secretarial duties to cause the Panel to be appropriately supported with its administrative needs, minutes, notices, records, and reports. The Recovery Division shall provide such other clerical and supporting services for the Panel as may be deemed appropriate by the Deputy Director.

Panel meeting minutes shall be maintained and shall be subject to the Freedom of Information Act. All records pertaining to the Panel shall be maintained in the office of the designated Secretary of the Panel.

The EP&R/FEMA Office of General Counsel, on behalf of the DHS Office of General Counsel Assistant General Counsel (Rules and Administration), is responsible for counseling the Panel and its subcommittees on Federal law including FACA compliance, and the DHS Designated Agency Ethics Official (or a designated deputy ethics official at EP&R Directorate) is responsible for counseling Panel members on Federal ethics rules and criminal conflicts of interest statutes.

FILING DATE