CHARTER

NATIONAL BIODEFENSE SCIENCE BOARD

Purpose

The Pandemic and All-Hazards Preparedness Act, signed into law on December 19, 2006, directs the Secretary of the U.S. Department of Health and Human Services (hereafter referred to as the Secretary) to establish the National Biodefense Science Board (hereafter referred to as the Board) to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

Authority

Section 402 of the Pandemic and All-Hazards Preparedness Act (P.L. 109-417) (codified at Section 319M of Title III of the Public Health Service Act (42 U.S.C. 247d-7f), as amended). The Board is governed by the Federal Advisory Committee Act (5 U.S.C. app. 2), which sets forth standards for the formation and use of advisory committees.

Function

The Board shall advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents. At the request of the Secretary, the Board shall review and consider any information and findings received from the working groups established under the authority of the Board. At the request of the Secretary, the Board shall provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities. Additional duties may be assigned at the discretion of the Secretary.

Structure

The Board shall consist of 13 voting members, including the Chairperson; additionally, there may be non-voting ex officio members. Members and the Chairperson shall be appointed by the Secretary from among the Nation's preeminent scientific, public health and medical experts, as follows: (a) such Federal officials as the Secretary determines are necessary to support the functions of the Board, (b) four individuals from the pharmaceutical, biotechnology and device industries, (c) four academicians, and (d) five other members as determined appropriate by the Secretary, one of whom must be a practicing health care professional and one of whom must be

from an organization representing health care consumers. Additional members for category (d), above, will be selected from among State and local governments and public health agencies, emergency medical responders and organizations representing other appropriate stakeholders.

Members shall be invited by the Secretary to serve overlapping three-year terms. Members who are not full-time or permanent part-time Federal employees shall be appointed by the Secretary as Special Government Employees. A member may be appointed to serve not more than three terms on the Board and may serve not more than two consecutive terms. A member may serve after the expiration of his/her term until a successor has been appointed. Members' terms that expire later than the Board's charter are contingent upon renewal of the Board by appropriate action.

The Secretary may establish working groups of experts to assist the Board on topics within its purview. Such groups shall report directly to the Board; their findings and recommendations must be deliberated by the Board. Working group membership may be drawn in whole or in part from the Board. Working group members who are not members of the Board may not vote on Board actions. The Department Committee Management Officer shall be notified upon establishment of each working group and will be provided information on its name, membership, function, and estimated frequency of meetings.

A quorum for the Board and each of its working groups shall consist of a majority of the appointed members eligible to vote. Of the voting members, any who are disqualified from participating in an action on a particular issue shall not count toward the quorum.

The Office of the Assistant Secretary for Preparedness and Response shall provide management and administrative oversight to support the activities of the Board.

Meetings

The Board shall meet at least twice annually and may be convened on an as-needed basis, at the call of the Secretary or the Designated Federal Official. The Designated Federal Official shall approve meeting agendas and shall be present at all meetings. The Board may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, convene conferences and workshops, as the Board considers advisable to carry out its duties.

Meetings shall be open to the public except as determined otherwise by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act. Notice of all meetings will be given to the public. Meetings shall be conducted and records of proceedings kept, as required by applicable laws and Department regulations.

Compensation

Members who are not full-time Federal employees shall be paid at the rate of $200 per day plus per diem and travel expenses, in accordance with applicable provisions under sub-Chapter I of Chapter 57 of Title 5 U.S.C. Members who are employees of the United States Government shall not receive compensation for service on the Board.

Annual Cost Estimate

The total estimated annual cost for operating the Board is $1,000,000. Management of the Board is estimated to require 4.5 annual person years of support at an annual cost of $460,000. Operating costs, including compensation and travel expenses for Board members, will be approximately $540,000 per year.

Reports

Annual reports will be prepared and filed as required by applicable laws and Departmental policies. In the event a portion of a meeting is closed to the public, as determined by the Secretary and in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act, a report shall be prepared which shall contain, as a minimum, a list of members and their business addresses, the Board's function, dates and places of meetings and a summary of Board activities during that year. A copy of the report shall be provided to the Department Committee Management Officer.

Termination Date

Notwithstanding section 14 of the Federal Advisory Committee Act, the Board shall terminate five years after the date on which it was established. Therefore, the National Biodefense Science Board will terminate five years after the date on which the charter is filed. Such 5-year period may be extended by the Secretary for one or more additional 5-year periods if the Secretary determines that any such extension is appropriate.

APPROVED:

MAY 2 4 2007
Date

Secretary

THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

FINDING

National Biodefense Science Board

I find that establishment of the National Biodefense Science Board is specifically authorized by 42 U.S. Code 247d-7f.

I deem that such establishment is desirable to provide advice and consultation to the Secretary and the Assistant Secretary for Preparedness and Response in connection with this Department's functions, that neither the Department nor any of its existing committees can feasibly perform these duties, and that a satisfactory plan for appropriate balance of committee membership has been submitted.

MAY 2 4 2007
Date

Secretary