

**U. S. DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
ADVISORY COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION**

CHARTER

- 1. Committee's Official Designation.** Advisory Committee on Earthquake Hazards Reduction.
- 2. Authority.** In accordance with 42 U.S.C. § 7704(a)(5), the Secretary of Commerce hereby re-charters the Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), pursuant to the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 *et seq.*
- 3. Objectives and Scope of Activities.**
 - a. ACEHR will act in the public interest to:
 - assess trends and developments in the science and engineering of earthquake hazards reduction;
 - assess effectiveness of the National Earthquake Hazards Reduction Program (NEHRP or Program) in carrying out the activities under section (a)(2) of the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. § 7704(a)(2));
 - assess the need to revise the Program; and
 - assess the management, coordination, implementation, and activities of the Program.
 - b. ACEHR shall report to the Director of the National Institute of Standards and Technology (NIST) at least once every two years on its findings of the assessment carried out under paragraph a. above, and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the U.S. Geological Survey's (USGS) Scientific Earthquake Studies Advisory Committee (SESAC).
- 4. Description of Duties.** ACEHR will function solely as an advisory body, in accordance with the provisions of the FACA.
- 5. Agency or Official to Whom the Committee Reports.** ACEHR shall report to the Director of NIST.
- 6. Support.** The NIST Engineering Laboratory (EL) within NIST shall have the primary responsibility for providing support for the Committee.
- 7. Estimated Annual Operating Costs and Staff Years.** The annual operating cost of the ACEHR is approximately \$145,000, which includes 0.8 work years of NIST staff support.

- 8. Designated Federal Officer.** The Director of NIST will appoint two NIST employees to serve as the Designated Federal Officer (DFO) and alternate DFO. The DFO (or alternate DFO) will approve or call all of the ACEHR's and subcommittees' meetings, prepare and approve all meeting agendas, attend all ACEHR and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Director of NIST.
- 9. Estimated Number and Frequency of Meetings.** ACEHR shall meet at least once per year, and at such other times as designated by the DFO. Additional meetings may be called whenever requested by the NIST Director; such meetings may be in the form of telephone conference calls and/or videoconferences. ACEHR shall not meet in the absence of a quorum, which shall consist of a simple majority of the ACEHR members not having a conflict of interest in the matter being considered by the ACEHR. If the number of members on the ACEHR is even, half will suffice.
- 10. Duration.** Continuing.
- 11. Termination.** This charter shall terminate four (4) years from the date of its filing with the standing committees of the U.S. Senate and the House of Representatives having legislative jurisdiction of the agency unless terminated earlier or renewed by proper authority, in accordance with 42 U.S.C. § 7704(a)(5)(D), which states "Section 1013 of title 5 shall not apply to the Advisory Committee."
- 12. Membership and Designation.**

 - a. The Director of NIST shall appoint the members of the ACEHR. Members serve at the discretion of the Director of NIST and shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the Program. Members shall reflect the wide diversity of technical disciplines, competencies, and communities involved in earthquake hazards reduction. Members will be drawn from industry and other communities having an interest in the Program, such as, but not limited to, research and academic institutions, industry standards development organizations, state and local government, and financial communities, who are qualified to provide advice on earthquake hazards reduction and represent all related scientific, architectural, and engineering disciplines. No member may be an "employee" as defined in subparagraphs (A) through (F) of 5 U.S.C. § 7342(a)(1). The diverse membership of the Committee assures expertise reflecting the breadth of the Committee's responsibilities, and, where possible, the Department of Commerce will also consider the ethnic, racial, and gender diversity and various abilities of the United States population.
 - b. Members are appointed for their individual expertise and experience and shall serve as Special Government Employees (SGEs) as that term is defined in 18 U.S.C. § 202. Special Government Employees are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a New Entrant Confidential

Financial Disclosure Report (OGE Form 450) and complete ethics training. Members will be individually advised of the capacity in which they will serve through their appointment letters.

- c. ACEHR shall consist of not fewer than 11, and no more than 17 members. The term of office of each member of the ACEHR generally shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy. Members shall have staggered terms such that the ACEHR will have approximately one-third new or reappointed members each year.
- d. Any person who has completed two consecutive full terms of service on the ACEHR shall be ineligible for appointment for a third term during the two-year period following the expiration of the second term.
- e. The Chairperson of the USGS SESAC shall serve as a non-voting *ex-officio* member of the Committee.
- f. The Director of NIST shall appoint the Chairperson and the Vice Chairperson from among the members of the ACEHR. The Chairperson's and Vice Chairperson's tenure shall be at the discretion of the Director of NIST. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. In case a vacancy occurs in the position of the Chairperson or Vice Chairperson, the NIST Director shall appoint an ACEHR member to fill such a vacancy.
- g. Members of the ACEHR shall not be compensated for their services but may, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. § 5703 while attending meetings of the ACEHR or subcommittees thereof.
- h. Members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the ACEHR, NEHRP, NIST, the Department of Commerce, or the U.S. Government.

13. Subcommittees. NIST may create subcommittees of the ACEHR members as may be necessary, pursuant to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Subcommittees must report back to the ACEHR and will not provide advice or work products directly to NIST.

14. Recordkeeping. The records of the ACEHR, formally and informally established subcommittees, or other subgroups of the ACEHR, will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the ACEHR are available for public inspection. The DFO will oversee recordkeeping and appropriate filings.

15. Filing Date. The charter is filed on the date indicated below.

JEREMY PELTER Digitally signed by JEREMY PELTER
Date: 2024.04.19 14:56:37 -04'00'

4.19.2024

Deputy Assistant Secretary for Administration
Performing the non-exclusive functions and duties of
the Chief Financial Officer and Assistant Secretary
for Administration

Date

4/19/2024

Filing Date