for the first time on the day of the meeting, the matter may be handled by
an oral petition in lieu of a written pe-
tition.
(b) If the person objects to a denial of
access to an advisory committee docu-
ment, administrative review is in ac-
cordance with the procedures estab-
lished by the Department of Health and
Human Services under 45 CFR 5.34.
[44 FR 22351, Apr. 13, 1979, as amended at 55
FR 1404, Jan. 16, 1990]
§ 14.10 Applicability to Congress.
This part applies to Congress, indi-
idual Members of Congress, and other
employees or representatives of Con-
gress in the same way that they apply
to any other member of the public, ex-
cept that disclosure of advisory com-
mittee records to Congress is governed
by §20.87.
§ 14.15 Committees working under a
contract with FDA.
(a) FDA may enter into contracts
with independent scientific or tech-
nical organizations to obtain advice
and recommendations on particular
matters, and these organizations may
in turn undertake such work through
existing or new committees. Whether a
particular committee working under
such a contract is an advisory com-
mittee subject to the Federal Advisory
Committee Act and this subpart de-
pends upon application of the criteria
and principles in §14.1(b).
(b) The following minimum standards
apply to any committee of an inde-
pendent scientific or technical organi-
zation which is working under a con-
tract initially executed with FDA after
July 1, 1975, but which is determined
not to be an advisory committee:
(1) The committee shall give public
notice of its meetings and agenda, and
provide interested persons an oppor-
tunity to submit relevant information
and views in writing at any time, and
orally at specified times. The notice
may be published in the Federal Regi-
ster or disseminated by other reason-
able means. It is in any event to be
filed with the Division of Dockets Man-
age ment not less than 15 days before
the meeting. The time for oral presen-
tations and the extent to which the
committee meets in open session other
than for such oral presentations is in
the discretion of the committee.
(2) Minutes of open sessions are to be
maintained, with all written submis-
sions attached which were made to the
committee in open session. After ap-
proval, the minutes are to be forwarded
to the Division of Dockets Manage-
ment and placed on public display. The
extent to which the committee main-
tains minutes of closed sessions is in
the discretion of the committee.
(3) In selecting the members of the
committee, the organization involves
is to apply the principles relating to
conflicts of interest that FDA uses in
establishing a public advisory com-
mittee. Those principles are set out or
cross-referenced in this part and in
part 19. Upon request, FDA will assist
or provide guidance to any organiza-
in meeting this requirement.

Subpart B—Meeting Procedures
§ 14.20 Notice of hearing before an ad-
visory committee.
(a) Before the first of each month,
and at least 15 days in advance of a
meeting, the Commissioner will pub-
lish a notice in the Federal Register
of all advisory committee meetings to
be held during the month. Any advi-
sory committee meetings for that
month called after the publication of
the general monthly notice are to be
announced in the Federal Register on
an individual basis at least 15 days in
advance. The Commissioner may au-
thorize an exception to these notice re-
quirements in an emergency or for
other reasons requiring an immediate
meeting of an advisory committee, in
which case public notice will be given
at the earliest time and in the most ac-
cessible form feasible including, when-
ever possible, publication in the Fed-
eral Register.
(b) The Federal Register notice
will include—
(1) The name of the committee;
(2) The date, time, and place of the
meeting;
(3) The general function of the com-
mittee;
(4) A list of all agenda items, showing
whether each will be discussed in an
open or closed portion of the meeting;
§ 14.22 Meetings of an advisory committee.

(a) No advisory committee may conduct a meeting except at the call or with the advance approval of, and with an agenda approved by, the designated Federal employee or alternate. No meeting may be held in the absence of the designated Federal employee.

(1) If any matter is added to the agenda after its publication in the FEDERAL REGISTER under § 14.20(b)(4), an attempt is to be made to inform persons known to be interested in the matter, and the change is to be announced at the beginning of the open portion of the meeting.

(2) The advisory committee meeting is to be conducted in accordance with the approved final agenda insofar as practical.

(b) Advisory committee meetings will be held at places that are reasonably accessible to the public. All advisory committee meetings will be held in Washington, DC, or Rockville, MD, or the immediate vicinity, unless the Commissioner receives and approves a written request from the advisory committee for a different location. A different location may be approved when one or more of the following applies:

(1) The total cost of the meeting to the Government will be reduced.

(2) A substantial number of the committee members will be at the location at no expense to FDA for other reasons, e.g., for a meeting of a professional association.

(3) It is a central location more readily accessible to committee members.

(4) There is a need for increased participation available at that location.

(5) The committee wishes to review work or facilities in a specific location.

(6) The committee is concerned with matters that functionally or historically occur in some other location, e.g., the Board of Tea Experts and the Science Advisory Board of the National Center for Toxicological Research will generally hold meetings in Brooklyn, NY, and in the Little Rock, AR, vicinity, respectively.

(c) Advisory committee members may, with the approval of FDA, conduct onsite visits relevant to their work.

(d) Unless the committee charter provides otherwise, a quorum for an advisory committee is a majority of the current voting members of the committee, except as provided in § 14.125(c) for TEPRSSC. Any matter before the advisory committee is to be decided by a majority vote of the voting members present at the time, except that the designated Federal official may require that any final report be voted upon by all current voting members of the committee. Any current voting member of the committee may file a separate report with additional or minority views.