

FOREIGN AGRICULTURAL SERVICE

**AGRICULTURAL TECHNICAL ADVISORY COMMITTEE FOR TRADE
IN FRUITS AND VEGETABLES**

CHARTER

1. Committee's Official Designation

Agricultural Technical Advisory Committee for Trade in Fruits and Vegetables

2. Authority

The Agricultural Technical Advisory Committee for Trade in Fruits and Vegetables (hereinafter the "Committee") is established by the Secretary of Agriculture and the United States Trade Representative as delegated by Executive Order 11846, dated March 27, 1975. It is established pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App.) and section 135(c)(2) of the Trade Act of 1974, as amended.

3. Objectives and Scope of Activities

The Committee's objectives and the scope of its activity are as follows: (A) The Committee will advise, consult with, and make recommendations to the Secretary of Agriculture and the United States Trade Representative on matters that are of concern to the United States and to its consumers, producers, processors, and traders of fruits and vegetables in connection with the trade policy activities undertaken by the United States. (B) The Committee will provide advice and information regarding trade issues that affect both domestic and foreign production and trade concerning fruits and vegetables. The Committee will furnish advisory opinions and reports regarding trade policy as requested by the Secretary of Agriculture and the United States Trade Representative, or their designees.

4. Description of Duties

The Committee will meet solely for advisory purposes, unless otherwise specifically provided for by statute or Presidential directive.

5. Agency or Official to Whom the Committee Reports

The Committee shall report to the Secretary of Agriculture and the United States Trade Representative.

6. **Support**

The Foreign Agricultural Service will provide administrative and other necessary support for the Committee.

7. **Estimated Annual Operating Costs and Staff Years**

The estimated operating cost of the Committee is \$27,000 for fiscal year 2019 and \$23,000 annually for fiscal years 2020 through 2023. This includes the FTE staff years devoted to the administration of this committee, estimated at 0.40.

8. **Designated Federal Officer**

A permanent Federal employee appointed in accordance with agency procedures will serve as the DFO. The DFO (or alternate DFO) will approve the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee 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 official to whom the advisory committee reports.

The DFO will consult with the Secretary of Agriculture and the U.S. Trade Representative, or their designees, prior to approving the agenda for all Committee meetings.

9. **Estimated Number and Frequency of Meetings**

The Committee will meet approximately two times a year at the call of the Secretary of Agriculture and the United States Trade Representative through the DFO, depending on the level of activity in trade agreements and other matters concerning the administration of trade policy, the needs of the Secretary of Agriculture and the United States Trade Representative, and the activity of the technical-level committees.

10. **Duration**

Continuing.

11. **Termination**

The Committee is expected to operate under the terms of this charter for 4 years. The Committee will not meet when the charter terminates in four years from the date of establishment, unless the charter is renewed.

12. **Membership and Designation**

Equal opportunity practices in accordance with the United States Department of Agriculture (USDA) policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

USDA and USTR prohibit discrimination on the bases of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program. In programs that receive Federal financial assistance from USDA, discrimination is prohibited on the bases of race, color, religious creed, sex, political beliefs, age, disability, national origin, or limited English proficiency. (Not all bases apply to all programs.) Reprisal is prohibited based on prior civil rights activity.

This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. The Secretary of Agriculture and the United States Trade Representative shall appoint members jointly, and the Committee shall be of sufficient size (20 – 40 appointees) to be reasonably representative of U.S. organizations and persons interested in the respective agricultural commodities. Members shall serve at the discretion of the Secretary of Agriculture and the United States Trade Representative. The members will come from entities with an interest in agriculture, and will serve as Representatives, presenting the views and interests of U.S. entities that have interests in the subject matters of the committee. However, should a member be appointed primarily for his or her expertise, and not solely as a representative of an interest group, he or she shall be designated as a Special Government Employee.

Of these members, one will be elected by the majority of the Committee to become the Chairperson. The Chairperson should be one who is recognized for his or her ability to lead a group in a fair and focused manner. A Vice Chairperson may be assigned by the Committee, especially to chair the committee in the absence of the Chairperson and to facilitate any transition to become the Chairperson in the future.

Members shall serve without reimbursement for travel or travel-related expenses, except that members may be provided meals or refreshments while engaged in the performance of their duties away from their homes or regular places of business in accordance with the Invitational Travel Statute (5 U.S.C. 5703) and the Federal Travel Regulation (41 C.F.R. chapters 301-304).

12a. **Ethics Statement**

All members will be trained to avoid any actions that would cause the public to question the integrity of the Committee's advice. Members are not subject to ethics laws if they are appointed to represent the point(s) of view of a particular group or segment of the public. Special government employees (SGEs) are subject to ethics laws if they are appointed because of their personal knowledge, background or expertise. No SGE may participate in any activity whereby the member has a direct financial interest. The USDA will assist SGEs in disclosing their financial interest and will provide ethics training on an annual basis. The provisions of this paragraph are not meant to cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

13. **Subcommittees**

The Foreign Agricultural Service and the United States Trade Representative has the authority to create subcommittees. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Agency.

14. **Recordkeeping**

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule (GRS) 6.2 or other approved agency records disposition schedule. Except as provided for in the Trade Act, 19 U.S.C. 2155 (f), these records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

<http://www.fas.usda.gov/atacs> and <http://www.facadatabase.gov>

15. **Filing Date**

June 7, 2019