

**Federal Emergency Management Agency
Technical Mapping Advisory Council
Bylaws**

ARTICLE I AUTHORITY

As required by the *Biggert-Waters Flood Insurance Reform Act of 2012* (BW-12), codified at 42 United States Code Section 4101a, the Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) is established. The TMAC shall operate in accordance with the provisions of the *Federal Advisory Committee Act* (FACA), as amended (Title 5, U.S.C., Appendix).

ARTICLE II PURPOSE

The TMAC provides advice and recommendations to the Administrator of FEMA to improve the preparation of flood insurance rate maps (FIRM). Among its specified statutory responsibilities, TMAC will examine performance metrics, standards and guidelines, map maintenance, delegation of mapping activities to State and local mapping partners, interagency coordination and leveraging, and other requirements mandated by the authorizing BW-12 legislation. In addition, TMAC provides advice and recommendations to the FEMA Administrator on future risks from climate change, rising sea levels, and FIRM development, as mandated by BW-12.

ARTICLE III MEMBERSHIP AND MEMBER RESPONSIBILITIES

Section 1. Composition.

Members of the Council include designated members and additional members appointed by the FEMA Administrator or his designee. See 42 U.S.C. § 4101a.

The designated members of the Council are:

- The FEMA Administrator or the designee thereof;
- The Secretary of the Interior or the designee thereof;
- The Secretary of Agriculture or the designee thereof; and,
- The Under Secretary of Commerce for Oceans and Atmosphere or the designee thereof.

The appointed members may be selected from among the following professional associations or organizations:

- A member of a recognized professional surveying association or organization;
- A member of a recognized professional mapping association or organization;
- A member of a recognized professional engineering association or organization;

- A member of a recognized professional association or organization representing flood hazard determination firms;
- A representative of the United States Geological Survey;
- A representative of a recognized professional association or organization representing State geographic information;
- A representative of State national flood insurance coordination offices;
- A representative of the Corps of Engineers;
- A member of a recognized regional flood and storm water management organization;
- Two representatives of different State government agencies that have entered into cooperating technical partnerships with the Administrator and have demonstrated the capability to produce FIRMs;
- Two representatives of different local government agencies that have entered into cooperating technical partnerships with the Administrator and have demonstrated the capability to produce flood insurance maps;
- A member of a recognized floodplain management association or organization;
- A member of a recognized risk management association or organization;
- A State mitigation officer.

Subject Matter Experts/Technical Advisors: The TMAC may hear from subject matter experts/technical advisors (“SMEs”) who will be asked to provide specialized information or assistance as appropriate and approved by the Designated Federal Officer (DFO). Individual TMAC members may request SMEs, by expertise or skillset, to appear before the TMAC, as needed. Member requests will be made to the Chair for consideration and consultation with the TMAC Designated Federal Officer (DFO). FEMA will not compensate SMEs for their services but they may be reimbursed for travel and lodging expenses.

Section 2. Appointment.

With the exception of the Secretary of the Interior, Secretary of Agriculture, and Under Secretary of Commerce for Oceans and Atmosphere, members of TMAC are appointed by and serve at the pleasure of the FEMA Administrator in an advisory role. Membership is voluntary and members are not compensated for their services. Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead, participate in discussions, or vote. In compliance with FACA, members, while engaged in the performance of their duties away from their home or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

Section 3. Terms of Office.

Members of the TMAC may serve terms of office of two years; however, up to half of those initially appointed TMAC members may be appointed to serve one-year terms to allow for staggered turnover. The FEMA Administrator or his designee may reappoint serving members for additional terms. When the TMAC terminates, all appointments to the TMAC shall terminate.

Section 4. Certification of Non-Lobbyist Status.

All members of the TMAC must annually self-certify that they are not registered lobbyists under the *Lobbying Disclosure Act*, Title 2 U.S.C., Section 1603, and must advise the Department of Homeland Security (DHS) through the Federal Emergency Management Agency if they register as a lobbyist while serving on the TMAC. Members who register as a lobbyist after their appointment or re-appointment will be replaced on the Council.

Section 5. Members' Responsibilities.

Because the TMAC's membership is constructed to balance as many perspectives on floodplain mapping and future risk assessment as possible, member attendance and participation at meetings is vital to the TMAC's mission. Members are expected to personally attend and participate in Council, subcommittee meetings, and conference calls. Members will also be expected to provide written input to any final reports or deliverables.

The DFO or Chair may recommend to the FEMA Administrator that any appointed member unable to fulfill their responsibility be replaced on the Council or subcommittee. Members of the TMAC may be recommended for removal for reasons such as, but not limited to:

- a. Missing two consecutive meetings, including teleconference calls;
- b. Registering as a lobbyist after appointment; or,
- c. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

Section 6. Restriction on Members' Activities.

- a. Members may not use their access to the Federal Government as a member of this Council for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- b. The Council as a whole may advise FEMA on legislation or recommend legislative action. In their capacities as members of the TMAC, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.

- c. Members of the TMAC are advisors to the agency and have no authority to speak for the Council, FEMA, or for the Department outside the Council structure.
- d. Members may not testify before Congress in their capacity as a member of the TMAC. If requested to testify before Congress, members of the TMAC:
 - 1. Cannot represent or speak for the Council, DHS, any agency, or the Administration in their testimony;
 - 2. Cannot provide information or comment on Council recommendations that are not yet publicly available;
 - 3. May state they are a member of the Council; and,
 - 4. May speak to their personal observations as to their service on the Council.
- e. If speaking outside the Council structure at other forums or meetings, the restrictions in Section (d) also apply.

ARTICLE IV OFFICIALS

Section 1. TMAC Leadership.

TMAC members will elect a Chair through a nomination and formal vote. (The FEMA Administrator, or his designee, shall serve in this capacity until a Chair is elected.) The Chair will be responsible for appointing one or more Vice Chairs. The Chair and Vice Chairs will serve for either a one or two year term, based on their initial appointment. Appointments may be renewed for an additional one-year term. No Chair or Vice Chair shall serve longer than three years. The Chair will select chairs for any subcommittee established. Only voting members can serve as subcommittee chairs.

Chair Responsibilities:

- a. Appoints officers to assist in carrying out the duties of the TMAC;
- b. Works with the DFO to develop meeting agendas;
- c. Sets and maintains a schedule for TMAC activities (e.g., report development);
- d. Works with the TMAC membership to develop the draft annual report;
- e. Signs the final reports addressed to the FEMA Administrator;
- f. Coordinates with the DFO to form subcommittees with assigned areas of consideration;
- g. Selects subcommittee chairs and vice chairs;
- h. Resolves member conflicts.

Vice Chair Responsibilities:

- a. Works with subcommittee chairs to ensure work is being completed;

- b. Coordinates member engagement;
- c. Assists Chair in conducting review of meeting minutes and recommendation reports;
- d. Elevates any unresolved issues to the Chair;
- e. Serves as Chair in absence of the Chair.

Subcommittee Chair Responsibilities:

- a. Works with the DFO to develop subcommittee meeting agendas;
- b. Facilitates subcommittee discussions;
- c. Reports to the Chair and Vice Chair; and
- d. Reports out subcommittee work at quarterly TMAC meetings.

Section 2. Designated Federal Officer.

The DFO serves as FEMA's agent for all matters related to the TMAC and is appointed by the FEMA Administrator. In accordance with the provisions of the FACA, the DFO must:

- a. Approve or call meetings of the Council and its subcommittees;
- b. Approve agendas for Council and subcommittee meetings;
- c. Attend all meetings;
- d. Adjourn meetings when such adjournment is in the public interest; and,
- e. Chair meetings of the Council when directed to do so by the FEMA Administrator.

In addition, the DFO is responsible for assuring administrative support functions are performed, including the following:

- a. Notifying members of the time and place of each meeting;
- b. Tracking all recommendations of the Council;
- c. Maintaining the record of members' attendance;
- d. Preparing the minutes of all meetings of the Council's deliberations, including subcommittee and working group activities;
- e. Attending to official correspondence;
- f. Maintaining official records and filing all papers and submissions prepared for or by the Council, including those items generated by subcommittees and working groups;
- g. Reviewing and updating information on Council activities in the Shared Management System (i.e., FACA database) on a monthly basis;
- h. Acting as the Council's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
- i. Preparing and handling all reports, including the annual report as required by FACA.

ARTICLE V MEETING PROCEDURES

Section 1. Meeting Schedule and Call of Meetings.

TMAC will meet in plenary sessions approximately once or twice per quarter, with additional virtual meetings as needed, at the discretion of the DFO. The Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate, subject to resources being made available. With respect to the meetings, it is anticipated that some may be held via teleconference, with public call-in lines. TMAC meetings will be open to the public unless a determination is made by the appropriate FEMA official that the meeting should be closed in accordance with subsection (c) of section 552b of title 5, U.S.C.

Section 2. Agenda.

Meeting agendas are developed by the DFO in coordination with the TMAC chair. In accordance with the responsibilities under FACA, the DFO approves the agenda for all Council and subcommittee meetings, distributes the agenda to members prior to the meeting, and publishes the agenda in the Federal Register.

FEMA will publish the meeting notice and agenda in the Federal Register at least 15 calendar days prior to each TMAC meeting or official public conference call. Once published in the Federal Register, the agenda items cannot be changed prior to or during a meeting.

Section 3. Quorum.

A quorum of the TMAC is the presence of fifty percent plus one of the Council members currently appointed. In the event a quorum is not present, the TMAC may conduct business that does not require a vote or decision among members. Votes will be deferred until such time as a quorum is present.

Section 4. Voting Procedures.

When a decision or recommendation of the TMAC is required, the Chair will request a motion for a vote. A motion is considered to have been adopted if agreed to by a simple majority of a quorum of TMAC members. Members vote on draft reports and recommendations in open meetings through a resolution recorded in the meeting minutes. Only members present at the meeting—either in person or by teleconference—may vote on an item under consideration. No proxy votes or votes by email will be allowed.

Section 5. Minutes.

The DFO will prepare the minutes of each meeting and distribute copies to each Council member. Minutes of open meetings will be available to the public on the

TMAC website at <http://www.fema.gov/TMAC>. The minutes will include a record of:

- a. The time, date, and place of the meeting;
- b. A list of all attendees including Council members, staff, agency employees and members of the public who presented or oral or written statements;
- c. An accurate description of each matter discussed and the resolution, if any, made by the Council;
- d. Copies of reports or other documents received, issued, or approved by the Council; and
- e. An accurate description of public participation, including oral and written statements provided.

The DFO ensures that the Chair certifies the minutes within 90 calendar days of the meeting to which they relate and prior to the next TMAC meeting.

Minutes of closed meetings will also be available to the public upon request subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the *Freedom of Information Act* (FOIA) (5 U.S.C., section 552).

Section 6. Open Meetings.

TMAC meetings shall be open and announced to the public in a notice published in the Federal Register at least fifteen calendar days before the meeting. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and, at the determination of the Chair and DFO, may offer oral comment at such meeting. Meetings will include a period for oral comments unless it is clearly inappropriate to do so. Members of the public may submit written statements to the TMAC at any time. All materials provided to the Council shall be available to the public when they are provided to the members. Such materials, including any submissions by members of the public, are part of the meeting record.

Section 7. Closed Meetings.

All or parts of TMAC meetings may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the component head issues a written determination that there is justification for closure under the provisions of subsection (c) of 5 United States Code 552b, the *Government in the Sunshine Act*. Where the DFO has determined in advance that discussions during a Council meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the *Government in the Sunshine Act*, will be published in the Federal Register.

The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the DFO or Chair will order such discussion to cease and will schedule it for a future meeting of the Council that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and notice published in the Federal Register at least 15 calendar days in advance. Closed meetings can only be attended by DFO, Council members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

Section 8. Other Meetings, No Public Notice Required.

Public notice is not required for meetings of administrative or preparatory work. Administrative work is a meeting of two or more TMAC or subcommittee members convened solely to discuss administrative matters or to receive administrative information from a Federal officer or agency. Preparatory work is a meeting of two or more TMAC or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for a TMAC meeting or to draft position papers for consideration by the TMAC.

ARTICLE VI EXPENSES AND REIMBURSEMENTS

Expenses related to the operation of the TMAC will be paid by the Federal Insurance and Mitigation Administration. Expenditures of any kind must be approved in advance by the DFO. All such expense reports will be sent to the DFO for action and reimbursement. The DFO will be responsible for handling the payment of expenses. Members are responsible for submitting expense reports by the deadlines set by the DFO or they may not be reimbursed. The DFO will be responsible for developing the procedures for expense reimbursement.

ARTICLE VII ADMINISTRATION

The Federal Insurance and Mitigation Administration shall be responsible for providing financial and administrative support to the TMAC subject to the availability of appropriations.

ARTICLE VIII SUBCOMMITTEES

Section 1. Establishment of subcommittees.

The DFO may establish standing subcommittees with an overarching mission to work on specific focus areas and provide advice to the TMAC on a continuing basis. The DFO may also establish ad-hoc subcommittees to work and report on specific focus areas. The number, designation, mission, scope, and membership of subcommittees are determined by the DFO in consultation with the Chair and Vice Chairs. The Chair may also request of the DFO to establish (or reorganize) a

subcommittee. The creation and operation of the subcommittees must be approved by the DFO on behalf of FEMA.

Subcommittee Members: TMAC subcommittees may consist of TMAC members and non-TMAC members as limited below. TMAC members may be named to serve on a specific subcommittee and may contribute to others as requested.

Subcommittees will not function independently of the TMAC or provide advice or recommendations directly to FEMA. Subcommittees (standing and ad-hoc) must present all advice, recommendations, and reports to the full TMAC during a public meeting or teleconference for discussion, deliberation, and final approval. In general, the requirements of FACA do not apply to subcommittees of advisory committees that report a parent advisory committee and not directly to a Federal officer or agency. However, minutes must be maintained for the public record and the DFO and/or ADFO must participate in all subcommittee proceedings.

Section 2. Membership.

Subcommittee membership should be balanced in relation to the subcommittee's mission and focus areas. The DFO and the Chair, with input from Council members, identify and determine the membership for the subcommittee, including a chair (and vice chair if deemed necessary).

Subcommittee chairs may request the DFO to invite non-TMAC individuals to serve on the subcommittee, as necessary. Only TMAC members may serve as the chair or vice chair of a subcommittee (standing or ad-hoc). The subcommittee chair can also advise the DFO that briefings from external subject matter experts are needed to provide pertinent and vital information not available among the current TMAC membership or from Federal staff. All such requests shall be made to the DFO who will facilitate the process to obtain subject matter expertise.

Section 3 Subcommittee Quorum

A Subcommittee quorum consists of: (1) the presence (either in person or by teleconference) of fifty percent plus one of TMAC members currently appointed to the Subcommittee; and (2) TMAC members make up more than a third of the Subcommittee members present. In the event a Subcommittee quorum is not present, the Subcommittee may conduct business that does not require a vote or decision among members. Votes will be deferred until such time as a quorum is present.

Section 4 Subcommittee Voting Procedures

When a decision or recommendation of the Subcommittee is required, and a Subcommittee Quorum as defined above is present, the Subcommittee Chair may request a motion for a vote. A motion is considered to have been adopted if

agreed to by a simple majority of the TMAC Subcommittee members present. Members may vote on draft reports and recommendations that will be presented to the full TMAC. Only members present at the meeting—either in person or by teleconference—may vote on an item under consideration. No proxy votes or votes by email will be allowed.

Section 5. Focus Areas

Focus Areas are identified areas of consideration for the Council to review, either via subcommittee or by the TMAC through discussion as an entire body. The DFO will determine focus areas in consultation with the TMAC Chair. The DFO will then work with the Chair and Vice Chair to identify whether the focus area should be assigned to a standing subcommittee, an ad hoc subcommittee; or submitted to the TMAC for discussion and review.

Section 6. Workload and meetings.

Subcommittees may have more than one focus area to address. Subcommittee chairs will recommend the appropriate number of conference calls necessary to address focus areas, working in coordination with the DFO.

The subcommittee chair determines what materials are needed to prepare a response and develop a report to the TMAC. The DFO will supply the requested materials to the TMAC subcommittee upon request and resource availability.

ARTICLE IX RECOMMENDATIONS AND REPORTING

P.L. 112-141 directs TMAC to submit an annual report to the Administrator that contains a description of the activities of the Council; an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps; and a summary of recommendations made by the Council to the Administrator.

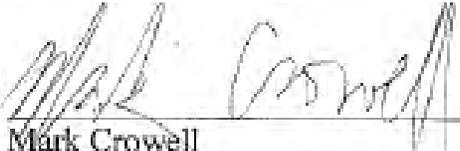
Once the TMAC achieves consensus on a report and recommendations, the TMAC Chair is responsible for providing a final version of the report to the FEMA Administrator. The final report and any accompanying memoranda will be posted on the TMAC website.

ARTICLE X RECORDKEEPING

The DFO maintains all records of the advisory Council in accordance with FACA and FEMA policies and procedures. All documents, reports, or other materials presented to, or prepared by or for the Council, constitute official government records and are available to the public upon request.

ARTICLE XI BYLAWS APPROVAL AND AMENDMENTS

The DFO may amend these bylaws at any time, and the amendments shall become effective immediately upon approval.



Mark Crowell
Designated Federal Officer

Date approved: 10/20/2016