OFFICE OF THE SECRETARY OF DEFENSE
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ADMINISTRATION AND
MANAGEMENT

JUL 15 2011

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Strategic Environmental Research and Development Program Scientific Advisory Board*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Strategic Environmental Research and Development Program Scientific Advisory Board* (attached). The Board will operate under the provisions of 10 U.S.C. § 2904, the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act, and governing federal regulations.

Prior to filing the Board's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter and Membership Balance Plan (attached). The proposed charter and Membership Balance Plan has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter or the Membership Balance Plan please contact my point of contact, Len O'Reilly, at 703-601-6148.

James D. Freeman II
Deputy Advisory Committee Management
Officer for the Department of Defense

2 Attachments
1. Proposed Charter
2. Proposed Membership Balance Plan

TAB 1

CHARTER
STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD

1. Committee's Official Designation (title): The Committee shall be known as the Strategic Environmental Research and Development Program Scientific Advisory Board (hereafter referred to as the Advisory Board).

2. Authority: Pursuant to 10 U.S.C. § 2904(a), the Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall jointly establish a Strategic Environmental Research and Development Program Scientific Advisory Board. The Advisory Board, pursuant to 10 U.S.C. § 2904, shall operate and comply with the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix), and its implementing regulations.

3. Objectives and Scope of Activities: Pursuant to 10 U.S.C. § 2902 and 10 U.S.C. § 2904(e), the Strategic Environmental Research and Development Program Council (hereafter referred to as the Council) shall refer to the Advisory Board, and the Advisory Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of $1,000,000. The Council, pursuant to its responsibilities under 10 U.S.C. § 2902(d)(1) and in an effort to enhance the Advisory Board's review process, has lowered the Advisory Board's dollar threshold to any proposed research projects in excess of $900,000. The Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding such project or proposal.

4. Description of Duties: The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program. In addition, the Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to 10 U.S.C. § 2902(d)(1).

5. Agency or Official to Whom the Committee Reports: Pursuant to 10 U.S.C. § 2904(e), the Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding projects or proposals.

6. Support: The Department of Defense, through the Strategic Environmental Research and Development Program, shall provide support as deemed necessary for the performance of the Advisory Board's functions, and shall ensure compliance with the requirements of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix).

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating costs to include travel and contract support, is approximately $310,000.00 and 0.4 full-time equivalents.

8. Designated Federal Officer: The Designated Federal Officer, pursuant to DoD policy shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all Advisory Board and subcommittee meetings for the entire duration of each and every meeting. However, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the entire duration of the Advisory Board or subcommittee meeting.

9. Estimated Number and Frequency of Meetings: The Advisory Board shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson. Pursuant to 10 U.S.C. § 2904(d), the minimum number of Advisory Board meetings is four per year.

10. Duration: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.

11. Termination: The Advisory Board shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner.

12. Membership and Designation: The Advisory Board, pursuant to 10 U.S.C. § 2904(a), shall be comprised of not less than six and not more than 14 members.

Pursuant to 10 U.S.C. § 2904(b), the Advisory Board membership shall be comprised of the following:

a. Permanent members of the Advisory Board are the Science Advisor to the President, the Administrator of the National Oceanic and Atmospheric Administration, or their designees;
b. Non-permanent members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. One such member of the Advisory Board shall be a representative of environmental public interest groups, and one such member shall be a representative of the interests of State governments.

Pursuant to 10 U.S.C. § 2904(b)(3), the Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall request that the:

a. Head of the National Academy of Science, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Advisory Board;
b. Council of Environmental Quality nominate for appointment to the Advisory Board at least one person who is a representative of environmental public interest groups; and
c. National Association of Governors nominate for appointment to the Advisory Board at least one person who is a representative of the interests of State governments.

The Advisory Board, pursuant to 10 U.S.C. § 2904(d), shall develop procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members, and shall provide for the annual election of the Advisory Board's chairperson.

The permanent Advisory Board members, defined above, shall be appointed as regular government employee members, and their appointments shall be based upon their official position in the Federal government. Both individuals may designate another regular government officer or employee from their offices to represent their interests before the Advisory Board.

Advisory Board members appointed by the Secretary of Defense and the Secretary of Energy, who are not full-time or permanent part-time federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C § 3109, and serve as special government employee members.

While the Council of Environmental Quality and the National Association of Governors nominate individuals to represent certain interests, these individuals are appointed by the Secretary of Defense and, these individuals, along with the other members, to include the regular government employee members, are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Pursuant to 10 U.S.C. § 2904(h), each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).

With the exception of those experts and consultants that are appointed members of the Advisory Board, all others, to include subject matter experts that are invited by the Advisory Board or experts and consultants that are from the general public attending meetings are not authorized to participate in the Advisory Board's deliberations.

The terms of member appointments shall not be less than two but not more than four years, as provided in 10 U.S.C. § 2904(b)(4) and approved by the Secretary of Defense. All appointments shall be reviewed by the Secretary of Defense on an annual basis.

With the exception of travel and per diem for official travel, Advisory Board members shall serve without compensation.

13. Subcommittees: With DoD approval, the Advisory Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), and other applicable regulations.

    Such subcommittees shall not work independently of the chartered Advisory Board, and shall report all their recommendations and advice to the Advisory Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Advisory Board nor can they report directly to the Department of Defense or any Federal officers or employees who are not Advisory Board members.

    Subcommittee members, who are not Advisory Board members, shall be appointed in the same manner as Advisory Board members. Such individuals, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and serve as special government employee members, whose appointments must be renewed on an annual basis. With the exception of travel and per diem for official travel, subcommittee members shall serve without compensation

14. Recordkeeping: The records of the Advisory Board and its subcommittees shall be handled according to section 2, General Record Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).

15. Filing Date:

TAB 2

Strategic Environmental Research and Development Program
Scientific Advisory Board
Membership Balance Plan

Agency: Department of Defense

1. **Authority:** Pursuant to 10 U.S.C. § 2904(a) the Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall jointly establish a Strategic Environmental Research and Development Program Scientific Advisory Board.

2. **Mission/Function:** The Strategic Environmental Research and Development Program Council shall refer to the Advisory Board, and the Advisory Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of $1,000,000. The Council, pursuant to its responsibilities under 10 U.S.C. § 2902(d)(1) and in an effort to enhance the Advisory Board's review process, has lowered the Advisory Board's dollar threshold to any proposed research projects in excess of $900,000.

   The Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding such project or proposal. The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program. In addition, the Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to 10 U.S.C. § 2902(d)(1).

3. **Points of View:** The membership of the Strategic Environmental Research and Development Program Scientific Advisory Board is comprised of not less than six and not more than 14 members.

   Pursuant to its authorizing statute, the Advisory Board must consist of at least the following:

   a. The Science Advisor to the President or his designee;
   b. The Administrator of the National Oceanic and Atmospheric Administration or his designee;
   c. One representative of environmental public interests groups nominated by the Council on Environmental Quality; and
   d. One representative of the interests of the State governments nominated by the National Governors Association.

   The Science Advisor to the President and the Administrator of the National Oceanic and Atmospheric Administration are permanent members of the Advisory Board. All other members shall be selected from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups.

   All Advisory Board members, to include the regular government employee members, are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Pursuant to 10 U.S.C. § 2904(h), each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).

4. **Balance Factors:** The Department of Defense, in consultation with the Department of Energy and the Environmental Protection Agency, also considers individuals with expertise in the areas of Environmental Restoration, Resource Conservation and Climate Change, Munitions Response, and Weapons Systems and Platforms.

Strategic Environmental Research and Development Program
Scientific Advisory Board
Membership Balance Plan

5. **Candidate Identification Process:** Prior to a request for nominations, the Executive Director of the Strategic Environmental Research and Development Program assesses the environmental expertise and represented interests on the Advisory Board and determines the type of expertise that best fits the needs of the Advisory Board and will provide for a balanced membership.
The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency requests that the:

   a. Head of the National Academy of Science, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Advisory Board;
   b. Council of Environmental Quality nominate for appointment to the Advisory Board at least one person who is a representative of environmental public interest groups; and
   c. National Association of Governors nominate for appointment to the Advisory Board at least one person who is a representative of the interests of State governments.

   Appointment terms are not less than two but not more than four years.

6. **Subcommittee Balance:** The Strategic Environmental Research and Development Program has no subcommittees at this time.

7. **Other:** Membership adheres to the administration's prohibition against registered lobbyists.

8. **Date Prepared/Updated:**