OFFICE OF THE SECRETARY OF DEFENSE
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ADMINISTRATION AND
MANAGEMENT

FEB 13 2012

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Ocean Research Advisory Panel*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Ocean Research Advisory Panel* (attached). The Panel will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Panel'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 (attached). The proposed charter 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 please contact my point of contact, Len O'Reilly, at 703-692-5949.

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

Attachments
Proposed Charter

Membership Balance Plan
Ocean Research Advisory Panel

Agency: Department of Defense (DoD)

1. **Authority:** The Secretary of Defense, under the provision of 10 U.S.C. § 7903, the Federal Advisory Committee Act (FACA) of 1972, (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(a) (required by statute), established the Ocean Research Advisory Panel (hereafter referred to as "the Panel").

2. **Mission/Function:** The Panel under the provisions of 10 U.S.C. § 7903 and FACA, shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council (hereafter referred to as "the Council"). The Council operates as the National Ocean Council as directed by Executive Order 13547 and consists of the Secretaries of the Departments and Administrators and Directors of Federal Agencies that have interest in improving the knowledge and understanding of the ocean.

3. **Points of View:** The Panel shall be comprised of no less than 10 and no more than 18 members; DoD, in selecting individual members for this advisory committee, looks for individuals with extensive professional experience in the fields of science, engineering, medicine, ocean industries, State government, academia, individuals eminent in marine science, marine policy or related fields, and such other views as the chairman considers appropriate.

   The Council represents all elements of U.S. government with interests in the ocean to promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication. Thus, the span of the interest and responsibility includes activities of the government beyond the normal interest of the Department of Defense.

   The Department of Defense is required to provide a Panel capable of viewing the complex issues facing the Nation through a multidiscipline advisory committee in order to provide the American public with a broader understanding on which to base subsequent policy decisions.

   Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel Members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers of employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employees. Panel members shall be appointed on an annual basis by the Secretary of Defense.

   The Secretary of Defense may approve the appointment of Panel members for one to four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees for the Panel.

   The Panel's membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Panel by the Council. In addition, the Department,

unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. **Other Balance Factors:** Candidates for appointment come from academia, the private sector, former senior government employees, or senior military officers. The Panel shall include members who represent the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine. Based upon an agreement among these institutions and the Council, one member designated by the institutions will represent all three institutions and his or her membership shall be approved by the Secretary of Defense. The Panel must also represent the views of ocean industries, State governments, academia, individuals eminent in marine science, marine policy or related fields, and other views as the Council considers appropriate. There is also a desire for consideration of geographic balance to ensure the viewpoints of the different coastal and marine localities are represented.

5. **Candidate Identification Process:** Potential candidates, based on the educational and professional credentials of individuals are identified by an announcement in the Federal Register and discussed with representatives of the Council. After the identification of a field of possible candidates, a screening committee, under the auspices of the Council further narrows the list of potential candidates based on the current needs of the Council. Once potential candidates are identified, the Chairman reviews the credentials of each individual, striving to achieve a balance between the professional credentials of the individual and the near term subject matters that he anticipates will be reviewed by the advisory committee. The Chairman then appoints the Board's membership.

   Before formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with federal and DoD governance requirements; for example, compliance with the advisory committee's charter and membership balance plan. Following this review, the Secretary of the Navy formally nominates the potential candidates to the Secretary of Defense for approval; pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the Department of Defense.

   Following Secretary of Defense or Deputy Secretary of Defense approval, the approved candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

   The Secretary of Defense may approve the appointment of Panel members for one to four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees for the Panel.

6. **Subcommittee Balance:** The Council or the Department of Defense, when necessary, and consistent with the Panel's mission and DoD policies and procedures may establish subcommittees deemed necessary to support the Panel. Establishment of subcommittees will be based upon a written

determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, the advisory committee's sponsor, or the Council.

Currently, the Panel has four subcommittees: the Ocean Education Sub-Panel, the Ocean Industry Sub-Panel, the Ocean Observing Sub-Panel and the Ocean Acidification Task Force.

Subcommittee members are selected by the Secretary of the Navy, and the Secretary of Defense or the Deputy Secretary of Defense shall approve their appointments in the same manner as Panel member appointments are made. These individuals may come from the parent committee or new nominees, as recommended by the advisory committee's sponsor and based upon the matters under consideration. The subcommittee's membership is balanced in the same manner as the parent committee.
As required by the Panel's charter, these subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

7. **Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the administration's prohibition against registered federal lobbyists.

8. **Prepared:**

TAB A

TAB B

CHARTER
OCEAN RESEARCH ADVISORY PANEL

1. Committee's Official Designation: The committee shall be known as the Ocean Research Advisory Panel (hereafter referred to as "the Panel").

2. Authority: The Secretary of Defense, under the provision of 10 U.S.C. § 7903, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(a) (required by statute), established the Panel.

3. Objectives and Scope of Activities: The Panel shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council (hereafter referred to as "the Council"), as set out in (4) below.

4. Description of Duties: The Panel shall:

   a. Provide advice on policies and procedures to implement the National Oceanographic Partnership Program.
   b. Provide advice on selection of partnership projects and allocation of funds for partnership projects for implementation under the program.
   c. Provide advice on matters relating to national oceanographic data requirements.
   d. Fulfill any additional responsibilities that the Council considers appropriate.

5. Agency or Official to Whom the Committee Reports: The Panel shall report to the National Ocean Research Leadership Council.

6. Support: The Department of Defense (DoD), through the Secretary of the Navy and the Office of Naval Research, shall provide support as deemed necessary for the Panel's performance and functions and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), and governing Federal regulations and DoD policies.

   Additional information and assistance, as required and with DoD approval, may be obtained from other DoD Components with contracting authority and, support contractors, including DoD Federally Funded Research and Development Centers for studies and analysis support.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating costs to include travel and meeting and contract support, is approximately $207,000.00 and 0.3 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 governing DoD policies and procedures.

In addition, the Designated Federal Officer is required to be in attendance at all Panel and subcommittee meetings for the entire duration of each and every meeting; however, in the absence of the Designated Federal Officer, a properly approved Alternate Designated Federal Officer shall attend the entire duration of the Panel or subcommittee meeting.

The Designated Federal Officer, or the Alternate Designated Federal Officer, shall call all of the Panel's and subcommittees' meetings; prepare and approve all meeting agendas; adjourn any meeting when the Designated Federal Officer, or the Alternate Designated Federal Officer, determines adjournment to be in the public interest or required by governing regulations or DoD policies/procedures; and chair meetings when directed to do so by the official to whom the Panel reports.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Panel's Designated Federal Officer, in consultation with the Panel's Chairperson. The estimated number of Panel meetings is two per year.

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

11. Termination: The Panel shall terminate upon rescission of 10 U.S.C. § 7903.

12. Membership and Designation: The Panel shall consist of no less than 10 and no more than 18 members, representing the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, ocean industries, State Governments, academia and others including individuals who are eminent in the fields of marine science, marine policy or related fields including ocean resource management.

    Panel Members, shall be appointed by the Chairman and their appointments shall be renewed on an annual basis by the Secretary of Defense. The panel Membership shall select the Chairperson and Vice-Chairpersons of the Panel for renewable one-year terms. In addition, the Secretary of Defense may invite other distinguished Government officers to serve as non-voting observers of the Panel, and appoint consultants, with special expertise, to assist the Panel on an ad hoc basis.

    Non-voting observers and those non-voting experts and consultants appointed by the Secretary of Defense shall not count toward the Panel's total membership.

    Panel Members who are not full-time or permanent part-time federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and shall serve as special government employee members. With the exception of travel and per diem for official Panel related travel, Panel members shall serve without compensation.

    The Secretary of Defense may approve the appointment of Panel members for one

to four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees.

Each Panel member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

13. Subcommittees: The Department, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense or the advisory committee's sponsor.

    Such subcommittees shall not work independently of the chartered Panel, and shall report all their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Panel; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

    All subcommittee members shall be appointed in the same manner as the Panel members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Panel member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one to four years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

    Subcommittee members, 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 shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Panel related travel, subcommittee members shall serve without compensation.

    All subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to section 2, General Record Schedule 26, and appropriate Department of Defense 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: