



Ocean Exploration  
and Research

# Ocean Exploration Advisory Board Authorities, Administrative Procedures, and Resources

# Ocean Exploration Advisory Board

33 U.S.C. 3405 (PL 111-11) requires NOAA to establish an Ocean Exploration Advisory Board of “experts in relevant fields” to:

- advise the NOAA Administrator on priority areas for survey and discovery
- assist the [Ocean Exploration] program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery
- annually review the quality and effectiveness of the proposal review process [established under this statute]
- provide other assistance and advice as requested by the Administrator

# Federal Advisory Committee Act

- Congress passed the Federal Advisory Committee Act in 1972 to promote transparency, good governance, and to standardize advisory committees across the federal government
- Only the President, Congress, or head of agency may convene a FACA body
- Some 1,000 FACA bodies with about 60,000 member across government provide advice to the federal government
- The General Services Administration is responsible for FACA regulations and publishing an Annual Comprehensive Review of FACA bodies
- Each agency has a Committee Management Officer to maintain consistency and collect data on behalf of GSA
- Designated Federal Officials (DFOs) are responsible for FACA bodies meeting regulatory requirements

# Federal Advisory Committee Act

FACA bodies must:

- File a charter before meeting
- Maintain a balanced membership
- Hold open public meetings
- Keep minutes or summaries of meetings
- Allow for public filing of written comments
- Announce meetings in the *Federal Register* 15 days in advance (except informational meetings)
- Maintain all committee documents for public inspection



# OEAB Foundations

Generally, FACA bodies are to:

- Provide advice that is relevant, timely, and available to the public
- Act promptly to complete the work (many FACA bodies have a single discreet task, then are expected to sunset)
- Comply with reasonable cost controls and recordkeeping requirements
- Address topics in the legislation (or charge)



# OEAB Foundations

## For the OEAB:

- The OEAB Charter codifies responsibilities Congress assigned and how the OEAB will be administered
- The Balance Plan describes the appropriate composition of the OEAB
- We may develop by-laws to provide more refined operational guidelines

# OEAB Advice

OEAB recommendations are advice to the NOAA Administrator and the Administrator's designees. While NOAA will take OEAB advice seriously, it is not binding



# Designated Federal Official

## The DFO:

- prepares *Federal Register* Notices
- approves agendas
- ensures public participation
- opens, attends, and adjourns OEAB meetings
- works closely with the OEAB chair to manage the OEAB and its activities
- ensures compliance with FACA regulations
- prepares meeting minutes and summaries
- maintains OEAB records
- is responsible for charter renewals, any charter amendments, the process to replace OEAB members, etc.
- serves as liaison between the OEAB and NOAA



# OEAB Operations

## Public Meetings

- Openness and transparency are fundamental to FACA bodies
- OEAB meetings will almost always be public (exceptions relate to national security, personnel issues, or other sensitive matters—not likely to be OEAB issues)
- Meetings require 15 days' notice in the *Federal Register* (except for informational, non-decisional meetings)
- Meetings must be reasonably accessible
- BUT, FACA is a “public access” not a “public participation” statute
- Members of the public are “observers”

# OEAB Operations

## Public Meetings (continued)

- The public may be invited to comment (usually written) but does not engage the OEAB
- All deliberations of the OEAB seeking to represent consensus on advice to be given to NOAA must take place in a public meeting
- There is no quorum requirement at this time, but standard practice is one-half the members plus one if a recommendation is to represent “consensus.”
- There is no requirement that consensus be reached at any particular public meeting; no requirement to vote
- The primary objective is that OEAB operations are transparent to the public

# OEAB Operations

## Virtual Meetings

- The OEAB may hold virtual meetings
- The same public notice (*Federal Register*) of 15 days is required
- Public access (e.g. teleconference number, WebEx, GoToMeeting) is required
- All other requirements for meetings, such as a meeting summary, apply

# OEAB Operations

## Meeting Records and Archives

- OEAB meeting materials are available to the public through the OEAB website ([www.oeab.noaa.gov](http://www.oeab.noaa.gov))
- DFO and staff will take detailed minutes of each meeting and prepare meeting summaries for review with the chair
- There is an archive that documents all OEAB substantive and administrative activities
- The DFO is required to provide an annual report of OEAB activities, management, cost, and other information to Department of Commerce and GSA

# Advice to the OEAB

- The OEAB may establish advisory working groups to advise the OEAB on particular topics
- The old Ocean Exploration Advisory Working Group, which the NOAA Science Advisory Board established to provide advice on ocean exploration issues is an example
- Working Groups may be comprised of OEAB members and non-OEAB subject matter experts

# OEAB Establishment

- The OEAB Charter developed by OER staff and approved by NOAA, Department of Commerce, and the General Services Administration. The first charter was approved August 2012 (and renewed with minor changes in August 2014)
- The OEAB Balance Plan was developed to address FACA requirements and the specific requirements of 33 U.S.C. 3401 et seq.
- NOAA published a *Federal Register* Notice in October 2012 inviting applications and received 48 nominations/applications
- We determined that these applications did not meet all of the requirements of the Balance Plan and prepared a second *Federal Register* Notice in May 2013 that netted an additional 11 candidates.

# OEAB Establishment

- An OER team ranked candidates against selection criteria that included professional expertise, sector, academic background, and geographic location
- OER recommended that VADM Gaffney Chair the OEAB
- Dr. Sullivan accepted OER's recommendation that she name a slate of 13 candidates without change.
- OEAB members serve 3-year staggered terms. Some members will serve 5 year initial terms, others 3 or 4 years to set the pattern (each renewable once for three years). Thereafter, all OEAB members will serve 3-year terms, renewable once.

# OEAB Members

- OEAB members are “special government employees” who serve as subject matter experts (as opposed to “Representatives” —another type of FACA committee member —who represent sector views)
- As special government employees, OEAB members:
  - take an oath of office
  - Receive ethics training (and comply with ethics rules)
- In addition, the OEAB has a Conflict of Interest Policy



# DFO Team

- David McKinnie, DFO (david.mckinnie@noaa.gov)
- Gene Smith, Alternate DFO (gene.smith@noaa.gov)
- Yvette Jefferson, OEAB Coordinator  
(yvette.jefferson@noaa.gov)



# OEAB Resources

- The DFO and OER will do whatever is possible to give you what you need
- Your primary source for documents and information is the OEAB website at [www.oeab.noaa.gov](http://www.oeab.noaa.gov)
- The website is also the primary source for information about the OEAB for the public
- The *OEAB Handbook* is a living document and will be updated as needed to reflect current information.
- The DFO serves as the OEAB point of contact for accessing NOAA staff and other resources the OEAB may need.

# Travel

## A few points:

- It is NOAA's responsibility to pay for your travel (airfare, hotel, per diem, other expenses)
- We must follow the federal travel regulations.
- Reimbursement is generally quick once reimbursement requests are made.
- We must buy air tickets through Ad Trav
- Per diem is flat rate and varies according to city (\$71/day in DC)
- Taxis, other transport are reimbursable
- No receipts needed under \$75.
- Yvette Jefferson, OEAB Coordinator, will assist



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[OceanExplorer.NOAA.gov](https://oceanexplorer.noaa.gov)