

# **U.S. Integrated Ocean Observing System (IOOS<sup>®</sup>) Advisory Committee Bylaws**

Article 1. Purpose

Article 2. Authority

Article 3. Mission and Scope

Article 4. Membership

A. Membership

B. Nominations

C. Appointment

D. Term of Membership

E. Ex Officio Membership

F. Compensation

G. Termination of Membership

Article 5. Meetings

A. General

B. Open Meetings

C. Closed Meetings

D. Administrative Meetings

E. Agenda

F. Conduct of Meetings

G. Minutes

H. Public Comment

I. Quorum

Article 6. Voting

- A. Voting Eligibility
- B. Voting Procedures
- C. Reporting of Votes

Article 7. Committee Officers and Responsibilities

- A. Chair
- B. Vice Chair
- C. Subcommittees
- D. Subcommittee Chair(s)
- E. Designated Federal Official (DFO)
- F. Executive Secretary
- G. Committee Staff

Article 8. Documents

Article 9. Amendment of Bylaws and Charter

## **U.S. IOOS Advisory Committee Bylaws**

**Article 1. Purpose.** The purpose of the U.S. IOOS Advisory Committee (the Committee) is to advise the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator, National Oceanic and Atmospheric Administration (the NOAA Administrator) and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in section 12304 of the Integrated Coastal and Ocean Observation System Act (the ICOOS Act), part of the Omnibus Public Land Management Act of 2009 (Public Law 111-11), its amendments, and such other appropriate matters as the Administrator and IOOC refer to the Committee for review and advice.

**Article 2. Authority.** The Committee is established by the NOAA Administrator as directed by Section 12304 of the ICOOS Act. The Committee shall function solely as an advisory body in accordance with the Federal Advisory Committee Act (FACA), as amended, 5. U.S.C. App.

**Article 3. Mission and Scope.** The Committee shall advise the NOAA Administrator and the IOOC on matters related to the purposes and responsibilities set forth in Section 12302 of the ICOOS Act, and on other appropriate matters the Administrator and IOOC refer to the Committee for review and advice. The Committee may exercise such powers as are reasonably necessary in order to carry out its duties.

The Committee, per Section 12304 of the ICOOS Act, shall advise the NOAA Administrator and the IOOC on:

- A. Administration, operation, management, and maintenance of the U.S. IOOS, including integration of Federal and non-Federal assets and data management, and communication aspects of the System, in fulfillment of the ICOOS Act;
- B. Expansion and periodic modernization and upgrade of technology components of the System;
- C. Identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and
- D. Any other purpose identified by the NOAA Administrator or the IOOC.

### **Article 4. Membership.**

**A. Membership.** The Committee shall be composed of approximately twelve members appointed by the NOAA Administrator. Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. Members of the Committee shall be appointed as Special

Government Employees for purposes of Section 202(a) of title 18, United States Code.

- a. Committee members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.
- b. An individual may not be appointed as a member of the Committee if he/she is a full-time officer or employee of the United States.
- c. The NOAA Administrator shall designate a Chairperson from among the members of the Committee. The Chairperson shall serve at the discretion of the NOAA Administrator.

**B. Nominations.** At least once every three years, the NOAA Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

**C. Appointment.** The NOAA Administrator shall appoint all Committee members. Membership includes the responsibility of the member to make every effort to attend meetings, participate in Committee and Subcommittee discussions, and to assist in developing Committee and Subcommittee work products. A member who is unable to attend a meeting may not have another individual attend on his/her behalf.

**D. Term of Membership.** The term of office of a member of the Committee shall be three years, renewable once at the discretion of the NOAA Administrator. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for two full three-year terms if the remainder of the unexpired term is less than one year. When a voting member is unable to serve his or her full term, the NOAA Administrator shall publish a notice in the Federal Register soliciting nominations for a replacement member.

**E. Ex Officio Membership.** Members of the IOOC serve as ex officio members of the Committee on a rotating basis as follows. Each year one IOOC Co-Chair and two members of the IOOC serve. The IOOC will nominate which Co-Chair and which members are ex officio each year, with the requirement that all Co-Chair and member agencies serve once before serving subsequent terms. In this role, the IOOC may participate in the discussions and deliberations of the Committee and its Subcommittees but do not vote on the Committee or its Subcommittees. In order to preserve the independence of Committee recommendations, ex officio members should not be direct participants in writing recommendations of the Committee or its Subcommittees.

**F. Compensation.** Members of the Committee shall be subject to ethical standards applicable to Special Government Employees. Members of the Committee shall not be compensated for service on the Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code. Federal Government employees serving as ex officio members of the Committee are not eligible for any form of compensation beyond that which they would otherwise receive by virtue of their Federal service. Members will submit travel vouchers within 5 days after each meeting.

**G. Termination of Membership.** A Committee member's appointment may be terminated by the NOAA Administrator, in consultation with the Chair and Designated Federal Official (DFO) for the following reasons:

- a. The member misses two or more consecutive meetings;
- b. A member changes his/her professional affiliation, thereby negatively impacting the sector balance of the membership;
- c. A member is determined to have violated the Ethics in Government Act or when his/her continued participation would reflect unfavorably on the overall actions of the Committee;
- d. For other reasons the NOAA Administrator, in consultation with the Chair and DFO, deems appropriate.

## **Article 5. Meetings.**

**A. General.** The Committee will meet at least once each calendar year as called by the Chair. Additional meetings may be called by the Chair, the NOAA Administrator, or the IOOC. As the situation permits, the Executive Secretary will canvass the membership in advance of the scheduling of meetings in order to facilitate attendance by the largest number of members. The Chair will also call a meeting when so requested by a majority of the members. The Chair, in consultation with the DFO, will set the time and place for meetings and the Executive Secretary will publish notice in the Federal Register at least fifteen calendar days prior to each meeting.

**B. Open Meetings.** Unless otherwise determined in advance, all meetings of the Committee will be open to the public. All matters brought before or presented to the Committee during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, shall be available to the public for review or copying.

**C. Closed Meetings.** Meetings of the Committee will be closed only in limited circumstances and in accordance with applicable law. When the Chair has

determined in advance that discussions during a Committee 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 Chair will order such discussion to cease, and shall schedule it for closed session. Notices of closed meetings will be published in the Federal Register at least fifteen calendar days prior to that meeting.

**D. Administrative Meetings.** Non-Public meetings of the Committee required to discuss issues of an administrative or informational nature may be scheduled by the Chair and a notice need not be published in the Federal Register.

**E. Agenda.** The DFO and Chair shall approve the agenda for all meetings. The Executive Secretary will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the notice of the meeting in the Federal Register. Items for the agenda may be submitted to the DFO and the Chair by the NOAA Administrator, the IOOC, any member including ex officio members of the Committee, and members of the public.

**F. Conduct of Meetings.** Meetings will be called to order by the Chair, following which the Chair or Executive Secretary will call the roll or otherwise take attendance and read or reference the minutes of the previous meeting. Meetings will be conducted by the Chair in a manner consistent with the published agenda. The Chair, in consultation with the DFO, may divert from the agenda schedule to facilitate the business of the Committee. Public oral comment may be invited at any time during the meeting, but most likely at the meeting's end, unless the Federal Register meeting notice advised that written comment was to be accepted in lieu of oral comment. Upon completion of the Committee business, as agreed upon by the members present, the meeting will be adjourned by the Chair.

**G. Minutes.** The Committee's Executive Secretary shall prepare minutes of each meeting and will post a copy on the Committee web site. Draft minutes shall be made avail to AC members within 30 days of the meeting. Minutes shall be certified by the Chair within 90 days after the meeting. Members will be notified when the minutes are posted. Minutes of open meetings will available to the public upon request and will be posted on the Committee web site. Minutes of closed meetings will be also available to the public upon request, subject to the withholding of matters about which public disclosure would be harmful to the interest of the Government, industry, or others, and which are exempt from disclosure under the FOIA. The minutes will include a record of the persons present (including the names of committee members, names of staff, and the names of members of the public from whom written or oral presentations were

made), a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued or approved by the Committee.

**H. Public Comment.** Members of the public may attend any meeting or portion of a meeting that is not closed to the public, and may at the determination of the Chair offer public comment during a meeting. The Chair may limit the time allowed for individual public comment as necessary to ensure the greatest opportunity for public participation. The meeting announcement published in the Federal Register will note that oral comment from the public is included and may invite written comment as well. Members of the public may submit written statements to the Committee at any time.

**I. Quorum.** The presence of the Chair plus fifty percent of voting Committee members attending a Committee meeting shall constitute a quorum for transaction of business.

**Article 6. Voting.** When a decision or recommendation of the Committee is required, the Chair shall request a motion for a vote. Any member of the Committee, including the Chair, may make a motion for a vote. A second after a proper motion shall be required to bring any issue to a vote.

**A. Voting Eligibility.** Only the Chair and the members may vote on an issue before the Committee.

**B. Voting Procedures.** Votes shall ordinarily be taken and tabulated by a show of hands. Upon a motion approved by two-thirds of the members present, a vote by secret ballot may be taken.

**C. Reporting of Votes.** The Chair will report to the Executive Secretary the results of the Committee vote. The results of a vote will be recorded in the minutes of the meeting. In reporting the results of Committee voting, the following terms shall apply: (1) Unanimous Decision. Results when every voting member, except abstentions, is in favor of or opposed to a particular motion, and (2) Majority Decision. Results when the majority of the votes cast are in favor of or are opposed to a particular motion.

## **Article 7. Committee Officers and Responsibilities.**

**A. Chair.** As established by the ICOOS Act, the Committee Chair shall be designated from among the Committee members by the NOAA Administrator. The Chair will: (1) have general charge and supervision over, and responsibility for, the business and affairs of the Committee; (2) call meetings of the Committee; (3) in consultation with the DFO set meeting agenda; (4) open, preside over and adjourn meetings; (5) certify meeting minutes. The Chair or his or her designated representative(s) from the Committee will act as the official

spokesperson for the Committee to NOAA and the IOOC.

**B. Vice Chair.** The Committee shall have a Vice Chair selected by majority decision by voting Committee members. The Vice Chair will serve in the absence of the Chair and shall undertake ongoing responsibilities as determined by the Chair and the DFO.

**C. Subcommittees.** Subcommittees may be formed in consultation with the full Committee when approved by the DFO and Chair. All subcommittee work will be forwarded to the Committee for deliberation, which, in turn, shall advise the NOAA Administrator and/or the IOOC.

**D. Subcommittee Chair(s).** Each formally designated subcommittee shall have a Chair from the Committee membership, appointed in consultation with the Committee Chair and the DFO. Each subcommittee chair shall serve a term as appropriate to the work of the subcommittee.

**E. Designated Federal Official.** The FACA requires each advisory committee to have a DFO who must be present for all meetings including subcommittee meetings. The Director, U.S. Integrated Ocean Observing System Program, or his/her designee, shall serve as the DFO of the Committee.

**F. Executive Secretary.** The Executive Secretary shall be a member of the staff of the DFO and shall be responsible for: (1) notifying members of the time and place for each meeting; (2) recording the proceedings of all meetings, including subcommittee activities that are presented to the full Committee; (3) maintaining the roll; (4) preparing the minutes of all meetings of the full Committee, including subgroups and working group activities that are presented to the full Committee; including subcommittee activities that are presented to the full Committee; (5) attending to official correspondence; (6) maintaining official Committee records and filing all papers and submissions to the Committee, including those items generated by subgroups and working groups; (7) preparing a yearly financial report; and (8) preparing and filing the annual Committee report as required by the FACA.

**G. Committee Staff.** The staff of the U.S. IOOS Program shall serve as the Committee staff on an as needed basis, and shall provide all services normally performed by such staff, including assistance in the fulfilling of the functions of the Executive Secretary.

**Article 8. Documents.** Documents presented to the Committee by any method at any time, including those distributed during the course of a meeting, are part of the official Committee files, and become NOAA records within the meaning of the FOIA, and are subject to the provisions of both the FACA and that Act. Documents originating with agencies of the Federal Government shall remain under the primary control of such agencies and will be on loan to the Committee. Any FOIA request for access to

documents originating with any agency shall be referred to that agency. Documents originating with industry that have been submitted to the Committee during the course of its official business shall also be subject to request for access under the FOIA. Proprietary information that may be contained within such documents should be clearly identified at the time of submission. However, NOAA cannot guarantee the continued withholding of such material under FOIA.

**Article 9. Amendment of Bylaws and Charter.** Amendments to the Bylaws of the Committee must conform to the requirements of the FACA and the ICOOS Act, and be agreed to by two-thirds of the voting members. Recommended amendments to the Charter of the Committee shall be agreed to by two-thirds of the voting members and forwarded by the Chair, through the DFO, to the Chief Financial Officer and Assistant Secretary for Administration, U.S. Department of Commerce.