



National Oceanic and Atmospheric Administration

Science Council

NOAA SCIENCE COUNCIL MEETING

June 24th, 2024

10:00-11:15 AM ET

Google Meet

MEETING MINUTES

ATTENDEES

Executive

Sarah Kapnick, Chair
Steve Thur, Vice Chair
Miranda Bitting, Exec Sec
Gretchen Spencer, Exec Sec (stand-in for Emily Nocito)
Laura Newcomb, Exec Sec

Principal

Sean Corson, NOS
John Cortinas, OAR
Clay Porch, NMFS
Richard Bandy and Sarah Perfater (Alts), NWS

Advisory

Alison Krepp, Social Sciences Committee Co-Chair
Frank Indiviglio, NOAA Chief Information Office
Cynthia Decker, Scientific Integrity Officer
Laura Newcomb, RDEC Chair
Benjamin Hope, NLAC Chair
Casey Stewart, SAB Executive Director
Kelly Goodwin, S&T Synergy Committee Vice Chair

Other Attendees

Roxie Allison-Holman, OGC
Abigail Arnold, OAR
Eric Bayler, NESDIS
Chelsea Berg, OAR
Devin Burri, OAR
Sarah Davis, OAR
Jennifer Fagan-Fry, OAR
Joseph Fillingham, OAR
Trika Gerard, NMFS
Michael Kruk, OAR
Tony LaVoi, OFA
Michael Liddel, NMFS
Isabel Lopez, OAR
Victoria Luu, OAR
Terence Lynch, OAR
Daniel Melendez, NWS
Victoria Moreno, OAR
Jessica Morgan, NESDIS
Jonathon Mote, OAR
LaToya Myles, OAR
Andrew Peck, OAR
Isha Renta, OAR
Debbie Sinmao, OFA
Mackenzie Solomon, HDQ
Kenneth Vierra, OAR
Jeremy Weirich, OAR

APPROVAL OF MINUTES AND REVIEW OF ACTION ITEMS

Notify Exec Sec at science.council.execsec@noaa.gov within two weeks of the following meeting if any changes to the minutes are needed.

CHAIR ANNOUNCEMENTS:

- The 2024 Science Council Work Plan was completed. Thank you to everyone who provided their accomplishments and milestones.
- We received the S&T Synergy Task Force Q3 Report. It will be sent out to the council for awareness.

MINUTES

- May meeting minutes were approved.

ACTION ITEM REVIEW

- The Exec Sec reviewed current action items.

BRIEFINGS: Briefing materials are available in the 2024 Science Council Meetings folder on Google Drive.

- **Foreign Nationals Working Group Update:** Devin Burri

Informational

Background: In October, the Science Council met and learned about the Foreign Nationals compliance in DAO 207-12 for NOAA. The working group discussed understanding the definitions in the DAO. NOTE: We are not speaking on the actions of actually getting people in the building.

“Collaboration” isn’t defined in the DAO on foreign access management, leading to issues regarding working with FN partners. Virtual meeting capabilities have made collaboration with international partners easier than ever. The majority of NOAA’s activities involving foreign nationals are directed at products or services intended for public consumption or “access.”

DAO 207-12: Foreign Access Management Program (FAM)

DOC policies and procedures for Foreign National Visitor and Guest access to Department facilities, resources, and activities. This order was revised in 2021, changing the name of the “Foreign National Visitor and Guest Access Program” to the “Foreign Access Management Program” (FAM). The DAO applies to all FN visitors or guests granted physical or logical access to Department facilities, resources, or activities, with a few exceptions: lawful permanent residents or protected persons, FNs employed by the Department who reside and work at Department facilities outside the US, FN diplomats/senior government officials at the ambassadorial or vice-ministerial level, or FNs who visit Department facilities during public events/activities or in areas that are associated with organized events predetermined to be open to the public.

Compliance with DAO 207-12 protects NOAA’s program assets and information from unauthorized release to foreign nationals and protects NOAA employees by providing guidance and a process that complies with federal law and DOC requirements.

Goals:

- Develop guidance on the types of activities that do or do not require OSY clearance
- Develop a document outlining different scenarios of FN collaboration, particularly when DAO applicability is in question or unclear
- Reporting to the NOAA Science Council the impact of implementation of related policies and guidelines on the ability of NOAA to conduct science and implementation as well as recommendations for policy changes
- Providing cross-Line Office input on related matters, via the NOAA Science Council, to NOAA Deputy Under Secretary for Operations, or their delegate liaising with the DOC Office of Security

Challenges:

- DAO 207-12 applicability for FN access to NOAA “facilities, resources, and activities”

- NOAA Science Council established a Working Group, including OSY, to define categories of covered “activities” and to delineate which categories require DAO vetting
- Compliance with DAO 207-12 does not result in compliance with new Research Security requirements (e.g., National Security Presidential Memorandum (NSPM-33) and Office of Science and Technology Policy (OSTP) Joint Committee on the Resource Environment (JCORE) recommendations)
 - DOC DAS for Intelligence and Security proposal to establish a DOC Research Security Program
 - New requirements do not relate to the EAR (export controlled technology) or FN processing under DAO 207-12
- Unclear DOC OSY definitions: “public”, “not intended for public release”

Milestones:

April - May

- Met with Co-Chairs, met with full committee, established working group members
- Understanding goals, finalized Terms of Reference document, created timeline
- Discussions on data collection and recommendations for a final FAQ document

June

- Develop list of confirmed definitions of key terms (in progress - pending DOC OSY response)
- Step 1: Collect example scenarios - will be filled out by the FN Working Group on the Example Scenarios Spreadsheet (in progress)
- WG will meet to discuss potential recommendations to comply with guidance
- Brainstorm solutions for a FAQ document based on the example scenarios

July

- Begin Step 2: Develop an “If this ____, then ____” FAQ document to provide recommendations for what to do in plausible scenarios
- Share guidance document/draft deliverables with Science Council for review, implement feedback as needed

September/October

- Provide an update on deliverables (scenarios document, FAQ document, If this then that)
- After final approval, a memo will be developed (Devin, Co-Chairs, reviewed by Working Group)

Questions:

Tony LaVoi: Do you have a listing of working group members? DGC would like to be involved in this group. The DGC would be interested in FOIA and privacy issues.

Devin Burri: Will touch base offline. Who should be the POC to deliver questions to DOC for written definitions?

Vice Chair: We as NOAA should offer up definitions, and ask DOC if they agree with our definitions. This can advantage us. Easier for DOC to say Y/N rather than generate something new. Chair or Vice Chair should ask DOC. Will talk offline about who should do it.

Devin Burri: WG had talked about this idea previously. WG thought they didn’t want to pigeon-hole themselves. Chair: 100% behind. GO!

Vice Chair: if we were to be FOIA-ed, would we have to release this document? If not, then it’s not a public document.

Tony LaVoi: Separately chatting with FOIA officer, and Matt Rice, Director of the Internal Risk Management Program, who reports to Zach Goldstein. Tony can assist with the FOIA piece of definition.

Vice Chair: Thanks to the WG for this work on how we can be successful in the future.

- **Publications NAO:** Jenn Fagan-Fry and Cynthia Decker

Directional

Existing Publications NAOs:

- NAO 201-32E: Administrative Publications. policy, procedures, and responsibilities governing administrative publications

- NAO 201-32G: Scientific and Technical Publications. specifies the media categories and assigns responsibilities for the publication of scientific and technical papers, manuals, and other documents written by NOAA personnel or for NOAA organizations

NAO 201-32E and NAO 201-32G are both very outdated. The purpose of writing the new NAO is to consolidate these existing two NAOs under one and more accurately define these types of publications, serve as a place for determining approval process for NOAA publications, provide guidance/best practices for developing NOAA publications, and have a stable reference/home for NOAA FRC Policy.

Drafted NAO is broken into Scope and Definitions [this does not include legal docs, congress reports], Policy [publication DOIs are different than other DOIs; and what is eligible for a DOI], and Roles and Responsibilities [added in NOAA Library]. Key policy elements: Publication Review and Approval (within NAO there is high level discussion on what the review should be for a publication), Publication DOI Assignment, and Established Handbook Association. WG had been trying to find NOAA-wide plain language for consistent memos to be within the handbook. For awareness, this new Publications NAO intersects with the Scientific Integrity NAO, the PARR NAO (under development), and the FRC Policy (adds enforceability).

The NAO Handbook sections include Publication/Document Definitions, FRC Policy, Administrative Document Review & Approval, Copyright & Licensing Guidance, Dissemination & Access, Style Guide & Best Practices for NOAA Publications, and Appendices (Authorship Guidelines, Affiliation Guidance).

Requests for Science Council: asking for feedback on language in current NAO (draft was provided); handbook is still in development with RDEC. Assist with LO review- can we work the reps to set up briefings, etc. Determine if we need SME review? (is the library the SME- already involved. but who else could/should be involved?)

Questions:

Vice Chair: Scope - DAO on Public Communications (2008) covers public communication and then a subset; are there items that are not fundamental research communications that are going to be addressed in this NAO?

Some types of publications might be addressed that are not covered in FRC.

Jennifer Fagan-Fry: NOAA would have some pubs that are not classified as FRC that we would publish. Defined in handbook and NAO. Administrative publications are not clear - we make them publicly available.

Vice Chair: **ACTION:** set a reasonable timeline for actionable items.

- **Vote to Dissolve the Cooperative Research Committee:** Laura Newcomb

Decisional

Douglas Howard (NESDIS principal) has already voted yes on dissolving the CRC. He was unable to attend or send an alternate due to the GOES-U launch.

Laura would like to note she is here as a NOAA Science Council historian to present this information.

- The Cooperative Institute (CI) Committee was renamed the “Cooperative Research Committee (CRC)” in the 2018 update to the Terms of Reference (ToR) in the hopes of expanding the committee’s reach beyond just CIs. The CI Committee ToR was never updated to reflect the change.
- In April 2022, Gary Matlock announced the membership of the Cooperative Institute Committee (CIC) is changing to reflect the objectives of both the NOAA Science Council (NSC) and CI21. Membership includes the Technical Program Managers.
- In May 2022, the Science Council discussed how the CI Committee ToR was not followed in this membership change.
- In September 2022, Gary Matlock briefed the Council on an update:
 - The NOAA Science Council contains a CRC, not a CI Committee, therefore the reformed CI Collective falls outside of the Science Council ToR and under the CI NAO 216-107A. He will chair a separate effort to put together a CRC ToR.
- There was no further discussion or development of a CRC ToR.

Chair: We are cleaning up the books.

Cynthia Decker: I was the CI director previously. There was a Research Council when I was there, and it was helpful. It was made up of working level people in LOs. As the director, I relied on them to provide advice. Not to say we shouldn't move forward with this, but when it got reformed it all got mixed up.

OAR: First chair of CIC, at the time it was useful. But things have changed and there is now a CI collective. So procedurally, as it stands with the action, the Cooperative Research Committee as described here, is not functioning and shouldn't need to exist. Then we stand up a new CIC, as a new action, and consider if this is useful. [Cynthia Decker agrees]

Vice Chair: call for a vote to dissolve:

NESDIS: yes (voted ahead of time)

NWS: yes

NMFS: yes

NOS: yes

OAR: yes

OMAO: not present

Unanimous, vote to dissolve.

Steve Thur: OAR will take the action to propose a new Cooperative Institute Committee in the future.

- **Scientific Dispute Resolution:** Cynthia Decker

Informational

In the new NAO, we added a clause that would develop a scientific dispute resolution framework. Working to come up with a concept for an implementation practice. The committee doesn't want NOAA to resolve scientific disputes at large, only within NOAA. Developing a high level procedure would be helpful if there are already LO policies in place, the group would love to see them. Have talked to the Food and Drug Administration to see how they handle these types of procedures. No draft policy yet.

NOS: Hollings Marine Lab is where interagency collaboration happens - is it really going to be only NOAA to NOAA? A lot of our work does cross agency lines.

Cynthia Decker: We don't want to get into other agency/institution issues. If there was a justification for doing it differently, then we could try to adjust on adhoc basis.

Vice Chair: We do have MOAs, MOUs, and CRADAs that each have dispute resolution sections in them. So with what we create here, we would need to reference those.

Cynthia Decker: **ACTION: can someone provide me with those?**

ANNOUNCEMENTS

- Next meeting: July 16th at 10:30 ET

ACTION ITEMS

- Exec Sec will send out a tasker to the council to review the draft Publications NAO
- Principals are asked to assist Jennifer Fagan-Fry with identifying proper channels and representatives to contact regarding the publications NAO
- Science Council will provide input on the need for SME review
- Exec Sec will prepare documentation for dissolving the CRC
- Chair and Vice Chair will start the process of standing up a committee for Cooperative institutes
- Vice Chair will get boilerplate language on scientific dispute resolution mechanisms to Cynthia Decker
- Oral request for whether there are procedure documents on scientific dispute resolution

- Exec Sec will send S&T Synergy Task Force Q3 Report to the council