OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

ADMINISTRATION AND
MANAGEMENT

DEC 29 2011

MEMORANDUM FOR SPECIAL ASSISTANT TO THE DEPUTY SECRETARY OF DEFENSE

SUBJECT: Defense Business Board – Membership Balance Plan and Charter Renewal Approval

The membership balance plan (TAB A) and the renewed charter (TAB B) for the Defense Business Board (hereafter referred to as "the Board") are approved. A copy of the renewed charter will be provided to the Board and its Designated Federal Officer (DFO) once my Advisory Committee Management Officer (ACMO) files the charter with the Library of Congress, the Congressional oversight committees, and the General Services Administration.

As part of the charter renewal process, this office, in consultation with the Department of Defense Office of General Counsel (DoD OGC), has reaffirmed that all individuals appointed to the Board, once approved by the Secretary of Defense, shall be appointed as special government employee members. The following points apply:

(a) Individual members approved for appointment or renewal by the Secretary of Defense shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employee members.

(b) Each member shall be notified in writing of the Secretary of Defense's approval decision. In preparing your appointment or renewal of appointment letters, the Board's DFO should consult the ACMO and DoD OGC, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:

i. That their appointment to serve on the Board is without compensation, with the exception of travel and per diem.
ii. That they are appointed as special government employee members.
iii. An explanation of the difference between special government employees and representative members, and a summary of the applicable ethics requirements, to include whether they are required to file a Confidential Financial Disclosure Report.

As the Board's DoD Sponsor, you are responsible for:

(a) Ensuring that the Board's DFO attends all Board and subcommittee meetings for the entire duration of each and every meeting.

(b) Ensuring that the DFO and the Board fully comply with all governing federal statutes and regulations, to include DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program."

(c) Ensuring that all Board and subcommittee work is based upon written tasks or terms of reference assigned to the Board by the Secretary of Defense or the Deputy Secretary of Defense. All tasks or terms of reference are subject to public review and, at a minimum, shall include:

i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
ii. Authority for the Board members to have access to DoD officials and DoD data that is pertinent to the matter(s) under consideration.
iii. A budget limitation under which the Board members must operate.
iv. A date by which the Board or subcommittee must submit its written conclusions (advice and recommendations) to the DoD decision maker.

(d) Providing adequate support to the Board and its membership, and ensuring that the Board's membership is not unduly or inappropriately influenced by federal employees or any special interest group.

(e) Ensuring that the Board members are appointed according to DoD policy and that they do not serve on the Board until all personnel and ethics paperwork is processed by the appropriate offices.

(f) Ensuring that all DoD and other agency documents provided to the Board are marked according to governing DoD policy and procedures.

(g) Monitoring the implementation status of any recommendation adopted by the DoD or the Congress, and ensuring that this information is available for future inquires.

If you should have any questions about the Department's program, the federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact the Acting ACMO, Mr. Jim Freeman at 703-692-5952, or by email at James.Freeman@osd.mil.

Michael L. Rhodes
Director

Attachments:
As stated