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

ADMINISTRATION AND
MANAGEMENT

FEB 23 2012

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Board of Visitors for the Western Hemisphere Institute for Security Cooperation*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Board of Visitors for the Western Hemisphere Institute for Security Cooperation* (attached). The Board 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 Board'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 and Membership Balance Plan (attached). The proposed charter and Membership Balance Plan 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, Len O'Reilly, at 703-692-5949.

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

Attachments
Proposed Charter

CHARTER
BOARD OF VISITORS FOR THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION

1. Committee's Official Designation: The committee shall be known as the Board of Visitors for the Western Hemisphere Institute for Security Cooperation (hereafter referred to as "the Board").

2. Authority: The Secretary of Defense, under the provision of 10 U.S.C § 2166(e), 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 Board.

3. Objectives and Scope of Activities: The Board shall provide the Secretary of Defense, through the Secretary of the Army, with independent advice and recommendations on matters pertaining to the operations and management of the Institute, as set out in (4) below.

4. Description of Duties: The Board shall:

   a. Inquire into the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute; other matters relating to the Institute that the Board decides to consider; and any other matter that the Secretary of Defense determines appropriate.
   b. Review the curriculum to determine whether it adheres to U.S. doctrine, complies with applicable U.S. laws and regulations, and is consistent with U.S. policy goals toward Latin America and the Caribbean.
   c. Determine whether the Institute emphasizes human rights, including the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense, through the Secretary of the Army.

6. Support: The Department of Defense (DoD), through the Secretary of the Army, shall provide support as they deem necessary for the Board's performance, and shall ensure compliance with the requirement of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b),governing Federal statutes and regulations, and governing DoD policies/procedures.

   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, are approximately $112,120.00 and 1.25 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 Board 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 Board or subcommittee meeting.

   The Designated Federal Officer, or the Alternate Designated Federal Officer, shall call all of the Board'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 Board reports.

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

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

11. Termination: The Board shall terminate upon rescission of 10 U.S.C. § 2166(e).

12. Membership and Designation: The Board shall be comprised of no more than 14 members appointed by the Secretary of Defense. All Board member appointments must be renewed by the Secretary of Defense on an annual basis. The Board shall be comprised of:

    a. Two Members of the Senate (the Chair and Ranking Member of the Armed Services Committee or their designees);
    b. Two Members of the House of Representatives (the Chair and Ranking Member of the Armed Services Committee or their designees);
    c. One person designated by the Secretary of State; the senior military officer responsible for training and education in the U.S. Army (or designee); the commanders of the combatant commands with geographic responsibility for the Western Hemisphere (U.S. Northern Command and U.S. Southern Command) (or designees); and

d. Six persons designated by the Secretary of Defense, including, to the extent practicable, persons from academia, religious institutions, and human rights communities.

Board members appointed by the Secretary of Defense, who are not full-time or permanent part-time federal 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 Board related travel, Board members shall serve without compensation.

The Secretary of Defense may approve the appointment of Board 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.

Whenever possible, appointments shall be staggered to avoid complete turnover of the Board's membership at one time. In addition, the Board may be assisted by non-voting subject matter experts or consultants. These consultants are designated, at the request of the Board, by the Secretary of the Army, with the concurrence of the Secretary of Defense.

Each Board 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 Board's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Board. 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 Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Board; nor can any subcommittee or its members update or report directly to the Department of Defense or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Board members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Board 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 Board 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 Board 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:

Membership Balance Plan
Board of Visitors for the Western Hemisphere Institute for Security Cooperation

Agency: Department of Defense (DoD)

1. **Authority:** The Secretary of Defense, under the provisions of 10 U.S.C. § 2166(e), 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 Board of Visitors for the Western Hemisphere Institute for Security Cooperation (hereafter referred to as "the Board").

2. **Mission/Function:** The Board, under the provisions of 10 U.S.C. § 2166(e) and FACA, shall provide independent advice and recommendations to the Secretary of Defense, through the Secretary of the Army, on matters pertaining to the operations and management of the Institute and shall:

   a. Inquire into the curriculum instruction, physical equipment, fiscal affairs, and academic methods of the Institute; other matters relating to the Institute that the Board decides to consider; and any other matter that the Secretary of Defense determines appropriate.
   b. Review the curriculum to determine whether it adheres to U.S. doctrine, complies with applicable U.S. laws and regulations, and is consistent with U.S. policy goals toward Latin America and the Caribbean.
   c. Determine whether the Institute emphasizes human rights, including the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

3. **Points of View:** The Board shall be comprised of no more than 14 members; 6 of which, to the extent practicable, will have professional experience in academia, religion, and human rights. The remaining members, pursuant to 10 U.S.C. § 2166(e), shall include the following Federal ex-officio members:

   a. The Chairs and Ranking Members of the Armed Services Committees for the House and Senate (or their designees);
   b. One member designated by the Secretary of State;
   c. The senior military officer responsible for training and education in the U.S. Army (or designee); and
   d. The Combatant Commanders with geographic responsibility for the Western Hemisphere (U.S. Northern and Southern Command) (or designees).

   The Department of Defense, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Board. The Department has found that viewing the complex issues facing the Institute through a multidiscipline advisory committee provides the Department and, more importantly, the American public, with a broader understanding of the issues 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 Board, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Board members appointed by the Secretary of Defense, 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 to

serve as special government employees. Board members shall be appointed on an annual basis by the Secretary of Defense.

The Board's membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the Board's sponsor. 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:** N/A

5. **Candidate Identification Process:** The Department, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals with extensive professional experience in the areas of academia, religion, and human rights. Potential candidates are identified by the Board's professional staff, current or departing Board members, and in some instances, by senior DoD officials.

   Once potential candidates are identified, the Designated Federal Officer and the staff, in consultation with the Board's Chairperson, reviews the credentials of each individual and narrows the list of potential candidates and forwards the list to the Secretary of the Army. During the Secretary of the Army review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the subject matters that he or she anticipates will be reviewed by the Board to achieve expertise in points of view regarding anticipated topics.

   Prior to nominating the potential candidates, the list of candidates will undergo 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 Army 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 DoD.

   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 Board 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.

6. **Subcommittee Balance:** The Department, when necessary, and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Board. 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.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as Board appointments are made, and 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.

As required by the Board'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:**