OFFICE OF THE SECRETARY OF DEFENSE
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ADMINISTRATION AND
MANAGEMENT

APR 4 2012

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Board of Visitors, National Defense University*

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, National Defense University* (attached). The Board will operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act, and governing federal regulations.

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 or the Membership Balance Plan please contact my point of contact, Len O'Reilly, at 703-692-5952.

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

2 Attachments
1. Proposed Charter
2. Proposed Membership Balance Plan

CHARTER
BOARD OF VISITORS, NATIONAL DEFENSE UNIVERSITY

1. Committee's Official Designation: The Committee shall be known as the Board of Visitors, National Defense University (hereafter referred to as "the Board").

2. Authority: The Secretary of Defense, under the provision of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(d) (agency authority), established the Board.

3. Objectives and Scope of Activities: The Board shall provide independent advice and recommendations on the overall management and governance of the National Defense University, as set out in (4) below.

4. Description of Duties: The Board shall provide the Secretary of Defense through the Chairman of the Joint Chiefs of Staff and the President of the National Defense University, independent advice and recommendations on organizational management, curricula, methods of instruction, facilities and other matters of interest to the National Defense University.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff and the President of the National Defense University. The Chairman of the Joint Chiefs of Staff may act upon the Board's advice and recommendations.

6. Support: The Department of Defense (DoD), through the Chairman of the Joint Chiefs of Staff, and the President of the National Defense University, shall provide support as they deem necessary for the Board's functions 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 costs and meeting and contracting support, are approximately $125,000.00. The estimated annual personnel costs to the DoD are 0.6 full-time equivalents (FTE).

8. Designated Federal Officer: The Board's 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.

The Board's 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 Board's Designated Federal Officer, an Alternate Designated Federal Officer, duly appointed to the Board according to DoD policies and procedures, shall attend the entire duration of the Board or subcommittee meetings.

The Designated Federal Officer, or the Alternate Designated Federal Officer, shall call all of the Board's and subcommittee's meetings; prepare and approve all meeting agendas; and adjourn any meeting, when the Designated Federal Officer or Alternate Designated Federal Officer, determines adjournment to be in the public's 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 President of the National Defense University and the Board's Chairperson. The estimated number of Board meetings is two per year.

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

11. Termination: The Board shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense or designee extends it.

12. Membership and Designation: The Board shall be comprised of no more than twenty members, who are eminent authorities in the field of national defense, academia, business, national security affairs, and the defense industry. The Under Secretary of Defense for Personnel and Readiness, the Department of Defense Chief Information Officer, and the Department of State Director General shall serve as ex-officio members of the Board (these ex-officio members have voting rights). Board members shall be appointed by the Secretary of Defense, with annual renewals.

    The Board Membership shall select the Board's Chairperson and the Co-Chairperson form the total Board membership, and these individuals shall serve at the discretion of the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff.

    The Chairman of the Joint Chiefs of Staff may invite other distinguished Government officers to serve as non-voting observers of the Board, and appoint consultants, with special expertise, to assist the Board on an ad hoc basis. If approved by the Secretary of Defense, these experts and consultants, appointed under the authority of 5 U.S.C. § 3109, shall have no voting rights on the Board or its subcommittees, shall not count toward the Board's total membership, and shall not engage in Board deliberations.

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 to serve as special government employees.

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.

Regardless of the individual's approved term of service, all appointments to the Board shall be renewed on an annual basis. In addition, they shall serve without compensation, except for travel and per diem for official Board-related travel.

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, task groups, or working groups 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.

These subcommittees shall not work independently of the chartered Board, and shall report all of 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 subcommittees or any of its members update or report directly to the Department of Defense or any Federal officers or employees.

Such 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 permanent part-time government employees, shall be appointed in the same manner as the Board members. Such individuals, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and 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 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, National Defense University

Agency: Department of Defense

1. **Authority:** The Secretary of Defense, pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(d) (Agency Authority), Board of Visitors, National Defense University (hereafter referred to as "the Board").

2. **Mission/Function:** The Board, under the provisions of the FACA, shall provide the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff and the President of the National Defense University, independent advice and recommendations on organizational management, curricula, methods of instruction, facilities and other matters of interest to the National Defense University.

3. **Points of View:** The Board shall be comprised of no more than 20 members. The Department of Defense (DoD), in selecting individual members for this advisory committee, looks for individuals with extensive professional experience in the fields of national defense, academia, business, national security affairs, and the defense industry. The Department has found that viewing the complex issues facing the National Defense University through a multidiscipline advisory committee provides the Department and, more importantly, the American public, with a broader understanding 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 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:** Candidates for appointment are selected from the national defense, academia, business, national security affairs and the defense industry communities. Individual appointments are based upon the subject matter being reviewed by the Board and a review of the individual's experiences, and knowledge of issues related to the mission, policy, accreditation, faculty, student, facilities, curricula, educational methods, research, and administration of the National Defense University.

5. **Candidate Identification Process:** The National Defense University, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals with extensive backgrounds in the areas of primary interest to the National Defense University. They seek new members, who will balance the qualifications of current members, consistent with National Defense University's interests. Potential candidates are identified by the

National Defense University community, including existing Board members, and in some instances, based upon discussions with other professionals. Nominations may be requested through the Federal Register, websites, and from all geographical locations within the United States or its Territories.

Once potential candidates are identified, the President, National Defense University, reviews the credentials of each individual and narrows the list of potential candidates. During the President's review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters that will be reviewed by the Board to achieve expertise in points of view regarding anticipated topics.

After the list of candidates has been narrowed, it is forwarded to the Chairman, Joint Chiefs of Staff (CJCS) for review and formal nomination to the Secretary of Defense. Prior to nominating the potential candidates, the list of candidates will undergo a review by the Department of Defense Office of General Counsel (DoD OGC) 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 CJCS 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.

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.

Board and subcommittee member vacancies will be filled in the same manner as described in the previous four paragraphs above.

Following the Secretary of Defense or Deputy Secretary of Defense's 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.

6. **Subcommittee Balance:** The Department, when necessary, and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups 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:**