OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

OVERSIGHT AND COMPLIANCE

08/30/16

MEMORANDUM FOR GROUP FEDERAL OFFICER, OFFICE OF THE JOINT CHIEFS OF STAFF

SUBJECT: Board of Visitors, National Defense University – Charter Renewal and Membership Balance Plan Approval

The charter renewal and membership balance plan for the Board of Visitors, National Defense University ("the Board") are approved. A copy of the Board's charter and membership balance plan will be provided to you once I file the charter with the Defense Congressional Oversight Committees, the Library of Congress, and the General Services Administration.

In consultation with the Office of the General Counsel of the Department of Defense (OGC DoD), I have affirmed that all individuals appointed to the Board, once approved according to DoD policies and procedures, will be appointed to serve as special government employee (SGE) or regular government employee (RGE) members, as appropriate. The following points apply:

(a) According to DoD policy, individuals who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Individuals who are full-time or permanent part-time Federal officers or employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members.

(b) Each Board member must be notified, in writing, of the appointment authority's decision. Any questions pertaining to these letters of notification should be referred to me or your General Counsel. At a minimum, the letters shall contain the following:

i. Notice that each individual's appointment to serve on the Board is without compensation, with the exception of reimbursement of official Board-related travel and per diem
ii. A statement that each individual is appointed to serve as an SGE or RGE member, as appropriate.
iii. An explanation of the difference between serving as an SGE or representative member.
iv. A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

As the Group Federal Officer, and on behalf of the Board's Sponsor, the Chairman of the Joint Chiefs of Staff, you are responsible for:

a) Ensuring that the Board's Designated Federal Officer (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; DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program"; policy decisions issued by the Secretary of Defense, the Deputy Secretary of Defense, or the Deputy Chief Management Officer; and procedural guidelines issued by the Advisory Committee Management Officer.

c) Ensuring all work done by the Board and its subcommittees is based upon written tasks or terms of reference assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the Chairman of the Joint Chiefs of Staff, as the DoD Sponsor. 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 members of the Board or its subcommittees to access DoD officials and DoD data that is pertinent to the matter(s) under consideration.
   iii. A date by which the Board must submit its written conclusions (advice and recommendations) to the DoD decision maker.

d) Providing adequate support to the Board and its subcommittees, and ensuring the Board and its subcommittees are not unduly or inappropriately influenced by Federal employees or any special interest Board.

e) Ensuring that all visits to DoD installations or facilities by members of the Board and its subcommittees occur in consultation with the respective Secretaries of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.

f) Ensuring all members of the Board and its subcommittees are appointed according to DoD policies and procedures. No member will participate in any work performed by the Board or its subcommittees until all of the following have been completed: the member completes and submits to the DoD all personnel and ethics paperwork required for his or her appointment; the appropriate DoD offices process the individual's personnel and ethics paperwork; and the individual takes the oath of office, if necessary, for his or her appointment.

g) Ensuring all DoD and other Federal Agency documents provided to the Board or its subcommittees are properly marked according to governing statutes, regulations, and DoD policies and procedures.

h) Monitoring the implementation status of any recommendation adopted or partially adopted by the DoD and ensuring that this information is available for future inquiries.

Based on the Secretary of Defense memorandum of October 9, 2012, concerning advisory committees, we recommend you continually reevaluate the Board's functions and reduce, where appropriate, the Board's operating costs. As then-Secretary of Defense Panetta stated, "we must continually assess our advisory committees to ensure that they deliver appropriate value today and in the future as times and requirements change."

If you should have any questions about this DoD Program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact me at 703-692-5952 or by email at james.d.freeman4.civ@mail.mil.

James D. Freeman II
Advisory Committee Management Officer

cc:
Designated Federal Officer
Board of Visitors, National Defense University