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 Consultation – *Advisory Council on Dependents' Education*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Advisory Council on Dependents' Education* (attached). The Council 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 Council'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 (attached). The proposed charter 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 my point of contact, Len O'Reilly, at 703-692-5949.

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

Attachments
Proposed Charter

CHARTER
ADVISORY COUNCIL ON DEPENDENTS' EDUCATION

1. Committee's Official Designation: The committee shall be known as the Advisory Council on Dependents' Education (hereafter referred to as "the Council").

2. Authority: The Secretary of Defense, under the provision of 20 U.S.C. § 929, and 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 Council.

3. Objectives and Scope of Activities: The Council shall provide independent advice and recommendations on the Department of Defense (DoD) dependents' education system, as set out in (4) below.

4. Description of Duties: The Council shall provide independent advice and recommendations to the Director, Department of Defense Education Activity on the following:

   a. General policies for operation of the DoD dependents' education system with respect to curriculum selection, administration, and operation of the system;
   b. Information from other federal agencies concerned with Primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the DoD dependents' education system.
   c. The design of the study and the selection of the contractor referred to in 20 U.S.C. § 930(a)(2); and
   d. Other tasks as may be required by the Secretary of Defense.

5. Agency or Official to Whom the Committee Reports: The Council shall report to the Director, Department of Defense Education Activity. Matters outside the legal purview of the Director, Department of Defense Education Activity shall be referred to Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness as appropriate. The Director, Department of Defense Education Activity may act upon the Council's advice and recommendations.

6. Support: The DoD, through the Office of the Under Secretary of Defense for Personnel and Readiness and the Department of Defense Education Activity, shall provide support as deemed necessary for the performance of the Council's functions, and shall ensure compliance with the requirement of the Federal Advisory Committee Act of 1972 and the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b).

   Additional information and assistance, as required, may be obtained from other DoD Components with contracting authority, 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, meeting and contract support, is approximately $391,000.00 and 0.5 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/procedures.

   In addition, the Designated Federal Officer is required to be in attendance at all Council 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 Council or subcommittee meeting.

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

9. Estimated Number and Frequency of Meetings: The Council shall meet at the call of the Council's Designated Federal Officer, in consultation with the Council's Co-Chairs as defined in (12 below). Pursuant to 20 U.S.C. § 929(c), the Council shall meet at least two times each year.

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

11. Termination: The Council shall terminate upon repeal 20 U.S.C. § 929.

12. Membership and Designation: The Council, pursuant to 20 U.S.C. 929(a), shall be comprised of no more than 16 members who have demonstrated an interest in the field of primary or secondary education and the following individuals;

    a. The Secretary of Defense and the Secretary of Education or their respective designees;
    b. Twelve appointed individuals who demonstrated an interest in the field of primary or secondary education, and who shall include representatives of professional employee organization, school administrators, parents of students enrolled in the DoD dependents' education system, and one student enrolled in such system; and
    c. A representative of the Secretary of Defense and of the Secretary of Education.

The twelve Council members appointed under the authority of 20 U.S.C. § 929(a)(1)(B), shall be appointed jointly by the Secretary of Defense and the Secretary of Education.

The Secretary of Defense and the Secretary of Education may approve the appointment of individuals appointed pursuant to 20 U.S.C. § 929(a)(1)(B) for one to four year terms of service; however, no member appointed pursuant to 20 U.S.C. § 929(a)(1)(B), unless authorized by the Secretary of Defense and the Secretary of Education, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees.

Members appointed to the Council from professional employee organizations, pursuant to 20 U.S.C. § 929(a)(2), shall be individuals designated by those organizations and shall serve three year terms of service, not to exceed two full terms on the Council.

Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

Council members, 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 shall serve as special government employee members. Council members serving as special government employees shall have their appointments renewed on an annual basis.

Pursuant to 20 U.S.C. § 929(d), members of the Council who are not full-time or permanent part-time employees of the federal government, shall while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to compensation at the daily equivalent of the rate specified at the time of such service for level IV of the Executive Services under 5 U.S.C. § 5315. All Council members, while on official travel, shall be entitled to compensation for travel and per diem.

The Secretary of Defense and the Secretary of Education, or their designated representatives, shall serve as the Council's Co-Chairs.

The Director, Department of Defense Education Activity shall be the Executive Secretary of the Council, but shall not vote on matters before the Council.

Each Council 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 Council's mission and DoD policies and procedures, may establish subcommittees

deemed necessary to support the Council. 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 council's sponsor.

Such subcommittees shall not work independently of the chartered Council, and shall report all their recommendations and advice to the Council for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Council; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees. Subcommittees shall comply with FACA.

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

Subcommittee members who are not full-time or permanent part-time employees of the federal government, shall while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to compensation at the daily equivalent of the rate specified at the time of such service for level IV of the Executive Services under 5 U.S.C. § 5315. All subcommittee members, while on official travel, shall be entitled to compensation for travel and per diem.

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 Council 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
Advisory Council on Dependents' Education

Agency: Department of Defense (DoD)

1. **Authority:** The Secretary of Defense, under the provision of 20 U.S.C. § 929, and 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 Advisory Council on Dependents' Education (hereafter referred to as "the Council").

2. **Mission/Function:** The Council under the provisions of 20 U.S.C. § 929, and FACA shall provide independent advice and recommendations to the Secretary of Defense through the Under Secretary of Defense for Personnel and Readiness and the Director, Department of Defense Education Activity on matters and relating to the departments dependents' education system and shall include:

   a. General policies for operation of the DoD dependents' education system with respect to curriculum selection, administration, and operation of the system;
   b. Information from other federal agencies concerned with primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the DoD dependents' education system;
   c. The design of the study and the selection of the contractor referred to in 20 U.S.C. § 930(a)(2); and
   d. Other tasks as may be required by the Secretary of Defense.

3. **Points of View:** Pursuant to 20 U.S.C. 929(a), the Council's membership shall be comprised of no more than 16 members who have demonstrated an interest in the field of primary or secondary education and includes the following:

   a. The Secretary of Defense and the Secretary of Education or their respective designees;
   b. Twelve appointed individuals who demonstrated an interest in the field of primary or secondary education, and who shall include representatives of professional employee organization, school administrators, parents of students enrolled in the DoD dependents' education system, and one student enrolled in such system; and
   c. A representative of the Secretary of Defense and of the Secretary of Education.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Council, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Council members appointed by the Secretary of Defense and the Secretary of Education, who are not full-time or permanent part-time Federal officers of 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. Council members shall be appointed on an annual basis by the Secretary of Defense and the Secretary of Education.

The Council's membership balance is not static and the Secretary of Defense and the Secretary of Education may change the membership based upon work assigned to the Council. 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 of Defense and Department of Education, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals who have demonstrated an interest in the field of primary or secondary education. The Council's Designated Federal Officer requests a list of potential candidates from both the Department of Defense and Department of Education. Senior officials from both Departments identify and submit a list of potential candidates along with their biographies and nomination memos to the Department of Defense Education Activity. The Department of Education Activity reviews and submits a list of potential candidates to the Under Secretary of Defense for Personnel and Readiness.

   Once potential candidates are identified, the Under Secretary of Defense for Personnel and Readiness reviews the credentials of each individual and narrows the list of potential candidates. During the Under Secretary'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 Council 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 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 Under Secretary formally nominates the potential candidates to the Secretary of Defense and the Secretary of Education for approval.

   Following the Secretary of Defense and Secretary of Education's approval, the 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 and Secretary of Education may approve the appointment of Committee members for one to four year terms of service; however, no member, unless authorized by the Secretary of Defense and the Secretary of Education, may serve more than two consecutive terms of service. This same term of service limitation also applies to any authorized subcommittees for the Council.

6. **Subcommittee Balance:** The Department of Defense, when necessary, and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Committee. 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 the parent committee appointments are made. 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, but they must be approved by the Secretary or Deputy Secretary before participating in the subcommittee's work.

As required by the Committee'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:**