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

ADMINISTRATION AND
MANAGEMENT

MAY 25 2012

MEMORANDUM FOR ACTING UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

SUBJECT: Advisory Council on Dependents' Education – Membership Balance Plan and Charter Renewal Approval

The membership balance plan (TAB A) and the renewed charter (TAB B) for the Advisory Council on Dependents' Education (hereafter referred to as "the Council") are approved. However, please be advised that changes to the Departmental Federal Advisory Committee Management Program, to include policies on committee/subcommittee membership, structure, and governance, will be forthcoming and could have affect for the subject Council.

A copy of the Council's charter will be provided to the Council 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 affirmed that all individuals appointed to the Council, once approved by the Secretary of Defense, shall be appointed to serve as special government or regular government employee members, as appropriate. The following points apply:

(a) Individual members approved for appointment or renewal 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 employee members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular 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 Council'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 members who are not full-time or permanent part-time employees of the Federal government, shall be entitled to compensation at the daily equivalent of the rate specified at the time of such service for level IV of the Executive Schedule under 5 U.S.C. § 5315. All Council members, while on official travel, shall be entitled to compensation for travel and per diem.

ii. That they are appointed to serve as special government or regular government employee members, as appropriate.

iii. An explanation of the difference between serving as 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 Council's DoD Sponsor, you are responsible for:

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

(b) Ensuring that the DFO and the Council 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 Council and subcommittee work is based upon written tasks or terms of reference assigned to the Council by the Secretary of Defense, the Deputy Secretary of Defense, or you, as the 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 Council 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 Council members must operate.
iv. A date by which the Council or subcommittee must submit its written conclusions (advice and recommendations) to the DoD decision maker.

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

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

(f) Ensuring that all DoD and other agency documents provided to the Council 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 inquiries.

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 ACMO, Mr. Jim Freeman at 703-692-5952, or by email at James.Freeman@osd.mil.

Michael L. Rhodes
Director

Attachments: As stated