OFFICE OF THE SECRETARY OF DEFENSE
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ADMINISTRATION AND
MANAGEMENT

JAN 23 2012

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

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

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *National Intelligence University Board of Visitors* (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
Acting Advisory Committee Management
Officer for the Department of Defense

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

CHARTER
NATIONAL INTELLIGENCE UNIVERSITY
BOARD OF VISITORS

1. Committee's Official Designation: The Committee shall be known as the National Intelligence University Board of Visitors (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 matters concerning the National Intelligence University, as set out in (4) below.

4. Description of Duties: The Board shall provide the Secretary of Defense through the Under Secretary of Defense for Intelligence and the Director, Defense Intelligence Agency, independent advice and recommendations on matters related to mission, policy, accreditation, faculty, student, facilities, curricula, educational methods, research, and administration of the National Intelligence University.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense through the Under Secretary of Defense for Intelligence and the Director, Defense Intelligence Agency. The Director, Defense Intelligence Agency may act upon the Board's advice and recommendations.

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

   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 $42,202.00. The estimated annual personnel costs to the DoD are 0.1 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 Chairperson and the Director, Defense Intelligence Agency. 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 12 members, who are distinguished members of the national intelligence community, defense, and academia. Board members shall be appointed by the Secretary of Defense, with annual renewals. The Director, Defense Intelligence Agency shall select the Board's Chairperson.

    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 operate under the provisions of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), other governing Federal statutes and regulations, and governing DoD policies and procedures.

    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.

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
National Intelligence University Board of Visitors

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), National Intelligence University Board of Visitors (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 Under Secretary of Defense for Intelligence and the Director, Defense Intelligence Agency, independent advice and recommendations on matters related to mission, policy, accreditation, faculty, student, facilities, curricula, educational methods, research, and administration of the National Intelligence University.

3. **Points of View:** The Board shall be comprised of no more than 12 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 intelligence, defense, and academia. The Department has found that viewing the complex issues facing Defense Intelligence 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 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.

   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 intelligence community, academia, and former senior military officers. Individual appointments are based on 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 Intelligence University.

5. **Candidate Identification Process:** The National Intelligence 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 University. They seek new members, who will balance the qualifications of current members, consistent with the National Intelligence University interests. Potential candidates are identified by the National Intelligence University community, including existing Board members, and in some instances, based upon discussions with other professionals. Nominations may be requested through the Federal Register and websites and may be requested from all geographical locations within the United States or its Territories.

   Once potential candidates are identified, the Director, Defense Intelligence Agency, reviews the credentials of each individual and narrows the list of potential candidates. During the Director'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 Under Secretary of Defense for Intelligence 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 Under Secretary of Defense for Intelligence 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 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.

   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.

6. **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.

7. **Prepared:**