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

ADMINISTRATION AND
MANAGEMENT

APR 19 2013

MEMORANDUM FOR ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY

SUBJECT: Inland Waterways Users Board – Membership Balance Plan and Charter Renewal Approval

The membership balance plan (TAB A) and the renewed charter (TAB B) for the Inland Waterways Users Board (the "Board") are approved. However, please be advised that changes to the Departmental Federal Advisory Committee Management Program, to include new policies on committee/subcommittee membership, structure, and governance, will be forthcoming and could affect the Board. In particular, the Secretary of Defense's October 9, 2012, memorandum on advisory committees directs that "we continually assess to ensure that they deliver appropriate value today and in the future as times and requirements change." As such, we recommend you continually reevaluate the Board's functions and reduce, where appropriate, the Board's operating costs. A copy of the Board's charter will be provided to the Board 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 Office of the General Counsel of the Department of Defense (OGC DoD), has affirmed that the 11 individuals recommended for and appointed to the Board, as designated by the relevant statute, shall be appointed to serve as representative members.

Each representative organization shall be notified, in writing, of the Secretary of Defense's approval decision. In preparing your appointment or renewal of appointment letters, the Board's DFO should consult the ACMO and OGC DoD, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:

(a) Notice that their appointment to serve on the Board is without compensation, with the exception of travel and per diem.

(b) A statement that they are appointed to serve as a special government employee (SGE), regular government employee (RGE), or representative member, as appropriate.

(c) An explanation of the difference between serving as SGE, RGE, and representative members.

(d) A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

As the Board's DoD Sponsor, you are responsible for:

(a) Ensuring that the Board's 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, to include DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program."

(c) Ensuring that 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 you, 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 budget limitation under which the Board or its subcommittees must operate.
iv. A date by which the Board or its subcommittees 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 that the Board and its subcommittees are not unduly or inappropriately influenced by Federal employees or any special interest group.

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

(f) Ensuring that all members of the Board and its subcommittees are appointed according to DoD policies and procedures. No member will participate in any work by the Board or its subcommittees until all of the following have been completed: the member completes and submits to 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 for his or her appointment.

(g) Ensuring that 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 by the DoD or the Congress, and ensuring that this information is available for future inquiries.

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

Michael L. Rhodes
Director

Attachments:
As stated