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

ADMINISTRATION AND
MANAGEMENT

MAR 29 2012

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Defense Acquisition 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 *Defense Acquisition 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
DEFENSE ACQUISITION UNIVERSITY BOARD OF VISITORS

1. Committee's Official Designation: The committee shall be known as the Defense Acquisition University Board of Visitors (hereafter referred to as "the Board").

2. Authority: The Secretary of Defense, under the provision of 10 U.S.C § 1746, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(c) (authorized by statute), established the Board.

3. Objectives and Scope of Activities: The Board shall provide advice and recommendations on the overall management and governance of the Defense Acquisition 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 Acquisition, Technology and Logistics, and the President of the Defense Acquisition University, independent advice and recommendations on organization management, curricula, methods of instruction, facilities, and other matters of interest to the Defense Acquisition University.

   The Under Secretary of Defense for Acquisition, Technology and Logistics or a designated representative may act upon the Board's advice and recommendations.

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 Acquisition, Technology and Logistics and the President of the Defense Acquisition University.

6. Support: The Department of Defense (DoD), through the Under Secretary of Defense for Acquisition, Technology and Logistics, and the President of the Defense Acquisition University, shall provide support as they deem necessary for the performance of the Board's functions, and shall ensure compliance with the requirement of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

   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 and meeting and contract support, are approximately $57,000.00 and 0.3 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 and procedures.

   In addition, the 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 Designated Federal Officer, a properly approved Alternate Designated Federal Officer shall attend the entire duration of the Board or subcommittee meeting.

   The Designated Federal Officer, or the Alternate Designated Federal Officer, shall call all of the Board'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 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 President of the Defense Acquisition University and the Board's Chairperson. The estimated number of Board meetings is three per 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 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 extends it.

12. Membership and Designation: The Board shall be composed of not more than 14 members, who are former senor Defense officials, or are eminent authorities in academia, business, and defense industry. Board members shall be appointed by the Secretary of Defense, and their appointments will be renewed on an annual basis. Board members, who are not full-time or permanent part-time federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109, and serve as special government employees.

    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 shall serve as special government employee members. With the exception of travel and per diem for official Board related travel, Board members shall serve without compensation.

    The Under Secretary of Defense for Acquisition, Technology and shall select the Board's Chairperson from the total Board membership, and this individual shall

serve at the discretion of the Secretary of Defense, through the Under Secretary of Defense for Acquisition, Technology and Logistics.

In addition, the Under Secretary of Defense for Acquisition, Technology and Logistics, may invite other distinguished Government officers to serve as non-voting observers of the Board, and appoint, pursuant to 5 U.S.C. § 3109, non-voting consultants, with special expertise, to assist the Board on an ad hoc basis.

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.

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 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.

Such subcommittees shall not work independently of the chartered Board, and shall report all 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 subcommittee or its members update or report directly to the Department of Defense or any Federal officers or employees.

All 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 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. With the exception of travel and per diem for official Board related travel, subcommittee members shall serve without compensation.

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 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
Defense Acquisition University Board of Visitors

Agency: Department of Defense (DoD)

1. **Authority:** The Secretary of Defense, under the provisions of 10 U.S.C. § 1746, the Federal Advisory Committee Act (FACA) of 1972, (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(c) (authorized by statute), established the Defense Acquisition University Board of Visitors (hereafter referred to as "the Board").

2. **Mission/Function:** The Board, under the provisions of 10 U.S.C. § 1746 and FACA, shall provide independent advice and recommendations to the Secretary of Defense, through the Under Secretary of the Defense for Acquisition, Technology and Logistics, and the President of the Defense Acquisition University, on organization management, curricula, methods of instruction, facilities, and other matters of interest to the Defense Acquisition University.

3. **Points of View:** The Board shall be composed of not more than 14 members who are former senior Defense officials, or are eminent authorities in academia, business, and defense industry.

   The Department of Defense, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Board. The Department has found that viewing the complex issues facing the Defense Acquisition University through a multidiscipline advisory committee provides the Department and, more importantly, the American public, with a broader understanding of the issues 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 the 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 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:** N/A

5. **Candidate Identification Process:** The Department, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals who are former senior Defense officials, and those with extensive professional experience in the areas of academia, business, and defense industry. Potential candidates are identified by the Board's professional staff, current or departing Board members, and in some instances, by senior DoD officials.

Once potential candidates are identified, the Designated Federal Officer and the staff, reviews the credentials of each individual and narrows the list of potential candidates and forwards the list to the Under Secretary of Defense for Acquisition, Technology and Logistics. During the Under Secretary of Defense for Acquisition, Technology and Logistics review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the subject matters that he or she anticipates will be reviewed by the Board 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 DoD Office of General Counsel 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 Acquisition, Technology and Logistics 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 Secretary of Defense or Deputy Secretary of Defense 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.

Board and subcommittee member vacancies will be filled in the same manner as described in the previous four paragraphs above.

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.

6. **Subcommittee Balance:** The Department, when necessary, and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees 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.

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:**