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

ADMINISTRATION AND
MANAGEMENT

FEB 23 2012

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College* (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
BOARD OF ADVISORS TO THE PRESIDENTS OF THE NAVAL POSTGRADUATE SCHOOL AND THE NAVAL WAR COLLEGE

1. Committee's Official Designation: The Committee shall be known as the Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College (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 examine and advise on matters pertaining to the Naval Postgraduate School and the Naval War College, as set out in (4) below.

4. Description of Duties: The Board shall advise and assist the Department of the Navy, and the Presidents of the Naval Postgraduate School and the Naval War College in educational and support areas by providing independent advice and recommendations on items such as, but not limited to, organizational management, curricula, and methods of instructions, facilities, and other matters of interest.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of the Navy, through the Chief of Naval Operations and the Presidents of the Naval Postgraduate School and the Naval War College. The Secretary of the Navy may act upon the Board's advice and recommendations.

6. Support: The DoD, through the Office of the Secretary of the Navy and the Naval Postgraduate School and the Naval War College, shall provide support services as deemed 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 $259,202.00. The estimated annual personnel costs to the DoD are 1.0 full-time equivalent (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 subcommittees' 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 Presidents of the Naval Postgraduate School and the Naval War College. The estimated number of Board meetings is one 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 10 members, who are eminent authorities in the fields of academia, business, national defense and security, the defense industry, and research and analysis. Not less than 50 percent of Board members shall be eminent authorities in the field of academia. Board members shall be appointed by the Secretary of Defense, with annual renewals.

    The Board's Chairperson shall be elected by vote of the membership.

    The Chief of Naval Personnel and the Commanding General, Training and Education Command, United States Marine Corps, shall serve as ex-officio members of the Board.

    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.

The Board shall establish two permanent subcommittees:

a. The Naval Postgraduate School subcommittee shall be comprised of no more than 15 members and shall focus on the Naval Postgraduate School. The Chief of Naval Personnel/Deputy Chief of Naval Operations for Manpower, Personnel, Training and Education Command; the Commanding General USMC Training and Education Command; the Commandant Army War College; the Chief of Naval Research; the President of the National Defense University; and the President of the Air University, will serve as ex-officio members of the subcommittee. The subcommittee shall meet a minimum of two times annually.

b. The Naval War College subcommittee shall be comprised of no more than 10 members and shall focus on the Naval War College. The Chief of Naval Personnel/Deputy Chief of Naval Operations for Manpower, Personnel, Training and Education will serve as ex-officio member of the subcommittee. The subcommittee shall meet a minimum of two times annually.

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.

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
Board of Advisors to the President of the Naval Postgraduate School and the Naval War College

Agency: Department of Defense (DoD)

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), established the Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College (hereafter referred to as "the Board").

2. **Mission/Function:** The Board, under the provisions of the FACA, shall provide the Secretary of the Navy, through the Chief of Naval Operations and the Presidents of the Naval Postgraduate School and the Naval War College, independent advice and recommendations on matters such as, but not limited to, organizational management, curricula, and methods of instructions, facilities, and other matters of interest. The Board shall examine and advise on matters pertaining to the Naval Postgraduate School and the Naval War College.

3. **Points of View:** The Board shall be comprised of no more than 10 members. The Department of Defense looks for individuals with extensive professional experience in the fields of academia, business, national defense and security, research, and analysis when selecting advisory committee members. The Department has found that viewing the complex issues facing the Naval Postgraduate School and the Naval War College 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 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 academia, the private sector, former senior government employees, or 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, to include, but not limited to, organizational management, academic curricula, national security policy, defense intelligence, science and technology, and strategic planning.

5. **Candidate Identification Process:** The Department, 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 Board. Potential candidates are identified by the professional staff of the Office of the Secretary of the Navy, and in some instances, based upon discussions with other professionals in the Department of the Navy.

   Once potential candidates are identified, the Secretary of the Navy reviews the credentials of each individual and narrows the list of candidates. During his or her review, the Secretary of the Navy strives to achieve a balance between the professional credentials of the individuals and the near-term subject matters that the Secretary of the Navy anticipates will be reviewed by the advisory committee.

   After the Secretary of the Navy has narrowed the list of candidates and before formal nomination to the Secretary of Defense, the list of potential candidates undergoes 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 Secretary of the Navy 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.

   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, 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 Board shall establish two permanent subcommittees: The Naval Postgraduate School subcommittee and the Naval War College subcommittee.

   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