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

ADMINISTRATION AND
MANAGEMENT

MAY 30 2012

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT,
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Advisory Committee on Arlington National Cemetery*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Advisory Committee on Arlington National Cemetery* (attached). The Committee will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Committee'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 have 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 please contact, Len O'Reilly, at 703-692-5949.

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments:
As stated

CHARTER
ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY

1. Committee's Official Designation: The Committee shall be known as the Advisory Committee on Arlington National Cemetery (hereafter referred to as "the Committee").

2. Authority: The Secretary of Defense, under the provision of Public Law 112-81 § 591, National Defense Authorization Act for Fiscal Year 2012 (enacting in part 10 U.S.C. § 4723); the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended); and, 41 CFR § 102-3.50(a) (required by statute), established the Committee.

3. Objectives and Scope of Activities: The Committee shall provide independent advice and recommendations on matters relating to Arlington National Cemetery, as set out in paragraph 4.

4. Description of Duties: The Committee shall provide the Secretary of Defense, through the Secretary of the Army, independent advice and recommendations, with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

   Additionally, the Committee shall make periodic reports and recommendations to the Secretary of the Army. Not later than 90 days after receiving a report or recommendations from the Committee, the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives and include such comments and recommendations that the Secretary of the Army considers appropriate.

5. Agency or Official to Whom the Committee Reports: The Committee shall report to the Secretary of Defense through the Secretary of the Army. The Secretary of the Army may act upon the Committee's advice and recommendations.

6. Support: The Department of Defense (DoD), through the Secretary of the Army, shall provide support as deemed necessary for the Committee's performance and functions, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) (hereafter referred to as "the Government in the Sunshine Act"), governing Federal statutes and regulations, and governing DoD policies/procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating costs, to include travel and meeting and contract support, are approximately $~~250,740~~125,000.00. The estimated annual personnel costs to the DoD are 2.0 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 Committee 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 Committee or subcommittee meeting.

   The Designated Federal Officer, or the Alternate Designated Federal Officer, shall call all of the Panel'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 Committee reports.

9. Estimated Number and Frequency of Meetings: The Committee shall meet at the call of the Designated Federal Officer, in consultation with the co-chairs. The estimated number of Committee meetings is four 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 Committee shall terminate upon repeal of 10 U.S.C. § 4723 (enacted in Public Law 112-81, § 591).

12. Membership and Designation: The Committee shall be comprised of no more than nine members who are preeminent authorities in their respective fields of interest or expertise, including:

    a. One member nominated by the Secretary of Veterans Affairs;
    b. One member nominated by the Secretary of the American Battle Monuments Commission; and
    c. No more than 7 members nominated by the Secretary of the Army.

    The Committee members shall be appointed by the Secretary of Army, and those 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 shall serve as special government employees.

    The Secretary of Defense may approve the appointment of Committee 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 Secretary of the Army shall designate the Co-Chairs from the total Committee membership.

With the exception of travel and per diem for official travel, Committee members appointed as special government employees shall serve without compensation.

Each Committee 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 Committeee's mission and DoD policies and procedures, may establish subcommittees to support the Committee. 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 Committee's sponsor.

The Committee has three permanent subcommittees:

a. The Honor Subcommittee shall be comprised of no more than 9 members. The primary focus of this subcommittee is to review and provide recommendations to the parent Committee on extending the future of active burial gravesites, veteran eligibility criteria and master planning. The estimated number of subcommittee meetings is up to 12 times per year.

b. The Remember Subcommittee shall be comprised of no more than 9 members. The primary focus of this subcommittee is to review and provide recommendations to the parent Committee on efforts to preserve and care for the Tomb of the Unknown Soldier. The estimated number of subcommittee meetings is up to 12 times per year.

c. The Explore Subcommittee shall be comprised of no more than 9 members. The primary focus of this subcommittee is to review and provide recommendations to the parent Committee on efforts to preserve the historic essence of Arlington National Cemetery and development of an interactive means to share this unique history with the nation and the world. The estimated number of subcommittee meetings is up to 12 times per year.

Such subcommittees shall not work independently of the chartered Committee, and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Committee; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Committee members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Committee 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.

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 Committee related travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies/procedures.

14. Recordkeeping: The records of the Committee 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, as amended).

15. Filing Date:

Membership Balance Plan
Advisory Committee on Arlington Cemetery

Agency: Department of Defense (DoD)

1. **Authority:** The Secretary of Defense, under the provision of Public Law 112-81 § 591, Dec. 31, 2011, National Defense Authorization Act for Fiscal Year 2012 (enacting in part 10 U.S.C. § 4723); the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended); and 41 CFR § 102-3.50(a) (required by statute), established the Committee.

2. **Mission/Function:** The Secretary Defense, through the Secretary of the Army, shall appoint an advisory committee on Arlington National Cemetery. The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

3. **Points of View:** The Committee shall be comprised of no more than 9 members, who are preeminent authorities in their respective fields of interest or expertise, including: cemetery management and operational issues, including bereavement practices; plans and strategies for addressing long-term cemetery governance challenges; erection of memorials and master planning; and cemetery resource planning and allocation. Members will be nominated as follows:
   a. One member nominated by the Secretary of Veterans Affairs.
   b. One member nominated by the Secretary of the American Battle Monuments Commission.
   c. No more than 7 members nominated by the Secretary of the Army.

   The Committee represents all elements of the U.S. government with interests in management of the Arlington National Cemetery.

   The Department of Defense, in selecting potential candidates for the Committee, reviews the educational and professional credentials of individuals and bases its selections on this review and the subject matters being handled by the Committee. The Department has found that viewing the complex issues facing the Arlington National Cemetery, through a multi-discipline advisory committee provides DoD senior leadership 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 the matters before the Committee, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Committee 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. Committee members shall be appointed on an annual basis by the Secretary of Defense.

   The Committee's membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Committee by the Secretary of Defense, the Deputy Secretary of Defense, or the Committee'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.

Membership Balance Plan
Advisory Committee on Arlington Cemetery

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 with extensive professional experience in the areas of operation and management of cemeteries, to include: bereavement practices; erection of memorials and master planning; plans and strategies for addressing long-term governance challenges; and resource planning and allocation. Potential candidates are identified by the Committee's professional staff and senior DoD career and political officials.

   Once potential candidates are identified, the Designated Federal Officer and the Committee's staff review the credentials of each individual, narrow the list of potential candidates and forward the list to the Secretary of the Army. During the Secretary of the Army review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the subjects that he or she anticipates will be reviewed by the Committee 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 Secretary of the Army 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.

   Committee 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 Committee 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 Committee's mission and DoD policies and procedures, may establish subcommittees to support the Committee. 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 Committee's sponsor.

   The Committee has three permanent subcommittees. Each subcommittee member should have extensive professional experience in one of the following areas of operation and management of

cemeteries~~, to include~~: bereavement practices; erection of memorials and master planning; plans and strategies for addressing long-term governance challenges; and resource planning and allocation.

- The Honor Subcommittee shall be comprised of no more than 9 members. The primary focus of this subcommittee is to review and provide recommendations to the parent Committee on extending the future of active burial gravesites, veteran eligibility criteria and master planning. The estimated number of subcommittee meetings is up to 12 times per year.

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The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as Committee appointments are made, and these individuals may come from the parent committee or new nominees, as recommended by the Committee's sponsor and based upon the matters under consideration.

As required by the Committee'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:**