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

ADMINISTRATION AND
MANAGEMENT

DEC 20 2012

MEMORANDUM FOR DIRECTOR, DEPARTMENT OF DEFENSE COMMEMORATIONS OFFICE

SUBJECT: Vietnam War Commemoration Advisory Committee – Membership Balance Plan and Charter Establishment

The membership balance plan (TAB A) and the charter (TAB B) establishing the Vietnam War Commemoration Advisory Committee (hereinafter referred to as "the Committee") are approved. A copy of the Committee's charter will be provided to the Committee 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 establishment process, this office, in consultation with the Office of General Counsel of the Department of Defense (DoD OGC), has affirmed that all individuals appointed to the Committee, once approved by the Secretary of Defense, shall be appointed to serve as special government or regular government employee members, as appropriate. The following points apply:

(a) Individual members approved for appointment or renewal 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 employee members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee members.

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

i. That their appointment to serve on the Committee is without compensation, with the exception of travel and per diem.
ii. That they are appointed to serve as special government or regular government employee members, as appropriate.
iii. An explanation of the difference between serving as special government employees and representative members.
iv. A summary of the applicable ethics requirements, to include whether they are required to file a Confidential Financial Disclosure Report.

As the Committee's DoD Sponsor, my office is responsible for:

(a) Ensuring that the Committee's DFO attends all Committee and subcommittee meetings for the entire duration of each and every meeting.

(b) Ensuring that the DFO and the Committee 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 Committee and subcommittee work is based upon written tasks or terms of reference assigned to the Committee by the Secretary of Defense, the Deputy Secretary of Defense, or me, as the Committee's 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 Committee members to have access to DoD officials and DoD data that is pertinent to the matter(s) under consideration.
   iii. A budget limitation under which the Committee members must operate.
   iv. A date by which the Committee or subcommittee must submit its written conclusions (advice and recommendations) to the DoD decision maker.

(d) Providing adequate support to the Committee and its membership, and ensuring that the Committee's membership is not unduly or inappropriately influenced by Federal employees or any special interest group.

(e) Ensuring that the Committee members are appointed according to DoD policy and that they do not serve on the Committee until all personnel and ethics paperwork is processed by the appropriate offices.

(f) Ensuring that all DoD and other agency documents provided to the Committee are marked according to governing DoD policy and procedures.

(g) 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 the Department's program, the Federal governance and compliance requirements, the charter establishment, 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