

Charter  
United States Military Academy Board of Visitors

1. Committee's Official Designation: The committee will be known as the United States Military Academy Board of Visitors ("the Board").
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 4355 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established this statutory Board.
3. Objectives and Scope of Activities: The Board provides independent advice and recommendations on matters relating to the United States Military Academy ("the Academy"), as set out below in paragraph four below.
4. Description of Duties: Pursuant to 10 U.S.C. § 4355(e), the Board provides independent advice and recommendations to the President of the United States on morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Pursuant to 10 U.S.C. § 4355(d) and (f), the Board shall visit the Academy annually. With the approval of the Secretary of the Army, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy. The Board shall submit a written report to the President within 60 days after its annual visit to the Academy, to include the Board's views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the President of the United States. The Secretary of the Army, in accordance with Department of Defense (DoD) policies and procedures, may act upon the Board's advice and recommendations.
6. Support: The DoD, through the Department of the Army and the Superintendent of the Academy, will provide the necessary support for the Board and will ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$55,000.00. The estimated annual personnel cost to the DoD is 0.25 full-time equivalents.
8. Designated Federal Officer: The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD officer or employee designated in accordance with governing DoD policies and procedures.

The Board's DFO 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 DFO,

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a properly approved Alternate DFO, duly designated to the Board according to DoD policies and procedures, will attend the entire duration of all the Board or subcommittee meetings.

The DFO, or Alternate DFO, will call all of the Board and its subcommittees meetings; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Board will meet at the call of the Board's DFO, in consultation with the Board's Chair. The estimated number of Board meetings is three per year.
10. Duration: The need for this Board is on a continuing basis; however, it is subject to renewal every two years.
11. Termination: The Board will terminate upon rescission of 10 U.S.C. § 4355.
12. Membership and Designation: The Board, pursuant to 10 U.S.C. § 4355(a), shall be constituted annually and composed of 15 members. The Board membership shall include:
  - a. The Chair of the Committee on Armed Services of the Senate, or designee;
  - b. Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;
  - c. The Chair of the Committee on Armed Services of the House of Representatives, or designee;
  - d. Four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and
  - e. Six persons designated by the President.

Pursuant to 10 U.S.C. § 4355(b) and (c), Board members designated by the President shall serve for three years each, except that any member whose term of office has expired shall continue to serve until a successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year. If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

Members of the Board who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or

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permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 101-3.130(a) to serve as regular government employee (RGE) members.

The Board members will select the Board's Chair from the total membership.

Each Board member is appointed to provide advice on the basis of his or her best judgment on behalf of the Government without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, Board members serve without compensation. The Board may, pursuant to 10 U.S.C. § 4355(g) and upon approval by the Secretary of the Army, call in advisers for consultation. These advisers, with the exception of reimbursement for official Board-related travel and per diem, serve without compensation.

13. Subcommittees: The DoD, as necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups 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 Secretary of the Army, as the DoD Sponsor.

Such subcommittees will not work independently of the Board and will report all their recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, orally or in writing, on behalf of the Board. No subcommittee or any of its members can provide updates or reports, orally or in writing, directly to the DoD or any Federal officers or employees. If a majority of Board members are appointed to a particular subcommittee, then that subcommittee may be required to operate pursuant to the same notice and openness requirements of the FACA which govern the Board's operations.

Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration. Pursuant to Secretary of Defense policy, the Secretary of the Army is authorized to administratively certify the appointment of subcommittee members if the Secretary of Defense or the Deputy Secretary of Defense has previously authorized the individual's appointment to another DoD advisory committee. If this prior authorization has not occurred, then the individual's subcommittee appointment must first be authorized by the Secretary of Defense or the Deputy Secretary of Defense and subsequently administratively certified by the Secretary of the Army.

Subcommittee members will be appointed for a term of service of one-to-four years, subject to annual renewals, according to DoD policies and procedures; however, no member will serve more than two consecutive terms of service on the subcommittee. Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 101-3.130(a) to serve as RGE members.

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The Secretary of Defense authorizes the Secretary of the Army to appoint the leadership of any subcommittee from among the subcommittee membership previously appointed in accordance with DoD policies and procedures and, in doing so, will determine the term of service for the subcommittee's leadership, which will not exceed the member's approved term of service.

Each subcommittee member is appointed to provide advice on the basis of his or her best judgment on behalf of the Government without representing any particular point of view and in a manner that is free from conflict of interest.

With the exception of reimbursement for travel and per diem as it pertains to official travel related to the Board or its subcommittees, subcommittee members will serve without compensation.

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

14. Recordkeeping: The records of the Board and its subcommittees will be managed in accordance with General Record Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule, and the appropriate DoD policies and procedures. These records will 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: November 16, 2018