

Charter  
Board of Visitors of the U.S. Air Force Academy

1. Committee's Official Designation: The Committee will be known as the Board of Visitors of the U.S. Air Force Academy ("the Board").
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 9355 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 shall provide independent advice and recommendations on matters relating to the U.S. Air Force Academy ("the Academy"), as set out in paragraph four below.
4. Description of Duties: Pursuant to 10 U.S.C. § 9355(e)(1) and (3), the Board shall provide to the Secretary of Defense and the Deputy Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives independent advice and recommendations on the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider. The Board shall recommend appropriate action.

Pursuant to 10 U.S.C. § 9355(f), the Board shall prepare a semiannual report containing its views and recommendations pertaining to the Academy, based on its meeting since the last such report and any other considerations it determines relevant. Each report shall be submitted concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense and Deputy Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Secretary of the Air Force, pursuant to 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 Air Force, shall provide the necessary support for the Board and shall ensure compliance with the requirement 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.

Pursuant to 10 U.S.C. §§ 9355(d) and (e)(2), the Secretary of the Air Force, through the Superintendent of the Academy, shall ensure that the Board has access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board. The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, with respect to institutional problems.

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7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$275,000.00. The estimated annual personnel costs to the DoD are 2 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 employee, designated in accordance with established DoD policies and procedures.

The Board's DFO is required to be in attendance at all meetings of the Board and any of its subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly designated to the Board according to established DoD policies and procedures, will attend the entire duration of the Board or any subcommittee meeting.

The DFO, or the Alternate DFO, shall call all of the meetings of the Board and its subcommittees; 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 shall meet at the call of the Board's DFO, in consultation with the Board's Chair. Pursuant to 10 U.S.C. § 9355(d), the Board should meet at least four times per year, with at least two of those meetings taking place at the Academy. Board meetings should last at least one full day.
10. Duration: The need for this Board is on a continuing basis; however, is subject to renewal every two years.
11. Termination: The Board shall terminate upon rescission of 10 U.S.C. § 9355.
12. Membership and Designation: The Board, pursuant to 10 U.S.C. § 9355 (a) and (b)(2), shall be constituted annually and composed of 15 members. The Board consists of the following members:
  - a. Six persons designated by the President, at least two of whom shall be graduates of the Academy;
  - b. The Chair of the Committee on Armed Services of the House of Representatives, or designee;
  - c. Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives;
  - d. The Chair of the Committee on Armed Services of the Senate, or designee; and

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- e. 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.

Pursuant to 10 U.S.C. § 9355(b)(1), 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 designated. The President shall designate persons each year to succeed the members whose terms expire that year.

Pursuant to 10 U.S.C. 9355(c)(1), if a member of the Board dies or resigns or is terminated as a member of the Board pursuant to 10 U.S.C. § 9355(c)(2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance for good cause by the Board Chair, such failure shall be grounds for termination from membership on the Board, pursuant to 10 U.S.C. § 9355(c)(2)(A) (“absenteeism provision”).

Pursuant to 10 U.S.C. § 9355(c)(2)(B), termination of membership on the Board pursuant to the absenteeism provision, in the case of a member of the Board who is not a member of Congress, may be made by the Board’s Chair and, in the case of a member of the Board who is a member of Congress, may be made only by the official who designated the member. Pursuant to 10 U.S.C § 9355(c)(2)(C), when a member of the Board is subject to termination from membership on the Board under the absenteeism provision, the Board’s Chair shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate.

Board members who are full-time or permanent part-time Federal officers or employees shall be appointed as regular government employee (RGE) members pursuant to 41 C.F.R § 102-3.130(a). Board members designated by the President or the Congress, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members.

The Board members shall select the Chair and Vice Chair from the total membership.

With the exception of reimbursement of official Board-related travel and per diem, Board members serve without compensation.

The Board may, pursuant to 10 U.S.C § 9355 (g) and upon approval by the Secretary of the Air Force, call in advisors for consultation. These advisors shall, with the exception of reimbursement of official Board-related travel and per diem, serve without compensation.

- 13. **Subcommittees:** The DoD, when necessary and consistent with the Board’s mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups

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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 Air Force, as the Board's sponsor.

Such subcommittees shall not work independently of the Board and shall 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, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officer or employee. 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.

Pursuant to Secretary of Defense policy, the Secretary of the Air Force 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 the Board or another DoD advisory committee according to DoD policies and procedures. 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 Air Force.

Subcommittee members will be appointed for a term of service of one-to-four years, subject to annual renewals; 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 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. §102-3.130(a) to serve as RGE members.

The Secretary of the Air Force has the delegated authority to appoint the leadership of any subcommittees from among the membership previously appointed to the subcommittee according to DoD policies and procedures and, in doing so, will determine the leader's term of service, which will not exceed the subcommittee member's approved term of service.

Each subcommittee 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.

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

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

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14. Recordkeeping: The records of the Board and its subcommittees shall 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 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: November 13, 2018