



OFFICE OF THE DIRECTOR OF ADMINISTRATION AND MANAGEMENT
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WASHINGTON, DC 20301-1950

February 4, 2022

MEMORANDUM FOR DESIGNATED FEDERAL OFFICER, DEFENSE ADVISORY
COMMITTEE ON INVESTIGATION, PROSECUTION, AND
DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES

SUBJECT: Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual
Assault in the Armed Forces—Charter and Membership Balance Plan

As directed by the Secretary of Defense on July 6, 2021, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (“DAC-IPAD”) may resume operations once new members are approved by the Secretary of Defense or Deputy Secretary of Defense (“the DoD Appointing Authority”) in accordance with Department of Defense (DoD) policy and procedures.

As described in the Secretary of Defense’s July 6, 2021 Memorandum, I must update the DAC-IPAD charter in accordance with Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and Federal regulations. I will renew the DAC-IPAD’s charter on February 16, 2022, and once filed, I will provide you a copy of the charter and membership balance plan. As the DAC-IPAD is repopulated, the following points apply:

1. Individuals appointed to the DAC-IPAD must be U.S. citizens, and no member can be a Member of Congress.
2. DAC-IPAD members who are not full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members.
3. DAC-IPAD members who are full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members.
4. Each DAC-IPAD member must be notified, in writing, of their appointment. You should refer any questions pertaining to these letters of notification to me or to the DoD OGC. At a minimum, the letters shall contain the following:
 - a) Notice that each individual’s appointment to serve on the DAC-IPAD is without compensation, but that all DAC-IPAD members are entitled to reimbursement of official DAC-IPAD-related travel and per diem.
 - b) A statement that each individual is appointed to serve as an SGE or RGE member, as appropriate.
 - c) An explanation of the difference between serving as an SGE or representative member.

- d) A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.
- e) Attend the entirety of each DAC-IPAD meeting and subcommittee.

As the Designated Federal Officer (DFO) for the DAC-IPAD and on behalf of the General Counsel of the Department of Defense (GC DoD), you are responsible for the following as the DAC-IPAD resumes operations:

1. Ensuring that you and the DAC-IPAD fully comply with: (a) all governing Federal statutes and regulations; (b) DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," dated August 6, 2007"; (c) Directive-type Memorandum (DTM) 21-002 – Federal Advisory Committee Management Program Ethics Responsibilities, dated May 21, 2021; (d) Deputy Secretary of Defense Memorandum, "Advisory Committee Management," dated November 26, 2018; (e) applicable policy issued by the Secretary of Defense, the Deputy Secretary of Defense, or the Director of Administration and Management; and (f) procedural guidelines issued by the DoD Advisory Committee Management Officer (DoD ACMO).
2. Providing support for the DAC-IPAD and its mission.
3. Ensuring the DAC-IPAD members are not unduly or inappropriately influenced by Federal employees or any special interest group.
4. Ensuring all work performed by the DAC-IPAD, as described in the Secretary of Defense's memorandum and defined in statute, is based upon written tasks or terms of reference (ToRs) assigned to the DAC-IPAD by the DoD Appointing Authority or the GC DoD unless otherwise provided for by statute or Presidential directive. All written tasks or ToRs must be provided to the DoD ACMO, are subject to public review, and must include, at a minimum:
 - a) A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration;
 - b) Authority for DAC-IPAD members to access DoD officials and DoD data that are pertinent to the matter(s) under consideration; and
 - c) A date by which the DAC-IPAD must submit its written conclusions (advice and recommendations) to the DoD decision maker.
5. Ensuring that all DoD and other Federal agency data, information, or documents are properly marked in accordance with governing statutes, regulations, and DoD policy and procedures prior to submission to the DAC-IPAD.
6. Ensuring all visits to DoD installations or facilities by the DAC-IPAD members occur in consultation with the respective Secretaries of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.

7. Assisting the GC DoD in monitoring implementation of DAC-IPAD advice or recommendations, ensuring such information is available for future inquires, and providing formal oral or written feedback to the DAC-IPAD on what advice or recommendations were adopted, partially adopted, or not adopted.

If you should have any questions about this DoD Program, the Federal governance and compliance requirements, the charter filing, or the membership balance plan, please contact me at james.d.freeman4.civ@mail.mil.

James D. Freeman II
Advisory Committee Management Officer