



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

December 13, 2022

MEMORANDUM FOR ACTING GROUP FEDERAL OFFICER, OFFICE OF THE UNDER
SECRETARY OF DEFENSE FOR PERSONNEL AND
READINESS

SUBJECT: Renewal of the Department of Defense Military Family Readiness Council

As authorized by the Secretary of Defense on February 3, 2022, the Department of Defense Military Family Readiness Council (MFRC) may resume operations once its charter is updated and the Secretary of Defense or Deputy Secretary of Defense (“the DoD Appointing Authority”) approves new members. Consistent with the Secretary’s February 2022 decision and in accordance with the Federal Advisory Committee Act (5 U.S.C., Appendix), the Department renewed the MFRC by filing its charter, along with its membership balance plan, on December 13, 2022.

MFRC’s new charter and its updated membership balance plan incorporate changes to its membership requirements described in 10 U.S.C. § 1781a(b)(1) as amended by section 924(b)(29) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283). Attached are copies of its new charter and updated membership balance plan. As the MFRC is repopulated, the following points apply:

1. Individuals appointed or designated to the MFRC must be U.S. citizens, and no member can be a federally registered lobbyist or a Member of Congress.
2. All MFRC members will comply with Federal ethics statutes and regulations, as applicable.
3. All MFRC 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.
4. All MFRC members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services shall be designated pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members.
5. Each MFRC 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 Office of the General Counsel of the Department of Defense. At a minimum, the letters shall contain the following:

- a) Notice that each individual's appointment or designation to serve on the MFRC is without compensation, but that all MFRC members are entitled to reimbursement of official MFRC-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.

As the Group Federal Officer for, and on behalf of, the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), you must also consider these additional points as the MFRC resumes operations:

1. Ensuring that a Designated Federal Officer (DFO) and, if appropriate, an Alternate DFO are designated in accordance with DoD policy and procedures to the MFRC.
2. Ensuring that the DFO and MFRC 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, to include Change 1, dated April 19, 2022; (d) Deputy Secretary of Defense Memorandum, "Advisory Committee Management," dated November 26, 2018; (e) applicable policy issued by the DoD Appointing Authority or the Director of Administration and Management; and (f) procedural guidelines issued by the DoD Advisory Committee Management Officer (DoD ACMO).
3. Ensuring that the DFO or an Alternate DFO attends all MFRC meetings for the entirety of each meeting, including any subcommittee meetings.
4. Ensuring that the Office of the USD(P&R) provides adequate support for the MFRC and its mission.
5. Ensuring that MFRC members are not unduly or inappropriately influenced by Federal officials or employees or any special interest group.
6. Ensuring all work performed by the MFRC is based upon written tasks or terms of references (ToRs) assigned to the MFRC by the DoD Appointing Authority or the USD(P&R) unless otherwise provided 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 MFRC members to access DoD officials and DoD data pertinent to the matter(s) under consideration.
 - c) A date by which the MFRC must submit its written conclusions (advice and recommendations) to the DoD decision maker.
7. 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 MFRC.
 8. Ensuring that all publications, briefings, or documents intended for public release be reviewed by the Defense Office of Prepublication and Security Review, to be "Cleared for Open Publication," prior to such release.
 9. Ensuring all visits to DoD installations or facilities by MFRC members occur in consultation with the respective Secretaries of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.
 10. Assisting the DoD Sponsor in monitoring implementation of MFRC advice or recommendations, ensuring such information is available for future inquires, and providing formal feedback to the MFRC 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 renewal of the MFRC, 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

Attachments:
As stated

TAB A

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Department of Defense Military Family Readiness Council

1. Committee's Official Designation: The committee shall be known as the Department of Defense Military Family Readiness Council (MFRC).
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 1781a, and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix.) and 41 C.F.R. § 102-3.50(a), established this non-discretionary advisory committee.
3. Objectives and Scope of Activities: Pursuant to 10 U.S.C. § 1781a(d), the MFRC shall provide independent advice and recommendations on the policy and plans required under 10 U.S.C. § 1781b, monitor requirements for the support of military family readiness programs and activities by the Department of Defense (DoD), evaluate and assess the effectiveness of DoD's military family readiness programs and activities, and make recommendations to improve collaboration, awareness, and promotion of accurate and timely military family readiness information and support services by policy makers, service providers, and targeted beneficiaries.
4. Description of Duties: Pursuant to 10 U.S.C. § 1781a(e), not later than July 1 each year, the MFRC shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness. Each report, at a minimum, shall include the following:
 - a) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the DoD during the preceding fiscal year in meeting the needs and requirements of military families.
 - b) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the DoD to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.

All MFRC work will be in response to written terms of references (ToR) approved by the Secretary of Defense or Deputy Secretary of Defense ("the DoD Appointing Authority"), or the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), unless otherwise provided for by statute or President directive.

5. Agency or Official to Whom the Committee Reports: The MFRC reports to the DoD Appointing Authority, through the USD(P&R), who may act upon the MFRC's advice and recommendations in accordance with DoD policy and procedures.
6. Support: The DoD, through the Office of the USD(P&R), provides support for the MFRC's functions and ensures compliance with requirements of the FACA, the Government in the Sunshine Act ("the Sunshine Act") (5 U.S.C. § 552b), governing Federal statutes and regulations, and DoD policy and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$320,000.00. The estimated annual personnel cost to the DoD is 2.0 full-time equivalent.

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8. Designated Federal Officer: The MFRC's Designated Federal Officer (DFO) shall be a full-time or permanent part-time DoD Federal civilian officer or employee, or active-duty member of the Armed Forces, designated in accordance with DoD policy and procedures.

The MFRC's DFO is required to attend all MFRC and any subcommittee meetings for the entirety of each meeting. However, in the absence of the MFRC's DFO, a properly approved Alternate DFO, duly designated to the MFRC in accordance with DoD policy and procedures, shall attend the entirety of all MFRC and subcommittee meetings.

The DFO, or the Alternate DFO, approves and calls all MFRC meetings; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public's interest or required by governing regulations or DoD policy and procedures.

9. Estimated Number and Frequency of Meetings: The MFRC shall meet at the call of the MFRC's DFO, in consultation with the Sponsor, the USD(P&R), who is also the Chair of the MFRC. Per 10 U.S.C. § 1781a(c), the MFRC shall meet not less often than twice per year.
10. Duration: The need for the MFRC is on a continuing basis; however, it is subject to renewal every two years.
11. Termination: The MFRC shall terminate upon repeal of 10 U.S.C. § 1781a.
12. Membership and Designation: The MFRC, pursuant to 10 U.S.C. § 1781a(b), shall be composed of 21 members, appointed, or designated as specified below:
- a. Chair. The USD(P&R), or designee, shall serve as Chair of the MFRC and who may designate a representative to chair the MFRC in the USD(P&R)'s absence.
 - b. Service Representatives. One representative from each of the Army, Navy, Air Force, Marine Corps, and Space Force, each of whom shall be a member or civilian employee of the armed force to be represented, for a two-year term of service.
 - c. National Guard Representative. One representative, who shall be a member or civilian employee of the National Guard Bureau, to represent both the Army National Guard and the Air National Guard, for a two-year appointment.
 - d. Spouse or Parent Representatives. One spouse or parent of a member of each of the Army, Navy, Air Force, Marine Corps, and Space Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member. Each individual shall serve a two-year appointment.
 - e. Military Family Organization Representatives. Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components. Each individual shall serve a two-

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year appointment.

- f. Senior Enlisted Advisor Representatives. The senior enlisted advisor from each of the Army, Navy, Air Force, Marine Corps, and Space Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors. Any spouses shall serve for a two-year appointment.
- g. Director of the Office of Community Support for Military Family Readiness Policy. The Director of the Office of Community Support for Military Family Readiness Policy (“the Director”).

Except for the Chair and the Senior Enlisted Advisors for the Armed Forces identified above, MFRC members are appointed or designated by the DoD Appointing Authority for the terms of service specified above, with annual renewal, in accordance with DoD policy and procedures. No member, unless approved by a DoD Appointing Authority, may serve more than two consecutive terms of service on the MFRC, to include its subcommittees, or serve on more than two DoD Federal advisory committees at one time.

MFRC 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. MFRC members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be designated pursuant to 41 C.F.R. § 1023.130(a) to serve as regular government employee (RGE) members.

All members of the MFRC are appointed to exercise their own best judgment on behalf of the DoD, without representing any particular point of view, and to discuss and deliberate in a manner that is free from conflict of interest. With the exception of reimbursement of official MFRC- related travel and per diem, MFRC members serve without compensation.

- 13. Subcommittees: The DoD, when necessary and consistent with the MFRC’s mission and DoD policy and procedures, may establish subcommittees, task forces, or working groups to support the MFRC. Establishment of subcommittees will be based upon a written determination, to include ToR, by the DoD Appointing Authority of the USD(P&R), as the MFRC’s Sponsor. All subcommittees operate in accordance with the FACA, the Sunshine Act, governing federal statutes and regulations, and DoD policy and procedures. If a subcommittee’s duration, as determined by its ToR, exceeds that of the MFRC’s charter and DoD does not refile the MFRC’s charter, then the subcommittee shall terminate when the MFRC does.

Subcommittees shall not work independently of the MFRC and shall report all of their advice and recommendations solely to the MFRC for its thorough deliberation and discussion at a properly noticed and open meeting. Subcommittees have no authority to make decisions and recommendations, orally or in writing, on behalf of the MFRC. No subcommittee nor any of its members may update or report, orally or in writing, directly to the DoD or any federal officers or employees. If a majority of the MFRC members are appointed to a particular subcommittee, then that subcommittee may be required to operate pursuant to the same notice

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and openness requirements of the FACA which govern the MFRC's operations.

Individual appointments to serve on the MFRC subcommittees shall be approved by the DoD Appointing Authority for a term of service of one-to-four years, with annual renewals, in accordance with DoD policy and procedures. No member shall serve more than two consecutive terms of service on the subcommittee, unless approved by the DoD Appointing Authority. Subcommittee 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 SGE members. Subcommittee 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(a) to serve as RGE members.

Each subcommittee member is appointed to exercise his or her own judgment on behalf of the DoD, without representing any particular point of view, and to discuss and deliberate in a manner that is free from conflicts of interest.

The DoD Appointing Authority shall appoint the subcommittee leadership from among the membership previously approved to serve on the subcommittee in accordance with DoD policy and procedures, for a one-to-two-year term of service, with annual renewal, which will not exceed the subcommittee member's approved appointment.

With the exception of reimbursement of travel and per diem related to the MFRC or its subcommittees, subcommittee members shall serve without compensation.

14. Recordkeeping: The records of the MFRC and its subcommittees shall be handled in accordance with Section 2, General Records Schedule 6.2, Federal Advisory Committee Records and governing DoD policy and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552).

15. Filing Date: December 13, 2022

TAB B

Membership Balance Plan
Department of Defense Military Family Readiness Council

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 1781a, and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 C.F.R. § 102-3.50(a), established the Department of Defense Military Family Readiness Council (MFRC) as a non-discretionary advisory committee.
2. Mission/Function: Pursuant to 10 U.S.C. § 1781a(d), the MFRC shall provide independent advice and recommendations to the Secretary of Defense and the Deputy Secretary of Defense (“the DoD Appointing Authority”), through the Under Secretary of Defense for Personnel and Management (USD(P&R)) on the policy and plans required under 10 U.S.C. § 1781b, monitor requirements for the support of military family readiness programs and activities by the DoD, evaluate and assess the effectiveness of DoD’s military family readiness programs and activities, and make recommendations to improve collaboration, awareness, and promotion of accurate and timely military family readiness information and support services by policy makers, service providers, and targeted beneficiaries.

Pursuant to 10 U.S.C. § 1781a(e), not later than July 1 each year, the MFRC shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness. Each report, at a minimum, shall include the following:

- a) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the DoD during the preceding fiscal year in meeting the needs and requirements of military families.
 - b) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the DoD to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.
3. Points of View: The MFRC, pursuant to 10 U.S.C. § 1781a(b), shall be composed of 21 members, appointed as specified below:
 - a. Chair. The USD(P&R), or designee, shall serve as Chair of the MFRC and who may designate a representative to chair the MFRC in the USD(P&R)’s absence.
 - b. Service Representatives. One representative from each of the Army, Navy, Air Force, Marine Corps, and Space Force, each of whom shall be a member or civilian employee of the armed force to be represented, for a two-year term of service.
 - c. National Guard Representative. One representative, who shall be a member or civilian employee of the National Guard Bureau, to represent both the Army National Guard and the Air National Guard, for a two-year appointment.
 - d. Spouse or Parent Representatives. One spouse or parent of a member of each of the Army, Navy, Air Force, Marine Corps, and Space Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member. Each individual shall serve a two-year appointment.

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- e. Military Family Organization Representatives. Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components. Each individual shall serve a two-year appointment.
- f. Senior Enlisted Advisor Representatives. The senior enlisted advisor from each of the Army, Navy, Air Force, Marine Corps, and Space Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors. Any spouses shall serve for a two-year appointment.
- g. Director of the Office of Community Support for Military Family Readiness Policy. The Director of the Office of Community Support for Military Family Readiness Policy (“the Director”).

MFRC 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. MFRC members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be designated pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. The DoD, unless otherwise provided by statute or Presidential directive, does not use representative members on DoD Federal Advisory committees.

Each MFRC member is appointed to exercise his or her own judgment concerning matters before the MFRC, does not represent any particular point of view, and discusses and deliberates in a manner that is free from conflicts of interest.

The DoD, in evaluating candidates for MFRC membership, considers the candidate’s educational and professional experience concerning the subject matters anticipated to be tasked to the MFRC. The DoD has found that viewing the complex issues facing the DoD through a multidisciplinary advisory committee provides the DoD and, more importantly, the American public with a broader understanding of the issues on which subsequent policy decisions are based.

Membership shall be fairly balanced to provide a variety of background, experience, and thought in support of the MFRC’s mission. The MFRC’s membership balance is not static, and the DoD Appointing Authority may change the membership based upon work assigned to the MFRC by the DoD Appointing Authority or the USD(P&R), as the MFRC’s Sponsor. The DoD, unless otherwise provided for by statute or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

- 4. Other Balance Factors: N/A
- 5. Candidate Identification Process: The DoD, in selecting potential candidates for the MFRC, reviews the education and professional credentials of individuals and bases its selection on this review and the subject matters to be handled by the MFRC.

The MFRC’s Designated Federal Officer (DFO) conducts internal and external outreach to identify potential candidates and supports the internal Office of the USD(P&R) selection process, which includes requesting recommendations for potential candidates from senior career and political

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officials within the DoD. Where the Department has discretion, the DFO, in consultation with the Deputy Assistant Secretary of Defense for Military Community and Family Policy, reviews the credentials of each individual and narrows the list of potential candidates before forwarding the list to the USD(P&R). In consultation with the Special Assistant to the Secretary of Defense for White House Liaison, the USD(P&R) reviews the list of potential candidates and strives to achieve a balance between the professional credentials of the individuals and the near-term subjects to be reviewed by the MFRC to achieve a membership that is diverse and inclusive both in terms of the points of view to be represented and the functions to be performed by the MFRC.

Before formal nomination to the DoD Appointing Authority, the list of potential nominees will be reviewed by the DoD Office of the General Counsel and the DoD Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance requirements, including compliance with the MFRC's statute, charter, and membership balance plan. Following this review, the DoD ACMO prepares the DoD Appointment Approval Instrument for the Director of Administration and Management to submit to the DoD Appointing Authority for approval.

Following approval by the DoD Appointing Authority, each non-ex-officio member, must complete appointment paperwork and training, to include any financial disclosure or other ethics requirements stipulated by the Office of Government Ethics (OGE) for advisory committee members. Each ex-officio member must complete all appointment training, to include financial disclosure or other ethics requirements stipulated by OGC for advisory committee members.

One representative from each of the Army, Navy, Air Force, Marine Corps, and Space Force, each of whom shall be a member or civilian employee of the armed force to be represented, for a two-year term of service. Consistent with DoD policy these individuals may serve no more than two consecutive terms of service on the MFRC unless otherwise authorized in writing by the DoD Appointing Authority.

Membership vacancies for the MFRC will be filled in the manner described in this section.

6. Subcommittee Balance: The DoD has determined that subcommittees will not be authorized for the MFRC.
7. Other: As nominees are considered for appointment to the MFRC, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 F.R. 27482; August 13, 2014) and the rules and regulations issued by the OGE.
8. Date Prepared: December 13, 2022