

Charter
National Commission on the Future of the Army

1. Committee's Official Designation: The Committee will be known as the National Commission on the Future of the Army ("the Commission").
2. Authority: The Secretary of Defense, pursuant to Section 1702 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 ("the FY 2015 NDAA") (Public Law 113-291) 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 non-discretionary committee.
3. Objectives and Scope of Activities: The Commission, pursuant to Sections 1703(a) and (b) of the FY 2015 NDAA, shall undertake a comprehensive study of the structure of the Army, and policy assumptions related to the size and force mixture of the Army, in order (a) to make an assessment of the size and force structure of the active component of the Army and the reserve components of the Army; and (b) to make recommendations on the modifications, if any, of the structure of the Army related to current and anticipated mission requirements for the Army at acceptable levels of national risk and in a manner consistent with available resources and anticipated future resources. The Commission shall also conduct a study of a transfer of Army National Guard AH-64 Apache aircraft from the Army National Guard to the regular Army.
4. Description of Duties: Pursuant to section 1703(c) of the FY 2015 NDAA, the Commission, not later than February 1, 2016, shall submit to the President and the Congressional defense committees a report setting forth a detailed statement of the findings and conclusions of the Commission as a result of the studies required by Sections 1703(a) and (b) of the FY 2015 NDAA, together with its recommendations for such legislative and administrative actions it considers appropriate in light of the results of the studies.

In undertaking both studies as described in paragraph (3) above, the Commission shall give particular consideration to:

- A. An evaluation and identification of a structure for the Army that:
 - 1) has the depth and scalability to meet current and anticipated requirements of the combatant commands;
 - 2) achieves cost-efficiency between the regular and reserve components of the Army, manages military risk, takes advantage of the strengths and capabilities of each, and considers fully burdened lifecycle costs;
 - 3) ensures that the regular and reserve components of the Army have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;
 - 4) provides for sufficient numbers of regular members of the Army to provide a base of trained personnel from which the personnel of the reserve components of the Army could be recruited;
 - 5) maintains a peacetime rotation force to avoid exceeding operational tempo goals of 1:2 for active members of the Army and 1:5 for members of the reserve components of the Army; and
 - 6) manages strategic and operational risk by making tradeoffs among readiness, efficiency, effectiveness, capability, and affordability.

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- B. An evaluation and identification of force generation policies for the Army with respect to size and force mixture in order to fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources and anticipated future resources including policies in connection with:
 - 1) readiness;
 - 2) training;
 - 3) equipment;
 - 4) personnel; and
 - 5) maintenance of the reserve components as an operational reserve in order to maintain as much as possible the level of expertise and experience developed since September 11, 2001.
- C. An identification and evaluation of the distribution of responsibility and authority for the allocation of Army National Guard personnel and force structure to the States and territories.
- D. An identification and evaluation of the strategic basis or rationale, analytical methods, and decision-making processes for the allocation of Army National Guard personnel and force structure to the States and territories.

The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as the Commission considers advisable to carry out its mission.

The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

- 5. Agency or Official to Whom the Commission Reports: The Commission shall report to the President of the United States, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives.
- 6. Support: The Department of Defense (DoD), through the Office of the Deputy Chief Management Officer (DCMO), provides the necessary support for the performance of the Commission's functions and ensures 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. The Secretary of the Army shall provide funding for the Commission, as required by and consistent with Section 1707 of the FY 2015 NDAA.
- 7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$10,000,000. The estimated annual personnel cost to the DoD is 20 full-time equivalents.
- 8. Designated Federal Officer: The Commission's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee appointed in accordance with governing DoD policies and procedures.

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

The DFO, or the Alternate DFO, shall approve all of the meetings of the Commission as called by the Chair; shall call all meetings of 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 Commission shall meet at the call of the Chair. Not later than 30 days after the date on which all members of this Commission have been appointed, the Commission shall hold its first meeting.

A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

10. Duration: The Commission shall remain in effect until terminated, as provided for and as required by Section 1706 of the FY 2015 NDAA.
11. Termination: The Commission shall terminate 90 days after the date on which the Commission submits its report as required by Section 1706 of the FY 2015 NDAA.
12. Membership and Designation: The Commission, pursuant to Section 1702(b)(1) of the FY 2015 NDAA, shall be composed of eight members. In making appointments, consideration should be given to individuals with expertise in national and international security policy and strategy, military forces capability, force structure design, organization, and employment, and reserve forces policy. The Commission's membership shall include:
- a. Four individuals appointed by the President;
 - b. One individual appointed by the Chairman of the Committee on Armed Services of the Senate;
 - c. One individual appointed by the Ranking Member of the Committee on Armed Services of the Senate;
 - d. One individual appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and
 - e. One individual appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

Pursuant to Section 1702(b)(2) of FY 2015 NDAA, the appointments of the members of the Commission shall be made not later than 90 days after the enactment of the FY 2015 NDAA. If one or more appointments under Section 12, subparagraph (a) above is not made by the appointment date specified in Section 1702(b)(2) of the FY 2015 NDAA, the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under Section 12, subparagraphs (b) – (e) above is not made by the appointment

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date specified in Section 1702(b)(2) of the FY 2015 NDAA, the authority to make an appointment shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable.

Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

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

Commission members who are full-time or permanent part-time Federal officers or employees shall appointed as regular government employee (RGE) members. Commission members 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.

Consistent with Section 1705(a) of the FY 2015 NDAA, each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate not to exceed to the daily equivalent of the annual rate of \$155,400, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

13. Subcommittees: The DoD, when necessary and consistent with the Commission's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Commission. 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 DCMO, as the DoD sponsor.

Such subcommittees shall not work independently of the Commission and shall report all of their recommendations and advice solely to the Commission for full and open 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 Commission. No subcommittee or its members can update or report, verbally or in writing, on behalf of the Commission, directly to the DoD or to any Federal officer or employee.

All subcommittee members shall be appointed by the Secretary of Defense or the Deputy Secretary of Defense according to governing DoD policies and procedures, even if the member in question is already a member of the Commission. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service for the life of the subcommittee.

Subcommittee members, if not full-time or part-time Federal officers or employees, shall be appointed as s or consultants pursuant to 5 U.S.C. §3109 to serve as SGE members.

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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.

Each subcommittee member is appointed to provide advice to 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. Subcommittee members may be compensated, and shall be allowed travel expenses, in the same manner as Commission members.

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

14. Recordkeeping: The records of the Commission and its subcommittees shall be handled according to section 2, General Records Schedule 26, and governing 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: March 20, 2015