

Army Regulation 15-1

Boards, Commissions, and Committees

Committee Management

**Headquarters
Department of the Army
Washington, DC
27 November 1992**

Unclassified

SUMMARY of CHANGE

AR 15-1

Committee Management

This revision--

- o Clearly identifies responsibilities of the Administrator, General Services Administration; the DOD Committee Management Officer; the Administrative Assistant; the Department of the Army Committee Management Officer; commanders of major Army commands; and committee management officers (para 1-4).
- o Eliminates the Director of the Army Staff's duties for operating a Committee Management Program within the Army Staff. Eliminates the requirement of providing names, addresses, and telephone numbers of designated MACOM committee management officers, notifying the DA Committee Management Officer 90 calendar days before the date of the expected vacancy of all pending Federal Advisory Committee vacancies, and providing an annual schedule of MACOM reviews to the DA Committee Management Officer (chap 1).
- o Clarifies the different types of committees (para 1-5).
- o Provides guidelines on membership limitations (para 2-10).
- o Prohibits dual membership on Federal Advisory Committees (para 2-12).
- o Formalizes the membership nomination and approval process (para 2-13).
- o Provides policy on travel expenses and compensation for Federal Advisory Committee members (para 2-14).
- o Furnishes guidance on limitations on advisory committee member services (para 2-15).
- o Clarifies management reporting requirements for Federal Advisory Committees (para 2-26).
- o Clarifies the procedures for establishing and operating interagency and joint DOD committees (chap 3).
- o Clarifies the different types of intra-Army committees (para 4-2).
- o Requires proponents of Army regulations which mandate the establishment of a committee to justify the committee's continuance every two years (para 4-4).

Effective 26 December 1992

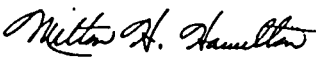
Boards, Commissions, and Committees

Committee Management

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History. This UPDATE printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary. This revision updates policies, procedures, and responsibilities for the administration and management of the DA Committee Management Program. It also implements Department of Defense Directive

5105.18, DOD Committee Management Program, dated 18 January 1990.

Applicability. This regulation applies to the Active Army, the U.S. Army Reserve (USAR), and the Army National Guard (ARNG).

Proponent and exception authority. Not applicable

Army management control process. This regulation is subject to the requirements of AR 11-2. It contains internal control provisions but does not contain checklists for conducting internal control reviews. These checklists are contained in DA Circular 11-87-5.

Supplementation. Local limited supplementation of this regulation is permitted, but not required. If supplements are issued, one copy of each will be furnished to the DA Committee Management Officer, Office of the Administrative Assistant to the Secretary of the Army, Policy and Plans Directorate (SAAA-PP), Room 3D746, Pentagon, Washington, DC 20310-0105.

Interim changes. Interim changes to this

regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent for this regulation is the Administrative Assistant to the Secretary of the Army. Users are invited to send comments or suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Director, Policy and Plans (SAAA-PP), Office of the Administrative Assistant to the Secretary of the Army, Room 3D746, Pentagon, Washington, DC 20310-0105.

Distribution. Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block number 3127, intended for command level A for Active Army, Army National Guard, and United States Army Reserve.

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Chapter 1 Introduction

1-1. Purpose

This regulation sets forth the basic policies and principles governing the Department of the Army (DA) Committee Management Program. The DA Committee Management Program is a mandatory program which implements the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2).

1-2. References

Required and related publications are listed in appendix A. Prescribed and referenced forms are also listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Administrator, General Services Administration (GSA) on behalf of the President will manage all matters relating to the establishment and operations of Federal Advisory Committees.

b. The Department of Defense (DOD) Committee Management Officer will approve the establishment, continuation, or termination of interagency or joint DOD committees which have significant DOD representation; and those in which a DOD agency will perform the leadership role.

c. The following responsibilities are assigned within the Department of the Army:

(1) The Administrative Assistant to the Secretary of the Army on behalf of the Secretary of the Army will—

(a) Manage all matters relating to committee management within the DA.

(b) Approve the establishment, continuation, or termination of intra-Army departmental committees sponsored by Headquarters, Department of the Army (HQDA) activities.

(2) The Department of the Army Committee Management Officer (DACMO) is designated to assist the Administrative Assistant and will—

(a) Manage the DA Committee Management Program.

(b) Provide guidance as required for the efficient operation of the DA Committee Management Program.

(c) Exercise control and provide approval, as required, for the establishment, revision, continuation, or termination of interagency, joint DOD, and intra-Army committees established by HQDA activities or having Army-wide impact.

(d) Ensure that no unnecessary committees are established.

(e) Assemble and maintain information about the Federal Advisory Committee Act and the activities of established DA Federal Advisory Committees. As required, provide reports on a timely basis.

(f) Ensure that action is taken to respond to requests submitted under the provisions of the Freedom of Information Act (5 U.S.C. 552).

(g) Periodically inspect and review the Committee Management Program to ensure that it is effectively implemented at all organizational and command levels; that the DA Federal Advisory Committees are operating in accordance with applicable legislation, orders, directives, and regulations; and that internal control systems are in place and operating effectively.

(3) Commanders of Major Army Commands (MACOM) are responsible for—

(a) Operating a committee management program within their commands.

(b) Approving intra-command committees (MACOM commanders) or intercommand committees (the major Army commander whose command will provide the chairperson for the committee will have approval authority).

(c) Ensuring that no unnecessary or illegal committees are established within their respective commands.

(d) Designating a Committee Management Officer to assist them in their committee management responsibilities, as necessary.

(4) Committee Management Officers, as designated by commanders of major Army commands will ensure that—

(a) Any committee for which his or her command is the proponent, or for which membership is provided, is properly categorized, and that those committees which are Federal Advisory Committees comply with the regulations prescribed in chapter 2.

(b) The necessary committee records and information required by this regulation are maintained in the agency or command.

(c) Each committee for which the agency or command is the proponent is promptly terminated after completing its tasks.

(d) Periodic field reviews are conducted to ensure that the Committee Management Program is effectively implemented at its subordinate levels of responsibility.

1-5. Types of committees

a. Federal Advisory Committee. Any committee that is not composed wholly of full-time officers or employees of the Federal Government. A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered a Federal Advisory Committee solely because of such membership. Detailed information on Federal Advisory Committees is contained in chapter 2.

b. Interagency committee. Any committee that has membership which consists wholly of representatives from two or more departments or agencies of the Federal Government. As used in this regulation, the Department of Defense is a single agency. Detailed information on interagency committees is contained in chapter 3.

c. Intra-Army committee. Any committee which has membership that consists wholly of Army personnel. Detailed information on intra-Army committees is contained in chapter 4.

1-6. Policy

The following general policies pertain to committee management:

a. Committees may be established to perform functions such as fact finding, research, special studies, audit, review, and inspections. They will not be established to perform duties, responsibilities, and functions that can be achieved effectively through normal command or staff action.

b. Committees provide advice and recommendations. They may not perform operational, administrative, or management responsibilities nor do they have tasking authority to fulfill such responsibilities.

c. Membership of committees is to be fairly balanced in terms of points of view represented and the functions to be performed by the committee.

d. The term “advisory” in the committee title will be used only when the committee meets the definition of a Federal Advisory Committee (5 U.S.C. App. 2).

e. Occasional meetings among representatives of the Department of the Army, other Department of Defense components, and other government departments or agencies for purposes of exchanging information, advice, and ideas, or for facilitating coordination among various organizations on problems of mutual interest, will not require the establishment of a committee unless the group takes on the characteristics of a committee. This type of working relationship is encouraged in preference to establishing a committee as defined in this regulation.

f. In accordance with the Department’s equal opportunity program, DA staff agencies and field commanders will ensure that all qualified and available personnel are given equal consideration for membership on Department of the Army committees, regardless of race, color, religion, gender, national origin, age, or physical handicap.

1-7. Proponency and exceptions

The proponent of this regulation is the Administrative Assistant to the Secretary of the Army (SAAA). The SAAA has the authority to

approve exceptions to this regulation which are consistent with controlling law and regulation. The SAAA may delegate this authority in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent. The approval authority will coordinate all questions regarding the scope of authority to approve exceptions with HQDA, OTJAG, ATTN: DAJA-AL, Washington, DC 20310-2200.

1-8. Advice and assistance

Correspondence or inquiries regarding the DA Committee Management Program or Federal Advisory Committee management should be addressed to: The DA Committee Management Officer, Office of the Administrative Assistant to the Secretary of the Army, Attn: SAAA-PP, Rm. 3D746, Pentagon, Washington, DC 20310-0105.

Chapter 2 Federal Advisory Committees

Section I Provisions

2-1. General

This chapter outlines the administrative and management controls required by the Federal Advisory Committee Act for the establishment and operation of an advisory committee. An advisory committee is any committee, board, commission, conference, panel, taskforce, or similar group composed of one or more members who are not full-time officers or employees of the Federal Government which is established or utilized to provide advice or recommendations (para 1-5a).

2-2. Policy

a. The establishment or continuation of an advisory committee will be approved only when the committee is considered essential, in the public interest, and in connection with the performance of duties which the law imposes on the Department of Defense or the Department of the Army. No committee will be considered essential if its functions could be performed effectively within an existing organizational element or committee, or by enlarging the mandate of an existing committee.

b. Established committees will be terminated whenever the stated objectives of the committee have been accomplished.

c. Committee membership must be balanced fairly.

d. Committee meetings will be open to the public except in those instances where a closed meeting has been approved in accordance with exemptions specified in the Government in the Sunshine Act (5 U.S.C. 552b(c)).

Section II Establishing, Terminating, and Renewing Advisory Committees

2-3. Establishing a committee

To establish an advisory committee, the proposing official should forward a request through channels to the DACMO at least 90 days before the proposed date of establishment. The request must include:

a. A description of the nature and purpose of the proposed advisory committee, why it is needed, and why the functions of the proposed committee cannot be performed by an existing organizational element or committee.

b. A proposed charter which includes the information listed in figure 2-1. If the committee plans to use subcommittees or subgroups, a statement to this effect should be included in the proposed charter. If specific subcommittees are known, they should be identified in the charter and sufficient information provided on their purpose and method of operation.

c. A description of the committee's plans to obtain a balanced

membership. For purposes of obtaining balance, proposing officials shall consider for membership a cross-section of interested persons and groups with demonstrated professional or personal qualifications or experience to contribute to the functions to be performed by the committee.

d. A proposed public notice of intent to establish an advisory committee. The notice will be suitable for publication in the Federal Register and will contain pertinent information about the committee and a certification that the establishment or continuation of the committee is in the public interest. A sample notice is provided in figure 2-2.

2-4. Charter filing requirements

Upon approval of the Secretary of the Army and the Secretary of Defense, the charter will be forwarded to the Administrator, GSA. When the Administrator, GSA, concurs, an announcement of intent to establish an advisory committee is submitted to the Office of the Federal Register for publication. If there is no significant or legitimate objection from any source within 15 days after public notice is given in the Federal Register, the committee charter is "filed" with Congress. The charter is considered "filed" upon submission to the appropriate standing committees of both houses of Congress and to the Library of Congress. The appropriate committees are normally those committees that exercise jurisdiction over the committee sponsor. For the Department of Defense, the committees will, with few exceptions, be the Armed Services Committees of both houses.

2-5. Committee terms

An advisory committee is "established" or "continued" on the date that its charter is filed with the appropriate committees of Congress. Each advisory committee will be established for a period not to exceed two years unless specified by law.

2-6. Terminating a committee

A nonstatutory committee may be terminated whenever its objectives have been accomplished. The termination date for a statutory committee will be as specified by law. To terminate a nonstatutory committee, the committee sponsor should provide a written request to the DACMO citing the reasons for termination. A nonstatutory advisory committee shall be automatically terminated not later than two years after it is established, unless it is renewed.

2-7. Renewing an advisory committee

An advisory committee may be renewed for an additional two-year period with proper justification. There are no restrictions on the number of times a committee may seek renewal.

2-8. Amending committee charters

The charter of a committee may be amended when it is determined that the existing charter no longer accurately reflects the goals or procedures of the committee. Changes may be minor, such as revising the number of committee members, or may be major, dealing with the basic objectives or composition of the committee.

Section III Committee Membership

2-9. Committee composition

An advisory committee may be composed entirely of non-federal members or a combination of non-federal members and full-time officers and employees of the Federal Government. The membership of a committee will be dictated by its objectives, but every attempt must be made to ensure that the membership is balanced fairly in terms of points of view represented and the functions to be performed. In this regard, key management personnel of the agency whose interests are affected by the committee and individuals representing different viewpoints and types of expertise (academic, industry, research, and so forth) should be considered. If a committee is concerned with matters involving social policy, representatives of the public interest should be included from a variety of economic and social groups and different geographic areas. There is no strict

rule for proportional representation by various groups. However, in selecting committee members, there will be no discrimination on the basis of race, color, religion, gender, national origin, age, or physical handicap.

2-10. Membership limitations

Committees with an agency-wide mission will have no more than 25 members. Committees with a more narrowly defined function or specialized area of interest will have no more than 12 members. Requests for exceptions to these limitations must be submitted to the Administrative Assistant to the Secretary of the Army.

2-11. Membership terms

Periodic turnover of committee membership is essential to ensure credibility with the Congress and to obtain different points of view. To accomplish these objectives, committee members will be appointed for a term of two years and may not serve more than two consecutive terms, or four years. Requests for exception to the two term limit must be submitted to the Administrative Assistant to the Secretary of the Army. To ensure continuity and to minimize disruption to the committee functions, membership terms should be staggered so that not more than one-third of the members are replaced in the same calendar year.

2-12. Dual membership prohibition

Without a specific exception from the Administrative Assistant to the Secretary of the Army, non-federal employees will not serve on more than one advisory committee at a time.

2-13. Membership nomination and approval process

Membership on an Army advisory committee is a nominative process. Nominees should not be given formal or informal assurance that their membership appointments or reappointments are guaranteed. Nor may they attend or participate in committee activities until formal approvals have been received and recorded in the committee records. The following nomination procedures will be followed:

a. Full-time officers and employees. These members will be nominated by their respective commanders or agency heads and submitted to the advisory committee's sponsor. Upon acceptance, the DACMO should be provided the individual's name, business address, and term of appointment. Membership terms will be as specified in paragraph 2-11.

b. Non-federal members. These members will be nominated by the advisory committee sponsor and the nominations submitted to the Administrative Assistant to the Secretary of the Army. In order to serve on an Army advisory committee, all non-federal members must also be appointed as consultants to the Federal Government. The Civilian Personnel Office servicing the committee sponsor makes the actual consultant appointment. However, the authority to make such appointments must be granted on an individual basis and requires the written consent of the DACMO on behalf of the Secretary of the Army with DOD concurrence. Accordingly, the nomination package shall be forwarded to the DACMO and should include:

(1) Two copies of Department of Defense (DD) Form 2292 (Request for Appointment or Renewal of Appointment of Consultant or Expert).

(2) Two copies of a Standard Form (SF) 171 (Application for Federal Employment) with a comprehensive resume. Data and signatures should be current.

c. The collection and reproduction of the above information must be in accordance with the provisions of 5 U.S.C. 552a (The Privacy Act). See sample notification statements at figure 2-3. Upon approval, the DACMO will provide the committee sponsor the authority to appoint the nominated individual. This written authorization will also provide membership terms and compensation data, if appropriate. The committee sponsor will then correspond with the prospective member advising him or her of the appointment.

2-14. Travel expenses and compensation

The members of an advisory committee and its staff may receive travel expenses and per diem when performing their duties away

from their homes or regular places of business. With regard to pay, the Federal Advisory Committee Act provides for compensation of advisory committee members when authorized by the sponsoring agency. However, it is the policy of the Department of the Army that all advisory committee members serve without compensation. A non-federal individual being considered for nomination to an Army advisory committee must be apprised of this intent prior to submitting a membership nomination. If compensation is requested, the following procedures will apply:

a. To request compensation for a member, the committee sponsor must certify that the appointment of the proposed individual is essential to the committee, that it is not possible to obtain the expertise and skills of an equally qualified individual without compensation, and that the proposed individual will not serve unless compensated. This certification will be forwarded to the DACMO with the nomination package.

b. The rate of compensation for the proposed member will be determined by the committee sponsor based on the individual's skills, knowledge, and abilities. However, the rate of pay may not be fixed at a rate higher than the daily equivalent of the maximum rate for a General Schedule 15 employee. Assistance in determining appropriate compensation levels can be obtained from the Civilian Personnel Office servicing the committee sponsor.

2-15. Limitation on advisory committee member services

Advisory committees are a vehicle through which the Army receives advice and recommendations. They are intended to complement command and staff actions, not act as a substitute. Consequently, services provided by advisory committee members should necessarily be short term. In keeping with this principle, committee sponsors are encouraged to limit the services of committee members to not more than 60 days in a calendar year.

2-16. Anti-trust and conflict of interest statutes

a. The activities of advisory committees are subject to anti-trust laws and committee members are not immune to prosecution under such laws. Consequently, industry representatives and DA personnel officially connected with such committees should be made aware of the anti-trust aspect of advisory committee activities. Legal advice and assistance may be obtained from the local Judge Advocate General's Office.

b. The standards of conduct, as set forth in AR 600-50, are applicable to advisory committee members without regard to whether or not they are paid for their services. Therefore, each advisory committee member should be thoroughly briefed on these standards. Additionally, as part of the membership appointment process, each prospective member will be asked to complete an SF Form 450 (Confidential Financial Disclosure Report). The form will be forwarded to the committee sponsor's Deputy Standards of Conduct Counselor or Judge Advocate General for review. The nominee may not be appointed until a determination has been made that no conflict of interest exists.

Section IV Committee Operating Procedures

2-17. Federal official designation

The committee sponsor designates a full-time federal employee to serve as the designated federal official to the advisory committee. The DACMO will be advised of this designation. The designated federal official—

- a.* Approves or calls the meetings.
- b.* Approves the meeting agenda. Copies of the agenda will be provided to the committee members before the date of the meeting.
- c.* Attends or chairs the meetings.
- d.* Adjourns the meetings when he or she determines that adjournment is in the public interest.
- e.* Maintains information on the nature, functions, and operations of the committee and its members.

2-18. Notice of advisory meeting

Except for reasons of national security, a notice of each advisory committee meeting (whether opened or closed to the public) must be published in the Federal Register at least 15 days prior to the meeting. (Sample formats are at fig 2-4.) Responsibility for providing the notice is assigned to the HQDA or major Army command sponsoring the committee. The notice must include:

- a. The exact name of the advisory committee.
- b. The time, date, place and purpose of the meeting.
- c. A summary of the agenda.
- d. A statement indicating whether all or part of the meeting is open to the public.

2-19. Federal Register publication process

Requests for notices to be published in the Federal Register will be typed double-spaced, in original and three copies. Requests should be sent directly to the Federal Register, 1100 L Street, N.W., Room 8401, Washington, DC 20408. Each notice should be accompanied by a letter of transmittal containing the following statement placed conspicuously, "In order to comply with public law and GSA regulations, this notice must be published in the Federal Register not later than (*enter a date*) (*at least 15 days before the meeting date, excluding both the date of announcement and the meeting date itself*). "To allow sufficient time for processing and publication, requests should be received by the Federal Register not later than 25 days before the meeting. If an emergency arises and notice of a meeting must be published that gives less than 15 days notice for a meeting, the notice will not be published without prior approval of the DACMO. The reason for such emergency exception will be made a part of the meeting notice.

2-20. Public participation

The Federal Advisory Committee Act requires that all meetings of advisory committees be open to the public unless a prior determination is made in writing that committee activities are concerned with matters that are specifically exempted from public disclosure (5 U.S.C. 552b(c), Government in the Sunshine Act). Therefore, each advisory committee's designated federal official must ensure that:

- a. Each advisory committee meeting is held at a reasonable time and at a place reasonably accessible to the public.
- b. The meeting room size is sufficient to accommodate advisory committee members and any interested members of the public.
- c. Any member of the public will be permitted to file a written statement with the committee before or after meetings.
- d. Interested persons will be permitted, in accordance with reasonable procedures established by the committee, to present oral statements at meetings. Committees may also establish procedures requiring such persons to obtain advance approval for participation and the extent to which members of the public may actively participate in committee meetings.

2-21. Minutes of advisory committee meetings

Minutes will be kept for each meeting of an advisory committee and its formal or informal subgroups. The chairman of each advisory committee will designate a member or other person to record and maintain the minutes. If an advisory committee issues no other report of its activities, the minutes will be formalized and sent to the agency, activity, or command to whom the committee reports. The minutes will include at least the following items:

- a. The time and place of the meeting.
- b. A list of advisory committee members and staff and agency employees present at the meetings.
- c. A complete and accurate description of issues discussed and conclusions reached.
- d. Copies of all reports received, issued, or approved by the advisory committee.
- e. The extent to which the meeting was open to the public and, if applicable, the rationale for closing the meeting, or portion, to the public.
- f. The extent of public participation, including a list of persons

presenting oral or written statements, and a synopsis of these statements.

g. An estimate of the number of public representatives who attended the meeting.

h. A certification by the chairman of the advisory committee as to the accuracy of the minutes.

2-22. Closed meeting procedures

a. To close all or part of a meeting, the designated federal official (acting on behalf of the committee) will submit a request to the DACMO at least 30 days prior to the scheduled meeting. The request for closure must cite the specific provisions of the Government in the Sunshine Act which justify the closure. (See app B for exceptions.) Approval to close a meeting may only be given by the DACMO after review by the Office of the General Counsel. The determination to close a meeting will become a part of; the committee's permanent records.

b. If a meeting is to consider several issues, one or more of which are exempt from public disclosure, only those portions of the meeting dealing with exempt topics may be closed. When all or part of the meeting is to be closed, it will be declared in the public notice of the meeting and in the agenda. When only part of the meeting is to be closed, the agenda will be arranged so that the public may attend the open portion of the meeting.

c. After a closed meeting (or portion) has been held, the committee sponsor or designated federal official will review the appropriateness of the initial determination to close the meeting. The review will consist, as a minimum, of an analysis of the minutes of the meeting in comparison with the agenda. The purpose of this review is to determine whether the closing of the meeting was proper and if not to make the results of the meeting available to the public promptly. The results of this review should be maintained with committee records.

Section V Committee Administration

2-23. Support services

Unless otherwise provided in the advisory committee's charter, the HQDA agency or major Army command to which the advisory committee reports will provide funds and the necessary support services (that is, administrative, logistical, and so forth) for the committee to perform its functions. When an advisory committee reports to more than one agency or command, only one will be responsible for support services at any one time. The agencies or commands to which advisory committees report will determine among themselves which will provide the services.

2-24. Committee records maintenance

The committee's sponsor will keep records which disclose the nature and extent of the advisory committee's activities and disposition of any funds and other resources made available to it. As a minimum, these records should show the status of any recommendations made by the committee and the expenses for government and non-government committee members in the following categories:

- a. Travel costs.
- b. Per diem costs.
- c. Salaries and wages (full-time and part-time support).
- d. Meals and associated costs (committee-hosted activities, not individual meals paid for through per diem).
- e. Supplies, equipment, and facility rental or leasing costs.

2-25. Access to committee documents

a. The documents of each advisory committee will be available for public inspection and copying in accordance with the provisions of the Freedom of Information Act and AR 25-55. These documents include records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were prepared by or for each advisory committee. These documents will be available for inspection or copying in the offices of the advisory

committee or its sponsor. Disposition of advisory committee documents after termination of the committee will be in accordance with AR 25-400-2 series.

b. The Comptroller General of the United States or his authorized representatives will have access, for the purpose of audit and examination, of any committee records.

c. Periodically, the DACMO and DOD representatives will conduct on-site reviews of the records of all DA advisory committees to ensure compliance with the Federal Advisory Committee Act and all applicable rules and regulations. As a minimum, the following will be reviewed:

- (1) The advisory committee minutes (classified and unclassified).
- (2) Meeting notices.
- (3) Determinations to close meetings.
- (4) Conflict of interest procedures, forms, and records.
- (5) Methods used to select members including procedures relative to achieving balance.
- (6) Operating procedures established by the committee sponsor.
- (7) Other applicable records or formal reports.

Section VI Reporting Requirements

2-26. Management reports

These reports address the administration or management of the advisory committee. They are normally prepared by either the committee itself or its sponsor. Specific format instructions and submission dates will be provided by the DACMO. These reports are:

a. *The President's Annual Report.* On an annual basis the DACMO will request each command or activity to prepare a report on the status of each advisory committee within its jurisdiction. The information provided in this report will be included in The President's Annual Report which is submitted to Congress.

b. *Closed meeting report.* Advisory committees holding closed meetings (in whole or in part) are required to prepare an annual closed meeting report. Copies of the report will be filed with the Library of Congress for public inspection and use.

c. *Other reports.* Other management reports may be required to support requests from Congress, the Office of Management and Budget, or the Office of the Secretary of Defense. Such requirements will be by separate action.

2-27. Advisory committee activities reports

These reports provide information on the proceedings of advisory committee meetings or other activities relating to the committee's efforts to accomplish its objectives. The reports may be formal or informal and are normally issued by the committee or its sponsor. Submission requirements are as follows:

a. *Formal Reports.* Many advisory committees issue formal reports of their activities, particularly if they conduct special studies or inquiries. The Federal Advisory Committee Act requires that each advisory committee provide for the filing of at least eight copies of each of its reports with the Library of Congress, including when appropriate, background papers prepared by the committee members. Classified reports will not be submitted; however, unclassified summaries of these reports should be prepared and forwarded. All reports for filing must be forwarded to the DACMO for submission to the Library of Congress.

b. *Minutes.* The minutes of advisory committee meetings normally are not considered as reports of advisory committee proceedings. If the committee issues no other report of its activities, then the minutes of its meetings must be formalized as a report and submitted to the agency, activity, or command to whom the committee reports and to the DACMO for forwarding to the Library of Congress.

2-28. Correspondence and inquiries

The DACMO, Office of the Administrative Assistant to the Secretary of the Army, Room 3D746, Pentagon, Washington, DC 20310-0105, will respond to correspondence or inquiries relating to the establishment and management of Federal Advisory Committees.

Charter of the *(Name of Committee)*

1. Committee's Official Designation. *Enter the committee's name.*
2. Objectives and Scope. *The committee's objectives and the scope of its activities.*
3. Duration. *The period of time necessary for the committee to carry out its purposes. (This is the length of time required for the committee to complete its functions, not the number of meetings expected to be held.)*
4. Official to Whom Committee Reports. *Enter the agency or official to whom the committee reports.*
5. Sponsor and Agency Providing Support. *The agency responsible for providing the necessary support for the committee.*
6. Duties. *A description of the duties for which the committee is responsible, and if such duties are not solely advisory, a specification of authority for such functions.*
7. Estimated Annual Cost. *The estimated annual operating costs in dollars and man-years for the committee.*
8. Frequency of Meetings. *The estimated number and frequency of committee meetings.*

Figure 2-1. Sample of an Advisory Committee Charter—Continued

9. Termination Date. *The committee's termination date, if less than 2 years from the date of the committee's establishment.*
10. Composition of Committee. *Composition and terms of membership.*
11. Subcommittees. *Enter name and objectives of any subcommittees.*
12. Date charter filed: *(Please leave blank).*

Figure 2-1. Sample of an Advisory Committee Charter

Establishing or Renewing a Federal Advisory Committee

In accordance with provisions of 5 U.S.C. App. 2, a notice in the Federal Register is required when any advisory committee, except a committee directed by law or established by the President, is established or renewed. This notice will advise the public of the intent to establish, or renew an advisory committee and will include pertinent information about the committee and a certification that the committee is in the public interest. Notice will be typed double spaced on plain bond paper as follows:

(Name of Committee)

In accordance with the provisions of 5 U.S.C. App.2, the Federal Advisory Committee Act, notice is hereby given that the *(Name of Committee)* has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The General Services Administrator has also reviewed the justification for this advisory committee and concurs with its *(establishment, re-establishment or renewal)*.

The nature and purpose of the *(Name of Committee)* is *(purpose)* .

(Signature)

Director

CORRESPONDENCE AND DIRECTIVES

Washington Headquarters Services

Department of Defense

Figure 2-2. Sample of a Federal Register Notice

The collection and reproduction of personal information pertaining to prospective Federal Advisory Committee members who are not full-time employees or officers of the Federal Government must be in accordance with the provisions of 5 U.S.C. 552a. Accordingly, the following statements should be provided to prospective members with biographical data.

Dear *(Prospective Member's Name)*

Under the provisions of 5 U.S.C. App. 2, the Congress and the public are to be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees. Therefore, individual membership and all background information relating thereto is available as a part of committee records for public review and is used to comply with advisory committee reporting requirements as stated in 5 U.S.C. App. 2 and implementing Directives.

The biographical data requested on the attached sample resume is requested to determine your eligibility on the *(Name of Advisory Committee)*. If your membership appointment is approved, the background information used to determine eligibility will be subject to public disclosure.

Under the Privacy Act of 1974, you may elect not to provide any or all of the requested biographical data. However, without the information, your eligibility for membership cannot be adequately determined. If you understand and agree to the requested submission, please sign the statement below and return it to me.

Figure 2-3. Sample Privacy Act Statements—Continued

(Signature of agency representative)

Statement

I have completed the required forms and provided the requested biographical data. I understand that the above information is provided as part of the process of determining my eligibility for membership on the *(Name of Advisory Committee)* and that as a member of this advisory committee, the fact of my membership, as well as the personal and professional information on which my eligibility was determined, is a matter subject to public disclosure. Accordingly, I hereby authorize the release of the requested information as it pertains to my membership and participation in the activities of the above-named committee.

(Prospective member's signature)
(Typed or printed name)

Figure 2-3. Sample Privacy Act Statements

Notice of Open Meeting

In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (5 U.S.C. App.2), announcement is made of the following Committee meeting:

Name of Committee:
Date of Meeting:
Place:
Time:
Proposed Agenda:

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee. For further information, contact *(list appropriate point of contact's name, business address and business telephone number)*.

(Signature block)

Notice of Closed (Partially Closed) Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), announcement is made of the following Committee meeting:

Name of Committee:
Date of Meeting:
Time:
Proposed Agenda:

This meeting is closed *(partially closed)* to the public since *(detail reasons)*.

(Signature block)

Note: All notices will be typed double-spaced on plain bond paper and submitted to the Federal Register in an original and three copies. Each copy must be signed by the appropriate committee sponsor. Stamped and signature facsimiles are not acceptable on either the originals or copies.

Figure 2-4. Sample of a Federal Register Notice — Notice of Meeting

Chapter 3 Interagency and Joint DOD Committees

3-1. General

This chapter prescribes policies, procedures and authorities for the establishment and management of interagency and joint DOD committees. An interagency committee is any committee which consists wholly of representatives from two or more departments or agencies of the Federal Government. A joint DOD committee is any committee which has only DOD representatives.

3-2. Establishing a committee

a. All committees operating under the provisions of this chapter must be formally established by charter, letter or similar document. The proposing staff agency or MACOM should coordinate with all interested organizations, and if applicable, any similar existing committees prior to submitting a proposal to establish an interagency or joint DOD committee. Documentation required to establish a committee must include:

- (1) An explanation of the committee's objectives and activities.
- (2) A charter and proposed membership composition. (Sample charter/terms of reference are at fig 3-1).

b. Interagency and joint DOD committees may be established for a period not to exceed two years. Approval authorities are as indicated in paragraph 1-4. Administrative and financial support will be provided by the sponsoring agency, activity, or command.

3-3. Continuing or terminating an existing committee

a. Termination is automatic at the end of the second year unless a prior date for termination has been established.

b. To continue a committee beyond the two-year automatic or specified termination date, a recommendation should be forwarded

through channels to the appropriate approval authority (para 1-4). The recommendation should justify the continuance of the committee and provide an updated charter.

c. To terminate an existing committee before its two-year expiration date, the sponsoring agency should forward a recommendation through channels to the appropriate approval authority (para 1-4).

3-4. Reporting requirements

There are no regular reporting requirements for the committees designated in this chapter. As a minimum, the agency's responsible committee management officer should maintain information on the committee's establishment, activities undertaken to complete its stated objectives, and membership data.

3-5. Contributory funding

(Applicable to interagency committees only). The contribution of funds by member agencies in support of interagency committees is subject to approval by the Office of the Assistant Secretary of the Army (Financial Management). Proposals by the Department of the Army to establish or extend an interagency committee under a contributory funding arrangement will be submitted through committee management channels, only after it has been determined that:

a. The activities of the committee are within the scope of authority and responsibility of several agencies with no single agency having paramount responsibility.

b. It is not practical for the chairing agency to provide for the full support of the committee.

c. Contributions by agency staffs and other participants are not sufficient.

d. The special needs or unique circumstances of the committee require a contributory funding arrangement.

-
1. Name of Committee. *Full name or title of committee exactly as established. If a subcommittee, include name of parent committee.*
 2. Date Established. *Date the committee was formally established. (If the committee has replaced an identical or similar committee that was established under another name, show the name of the former committee and the date of its establishment, if known, or show the name of the superseded committee in parentheses following the name of the present committee under item 1 above.)*
 3. Date to be Terminated. *The date through which a committee is authorized or proposed to be continued.*
 4. Category and Type of Committee. *Determine category of committee based on definitions in this regulation.*
 5. Mission or Purpose. *Brief description of the mission or purpose and functions of the committee.*
 6. Direction and Control. *Title of official and/or name of organization to whom the committee reports and from whom it receives its direction.*
 7. Authority. *List directives authorizing or suggesting committee, if applicable; if no written directive document, list verbal authority.*
 8. Administrative Support and Staff Arrangements. *Name(s) of the Executive Secretary, Secretary, Staff Director, and/or Recorder, if any; the numbers of full-time and part-time officers and clerical personnel engaged in providing administrative support if any; and the funding arrangements for office services and facilities, transportation, pay and other related expense, including the name of the responsible agency or office.*
 9. Composition. *The Chairperson and Vice Chairperson (or equivalent) by name, official title, and office; the members and other representatives by department or agency and the office or unit within the department or agency.*
 10. Committee Level and Other Data. *Independent committee, subcommittee, working group, or task force reporting to or assisting another committee; names of committee organizations operating above and below the committee, when such exist. Any other information that may be pertinent to the operations of the committee, such as rotation of chairperson assignment, when applicable; existence of similar committee operations under another name; any special reporting requirements.*
 11. Correspondence. *Explain the correspondence or communications channel to and from the committee.*

Figure 3-1. Sample of an Interagency and Joint DOD Committee Charter and Terms of Reference

Chapter 4 Intra-Army Committees

4-1. Policy

An intra-Army committee will be established only when it is necessary and beneficial to the Army. Committees may investigate, advise and report on specific problems or subject areas. They should not duplicate existing Army operational or administrative functions, nor should they be created as an extension to an HQDA agency or major Army command. Committee membership will be limited to only full-time officers and employees of the Army.

4-2. Types of intra-Army committees

In this chapter, the term “committee” applies to councils, boards, ad-hoc committees, a task force, panels, and commissions. It does not apply to study advisory groups which are established under the provisions of AR 5-5. The following types of intra-Army committees exist:

a. Departmental committees. Any committee that is established by an HQDA agency and having an assigned mission that is department-wide. It may include representatives from major Army commands or field operating agencies.

b. Intra-agency committees. Any committee established by an HQDA agency and composed wholly of representatives from within a single agency.

c. Intra-command committees. Any committee established by a major Army command and composed wholly of representatives from a single command.

d. Intercommand committees. Any committee established by a major Army command with membership composed of representatives from two or more such commands.

4-3. Establishing an intra-Army committee

All intra-Army committees must be formally established by charter, letter, or similar document. As a minimum, the information contained in figure 3-1 should be addressed. The proposing activity should affect coordination through appropriate channels prior to submitting a proposal to establish a committee. Documentation requirements for the establishment of intra-Army committees are as follows:

a. Departmental committees. Proposals to establish a departmental committee will include an explanation of the committee’s objectives, a proposed charter, and why its objectives exceed the capabilities of normal staff processes.

b. Intra-agency committees. Proposals to establish an intra-agency committee will meet the same criteria outlined for departmental committees.

c. Intra-command committees. Committees will be established in accordance with command and agency prescribed procedures. These procedures should be in an official command or agency publication; should provide for a system which permits effective management of intra-command/agency committees; and should be in compliance with the responsibilities prescribed in paragraph 1-4c(3).

d. Intercommand committees. Committees will be established in accordance with command prescribed procedures. The information prescribed for departmental committees is appropriate for a sound evaluation of the committee’s intent, purpose, and probable benefit to DA.

4-4. Continuing or terminating intra-Army committees

a. Army departmental and intra-agency committees will be terminated two years after establishment unless otherwise specified. All proposals to continue a departmental or intra-agency committee must provide the documentation required in paragraph 4-3a. Where an intra-Army committee is required by Army regulation, the proponent of the regulation is responsible for coordinating the justification of the continuance of the committee with the DACMO.

b. Major Army command committees will be continued or terminated in accordance with command prescribed procedures consistent with the intent of this regulation.

4-5. Reporting requirement

There are no regular reporting requirements for the committees designated in this chapter. However, as a minimum, information on the committee’s establishment, activities, and membership should be maintained by the appropriate committee.

4-6. Support services and financial support

The sponsoring agency, activity, or major Army command will provide financial support and other services (that is, administrative, logistical, and so on) for its respective committees.

Appendix A References

Section I Required Publications

There are no entries in this section.

Section II Related Publications

AR 5-5

Army Studies and Analysis

AR 25-55

The Department of the Army Freedom of Information Act Program

AR 25-400-2-Series

The Modern Army Recordkeeping System (MARKS)

AR 600-50

Standards of Conduct for Department of the Army Personnel

5 USC 552

Government in the Sunshine Act

Public Law 92-463

Federal Advisory Committee Act

Public Law 93-579

The Privacy Act

Section III Prescribed Forms

DD Form 2292

Request for Appointment or Renewal of Appointment of Consultant or Expert

Section IV Referenced Forms

SF 171

Application for Federal Employment

SF 450

Confidential Financial Disclosure Report

Appendix B Exceptions for Closing Advisory Committee Meetings

Extract from: SECTION 552b(c), TITLE 5, UNITED STATES CODE

(c) Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of an agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the disclosure of such information is likely to—

(1) disclose matters that are (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive Order;

(2) relate solely to the internal personnel rules and practices of an agency;

(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would: (A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation in currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution; or (B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action, except that subparagraph (B) shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after the opportunity for a hearing.

Glossary

Section I Abbreviations

ARNG

Army National Guard

DA

Department of the Army

DACMO

Department of the Army Committee Management Officer

DOD

Department of Defense

GSA

General Services Administration

HQDA

Headquarters, Department of the Army

MACOM

Major Army Command

USAR

United States Army Reserve

USC

United States Code

Section II Terms

Ad-hoc committee

A committee with a specified life of one year or less whose purpose is limited to nonrecurring problems of limited impact.

Closed meeting report

An annual report which advisory committees holding closed meetings (in whole or in part) are required to prepare. Copies of the report are filed with the Library of Congress for public inspection and use.

Committee

A committee is a body of individuals with a formally established collective responsibility appointed to consider, investigate, advise, and usually to report on specific Army or Defense problems or subject areas. In general, committees have the following characteristics: (1) fixed membership, (2) a defined purpose to provide advice and (3) regular or periodic meetings.

Committee sponsor

The agency, command, or activity to which a committee reports.

Continuing committee

A committee established with a general assignment for a period of time not to exceed two years. A continuing committee may be renewed for additional two-year periods provided there is a proper justification with each renewal.

Contributory funding

The contribution of funds by member agencies in support of interagency committees. Such funding is subject to approval by the Comptroller of the Army.

Corporate or collective responsibility

Refers to when persons who come together as a "committee" temporarily give up their individual work identities when actually serving as a member of the committee, and take on a single, unified group identity and responsibility.

Department of the Army Committee Management Officer

An individual designated by the Administrative Assistant to the Secretary of the Army to assist him in managing the DA Committee Management Program.

Departmental committee

Any committee that is established by an HQDA agency and having an assigned mission that is department-wide. It may include representatives from major Army commands or field operating agencies under the direct supervision of Army staff agencies.

Designated federal official

A full-time federal employee designated by the Federal Advisory Committee sponsor to serve as designated federal official to the advisory committee. The official has oversight responsibility for committee meetings and for general information on the nature of the committee.

Federal Advisory Committee

Any committee that is not composed wholly of full-time officers or employees of the Federal Government. The provisions of the Federal Advisory Committee Act do not apply, however, to local groups, nonappropriated fund instrumentalities, Department of Defense dependent school committees, equal employment opportunity councils, retiree councils, family liaison action groups, or similar groups whose primary function is to provide advice or recommendations to installation officials on related matters.

Full-time officer or employee

Any Presidential appointee, elected or appointed member of Congress, Civil Service employee, nonappropriated fund employee, Federal Service employee, or uniformed member of the Armed Service who works full-time for the Federal Government.

Interagency committee

Any committee whose membership consists wholly of representatives from two or more departments or agencies of the Federal Government. As used in this regulation, the Department of Defense is a single agency.

Intercommand committee

Any committee established by a major Army

command with membership composed of representatives from two or more such commands.

Intra-agency committee

Any committee established by an HQDA agency and composed wholly of representatives from within a single agency.

Intra-Army committee

Any committee whose membership consists wholly of Army personnel.

Intra-command committee

Any committee established by a major Army command and composed wholly of representatives from within one command.

President's Annual Report

A report submitted on an annual basis to Congress which includes information provided by the DACMO on the status of all Federal Advisory Committees.

Terms of reference

The written authority which directs or authorizes the establishment of an interagency or intra-Army committee. Terms of reference may be in the form of a charter, directive, statute, regulation, or other official written media.

Section III

Special Abbreviations and Terms

There are no entries in this section.

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Unclassified

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DATE: 10-16-98

TIME: 14:44:32

PAGES SET: 16

DATA FILE: a27.fil

DOCUMENT: AR 15-1

DOC STATUS: NEW PUBLICATION