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***Army Regulation 15–1**

Effective 20 December 2023

Boards, Commissions, and Committees

Department of the Army Federal Advisory Committee Management Program

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


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Administrative Assistant to the
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History. This publication is a major revision. The portions affected by this major revision are listed in the summary of change.

Authorities. This regulation implements DoDI 5105.04 and Title 5, United States Code, Chapter 10.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority. The proponent for this regulation is the Administrative Assistant to the Secretary of the Army. The proponent or a higher authority may approve exceptions to this regulation that are consistent with controlling law and regulation. The proponent may delegate this authority in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent. Activities may request waivers to this regulation by providing justification that includes a full analysis of the expected benefits of the waiver; and must include formal review by the activity's senior legal officer. All waiver requests must be endorsed by the commander or senior leader of the requesting activity and forwarded through the activity's higher headquarters to the proponent of this policy. Refer to AR 25–30 for specific requirements.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Suggested improvements. Users are invited to send comments or suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to email usarmy.pentagon.hqda-hsa.mbx.committee-management@army.mil.

Distribution. This publication is available in electronic media only and is intended for the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.

*This regulation supersedes AR 15–1, dated 13 July 2018

SUMMARY of CHANGE

AR 15–1

Department of the Army Federal Advisory Committee Management Program

This major revision, dated 20 November 2023—

- Adds policy for approval of terms of reference for Army-sponsored Federal Advisory Committees or Subcommittees (para 1–6g).
- Added Administrative Assistant to the Secretary of the Army responsibility to appoint, in writing, designated Federal officers and alternate designated Federal officers, as needed, for each Army-sponsored Federal Advisory Committee or Subcommittee established or supported by Department of Defense (para 1–8f).
- Added Assistant Secretary of the Army (Acquisition, Logistics and Technology) responsibility to determine, in consultation with the Office of General Counsel, whether to close all or part of a United States Army Science Board or Subcommittee meeting to the public pursuant to 5 USC 552b(c) (para 1–9).
- Specifies responsibilities for Army Designated Federal officers (para 1–10).
- Updates member nominations policy (para 2–4).
- Removes nonvoting consultant nominations policy (para 2–5).
- Updates references (appendix A).
- Updates Internal Control Evaluation Test questions (para B–4).
- Updates Glossary.

Contents (Listed by chapter and page number)

Summary of Change

Chapter 1

Introduction, *page 1*

Chapter 2

Federal Advisory Committees, *page 3*

Appendixes

A. References, *page 6*

B. Internal Control Evaluation, *page 7*

Glossary of Terms

Chapter 1 Introduction

Section I

General

1–1. Purpose

This regulation sets forth the basic policies and principles governing the Department of the Army (DA) Federal Advisory Committee Management Program. This program is required by Department of Defense Instruction (DoDI) 5105.04 and the provisions of the Federal Advisory Committee Act (FACA) of 1972, as amended (Title 5, United States Code (USC), Chapter 10) for Federal Advisory Committees.

1–2. References, forms, and explanation of abbreviations

See appendix A. The abbreviations, brevity codes, and acronyms (ABCAs) used in this electronic publication are defined when you hover over them. All ABCAs are listed in the ABCA directory located at <https://armypubs.army.mil/>.

1–3. Associated publications

This section contains no entries.

1–4. Responsibilities

See section II of this chapter.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this publication are addressed in the Records Retention Schedule–Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

Section II

Responsibilities

1–6. Secretary of the Army

The Secretary of the Army (SECARMY) is the Department of Defense (DoD) Sponsor for Federal Advisory Committees or Subcommittees established or supported by DoD and sponsored by DA. The SECARMY appoints the Administrative Assistant to the Secretary of the Army (AASA) as the Army Group Federal Officer (GFO) to assist in the oversight and management of Army-sponsored Federal Advisory Committees or Subcommittees established or supported by DoD. Specific responsibilities for DoD Sponsors, in general, are described in DoDI 5105.04. As a DoD Sponsor, the SECARMY will—

- a. Make recommendations to the Office of the Secretary of Defense (OSD) regarding the establishment, renewal, or termination of Army-sponsored DoD-supported Federal Advisory Committees.
- b. Obtain approval from the Secretary of Defense, or designee, to appoint qualified individuals to serve on Army-sponsored Federal Advisory Committees or Subcommittees established or supported by DoD. Consistent with DoD policy, all requests to invite, appoint, or renew the appointment of individuals to advisory committees or subcommittees established or supported by DoD must be reviewed for compliance by the DoD Advisory Committee Management Officer (ACMO) and appropriate OSD officials prior to coordination with the Secretary of Defense or designee.
- c. Ensure that Army organizations cooperate with Army-sponsored DoD-supported Federal Advisory Committees and furnish such information and assistance as is necessary for the performance of their functions, consistent with applicable laws.
- d. Delegate authority to appoint, in writing, designated Federal officers (DFOs) and alternate DFOs, as needed, for each Army-sponsored Federal Advisory Committee or Subcommittee established or supported by DoD to the AASA.

e. Determine, in consultation with the Office of the Army General Counsel (OGC), whether to close all or part of a committee meeting to the public pursuant to 5 USC Chapter 552b(c). This authority is further delegated to the AASA for all closed meeting requests and Assistant Secretary of the Army (ASA) (Acquisition, Logistics and Technology) (ALT) for United States Army Science Board Committee requests only.

f. Evaluate, unless prohibited by a statute or executive order, a committee's independent advice, and recommendations, and determine whether the DA will implement actions or policies.

g. Unless otherwise directed by statute, Presidential directive, or determination by the Secretary of Defense or the Deputy Secretary of Defense, approve work to be performed by all Army-sponsored Federal Advisory Committees or Subcommittees in written tasks or terms of reference (TOR).

h. Provide a copy of all delegations to the DoD ACMO (see DoDI 5105.04).

i. Determine whether to establish subcommittees for any Army-sponsored Federal Advisory Committees according to DoD policy.

1-7. U.S. Army General Counsel

The GC will—

a. Provide legal counsel on matters pertaining to the Army's aspects of the DoD Federal Advisory Committee Management Program.

b. Review requests to close or partially close a committee meeting to the public pursuant to 5 USC 552b(c).

c. Review and retain a copy of the financial disclosure reports submitted by members of committees that an organization in the Army Secretariat supports. The appropriate command ethics counselor will review the financial disclosure reports of other committee members.

1-8. Administrative Assistant to the Secretary of the Army

The AASA is the proponent of this regulation and oversees DA's overall compliance with DoDI 5105.04. The AASA, under the authority, direction, and control of the DoD Sponsor, will serve as the Army GFO. As the Army GFO, the AASA will—

a. Assist the DoD Sponsor in the administrative oversight and management of their aspects of the DoD Federal Advisory Committee Management Program.

b. Oversee Army-sponsored Federal Advisory Committees compliance with Part 102-3, Title 41, Code of Federal Regulations (41 CFR 102-3.5 through 102-3.185), 5 USC Appendix, DoDI 5105.04, and all other relevant Federal statutes and regulations.

c. Develop and maintain a DA Committee Management Program that ensures compliance with the appropriate statutes, executive orders, policies, and regulations.

d. Develop and implement Armywide policies and procedures to ensure compliance with 41 CFR 102-3.5 through 102-3.185, 5 USC Appendix, and DoDI 5105.04.

e. Consult with OGC on legal matters pertaining to the Army's aspects of the DoD Federal Advisory Committee Management Program.

f. Appoint, in writing, DFOs, and alternate DFOs, as needed, for each Army-sponsored Federal Advisory Committee or Subcommittee established or supported by DoD.

g. Determine, in consultation with the OGC, whether to close all or part of a committee meeting to the public pursuant to 5 USC 552b(c).

h. Maintain copies of all DFO appointment memoranda and provide copies to the DoD ACMO.

1-9. Assistant Secretary of the Army (Acquisition, Logistics and Technology)

The ASA(ALT) will determine, in consultation with the OGC, whether to close all or part of a United States Army Science Board or Subcommittee meeting to the public pursuant to 5 USC 552b(c).

1-10. Army Designated Federal Officers

DFOs serve as the Federal Government's representative to the committee, ensuring that the committee is in compliance with all applicable regulations and guidance. Appointed DFOs will—

a. Submit nomination request packages to the Office of the AASA (OAA) as specified in paragraph 2-4.

b. Ensure that approved nominees comply with all regulatory appointment requirements before engaging in committee work.

- c. Obtain documentation and coordinate with appropriate servicing human resources offices as needed as specified in paragraph 2–4c(3).
- d. Input members' information into the General Services Administration (GSA) FACA database.
- e. Submit charter renewals, amendments, or terminations and subcommittee establishment requests to OAA as specified in paragraphs 2–5 and 2–6.
- f. Submit closed meeting requests to the appropriate approval authority as specified in paragraph 2–7.
- g. Maintain records on cost and members and committee reports.
- h. Submit reports as specified in paragraph 2–8.
- i. Approve meeting agendas and call, attend, and adjourn meetings.
- j. Submit FRNs to announce meetings as specified in paragraph 2–9.

Chapter 2

Federal Advisory Committees

Section I

Provisions

2–1. Purpose

This chapter incorporates and implements the requirements and guidance set forth in DoDI 5105.04. Detailed information on Federal Advisory Committees is available in DoDI 5105.04.

2–2. Advisory committee guidance

An advisory committee is established by statute, Presidential directive, or under the agency head's authority. Within DoD, the authority to establish a discretionary advisory committee rests with the OSD and applies to all advisory committees and subcommittees established or supported by the DoD where one or more individuals are not a full-time or permanent part-time Federal civilian officer or employee or active duty member of the Uniformed Services. In addition, the following guidance applies:

- a. No committee will be considered essential if its functions can be performed effectively within an existing organizational element or committee or by enlarging the mandate of an existing committee.
- b. No committee will be considered part of any DoD organizational structure.
- c. An established committee will be terminated whenever the committee has accomplished its stated objectives.
- d. Committee meetings will be open to the public except when a closed meeting has been approved in accordance with exemptions specified in 5 USC 552b(c).

2–3. Committee members and composition

Committee membership, as a whole, will be balanced in terms of the points of view and the functions to be performed.

Section II

Program Guidance

2–4. Member nominations

- a. Membership on a Federal Advisory Committee or subcommittee is a nominative process that requires approval from the Secretary or Deputy Secretary of Defense.
- b. DoDI 5105.04 and policy memorandums issued by the OSD describe the process for the DoD committee member selection and appointments.
- c. The Army procedures within the DoD process follows:
 - (1) The Army DFO will submit a nomination request package to the Army GFO for coordination by the DoD Sponsor with the Secretary of Defense or designee. The nomination package will include the following:
 - (a) For new appointments or reappointments to an additional multiyear term of service, the request memorandum will specify a term of service length (1 to 4 years) consistent with the committee's charter. The request will specify the existing members' term of service inclusive dates for the annual renewal of appointments. Multiple nominees may be listed in one memorandum.

(b) The nominee's resume or curriculum vitae with comprehensive information regarding their qualifications to serve on the committee.

(c) The DD Form 2292 (Request for Appointment or Renewal of Appointment of Expert or Consultant or Advisory Board Member) will include the signature of the appropriate standards of conduct authority that indicates review of the Office of Government Ethics Form 450 (Confidential Financial Disclosure Report) for potential conflicts of interest. This form will be filed electronically using the Financial Disclosure Management System as appropriate.

(2) The SECARMY will obtain appointment approval from the Secretary or Deputy Secretary of Defense.

(3) The Army DFO will ensure that the approved nominees comply with all regulatory appointment requirements before engaging in committee work (see DoDI 5101.04 for requirements). In addition, the Army DFO will obtain a completed DA Form 5412 (Waiver of Compensation Statement) from the member. If applicable, the Army DFO will collect the completed appointment paperwork from the special Government employee (SGE) member and coordinate with the appropriate servicing human resources office to appoint the member as an SGE. The Army DFO will input the member's information into the GSA FACA database.

2-5. Charters

a. Establishment. Submit requests to establish an Army-sponsored Federal Advisory Committee to the Office of the AASA (OAA) for review and submission to the DoD Sponsor. The request will include an initial draft charter containing the required charter components and a memorandum containing the elements of justification (see DoDI 5105.04).

b. Renewal. FACA committee charters will contain a termination date no later than two years after the charter's current filing date. To renew a charter, the Army DFO will submit a renewal request to the OAA for processing no later than 180 days before the committee's charter expiration date. The DFO will obtain additional coordination as specified by the OAA. The request will specify proposed updates to the charter, if any, and will include a justification to renew in accordance with DoDI 5105.04.

c. Amendments. The Army DFO will submit proposed amendments to the OAA for processing.

d. Termination. The Army DFO will submit requests to terminate a committee prior to the charter's expiration date to the OAA for processing.

e. Approval and filing of charters. For each charter action, the OAA will review the request and, as appropriate, will submit a request to the DoD ACMO for final determination. The DoD ACMO files copies of approved charters with the GSA, the Library of Congress, and the appropriate Congressional oversight committees.

2-6. Establishment of subcommittees

When establishing a subcommittee is required to fulfill the advisory committee's mission, the Army DFO will initiate coordination with the OAA by submitting a draft TOR. The OAA, in coordination with the Army DFO and the DoD ACMO, will submit a request to establish the subcommittee to the DoD Sponsor for approval. If approved by the DoD Sponsor, the OAA will prepare the necessary paperwork for the appointment of the subcommittee members in accordance with DoD policy. All subcommittee recommendations must be submitted to the parent committee for deliberation and subsequent submission by the parent committee to the Government decisionmaker.

2-7. Closed meeting determinations

To close all or any portion of a meeting, the Army DFO must submit a request to the closed meeting approval authority (see sections 1-6g and 1-7) for review at least 45 days before the scheduled meeting. The request for closure must cite the specific exemption(s) of the 5 USC 552b(c) and include appropriate justification to support the Army DFO's request to close all or a portion of a meeting to the public. In accordance with 41 CFR 102-3.155, OGC will review all requests to close meetings and provide a legal determination to the closed meeting approval authority. In consultation with OGC, the closed meeting approval authority will provide a written determination to the DFO. Consistent with judicial rulings every request to close all or a portion of a meeting to the public must be done individually and based on an approved meeting agenda. Under no circumstances will any blanket closed meeting determinations be allowed.

2–8. Reporting requirements

Army DFOs will submit reports as required by the DoD ACMO or the OAA. Annual DoD ACMO required reports include the following:

a. Annual comprehensive review. Each DFO will update and verify the accuracy of their portion of the GSA FACA database in accordance with DoD ACMO and Committee Management Secretariat in the GSA guidelines.

b. Annual report of closed or partially-closed committee or subcommittee meetings. Each DFO will submit either a negative response or a closed or partially-closed meeting report in accordance with DoD ACMO guidance.

2–9. Federal register notices

Army DFOs will submit requests to the appropriate approval authority and, once approved, to the appropriate Federal Register Liaison Officer to post Federal Register Notices (FRNs) in the Federal Register announcing committee meetings at least 15 calendar days in advance. See AR 25–58 for publishing to the federal registry policy.

Appendix A

References

Section I

Required Publications

DoDI 5105.04

Department of Defense Federal Advisory Committee Management Program (Cited in title page.) (Available at <https://www.esd.whs.mil/>.)

41 CFR 102–3

Federal Advisory Committee Management (Cited in para 1–8*b*.) (Available at <https://www.ecfr.gov/>.)

5 USC Chapter 10

Federal Advisory Committee Act, as amended (Cited in title page.) (Available at <https://uscode.house.gov/>.)

5 USC 552b(c)

Government in the Sunshine Act (Open Meetings) (Cited in para 1–7*b*.) (Available at <https://uscode.house.gov/>.)

Section II

Prescribed Forms

This section contains no entries.

Appendix B

Internal Control Evaluation

B–1. Function

The function covered by this evaluation is the management and administration of the DA Federal Advisory Committee Management Program.

B–2. Purpose

The purpose of this evaluation is to assist the Office of the AASA in evaluating the key internal controls listed. It is not intended to cover all controls.

B–3. Instructions

Answers must be based on the actual testing of internal controls (such as document analysis, direct observation, sampling, and simulation). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls must be formally evaluated at least once every five years. Certification that this evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test questions

- a. Office of the AASA evaluation—
 - (1) Was each Army DFO appointed in writing?
 - (2) Was each Army DFO informed of their duties and responsibilities?
 - (3) Was each Army DFO kept abreast of policy, regulation, and guidance changes?
 - (4) Was each Army-sponsored DoD-supported committee properly established with an approved filed charter prior to convening meetings?
 - (5) Did each subcommittee have a properly approved TOR on file?
 - (6) Was each closed meeting reviewed by OGC and approved by the correct approval authority?
- b. Army DFOs evaluation—
 - (1) Were nomination request packages submitted to OAA as specified in paragraph 2–4?
 - (2) Were approved nominees in compliance with all regulatory appointment requirements before engaging in committee work?
 - (3) Did DFO obtain documentation and coordinate with appropriate servicing human resources offices as needed as specified in paragraph 2–4c(3)?
 - (4) Did DFO input member's information into the GSA FACA database?
 - (5) Did DFO submit charter renewals, amendments, or terminations and subcommittee establishment requests to OAA as specified in paragraphs 2–5 and 2–6?
 - (6) Did DFO submit closed meeting requests to appropriate approval authority as specified in paragraph 2–7?
 - (7) Did DFO maintain records on cost and members and committee reports?
 - (8) Did DFO submit reports as specified in paragraph 2–8?
 - (9) Did DFO approve meeting agendas and call, attend, and adjourn meetings?
 - (10) Did DFO submit FRNs to announce meetings as specified in paragraph 2–9?

B–5. Supersession

This evaluation replaces the evaluation previously published in AR 15–1, dated 13 July 2018.

B–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Office of the AASA (AAHS–SP) via email usarmy.pentagon.hqda-hsa.mbx.committee-management@army.mil.

Glossary of Terms

Advisory committee

Any committee, subcommittee, board, commission, council, conference, panel, task force, or other similar groups which is established by statute or reorganization plan, established, or utilized by the President of the United States, or established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government. As defined, “Advisory Committee” does not include any committee that is composed wholly of full-time or permanent part-time officers or Federal employees or any committee created by the National Academy of Sciences or the National Academy of Public Administration. When an advisory committee is composed entirely of full-time or permanent part-time Federal officers or employees, refer to specific guidance for intergovernmental and intragovernmental committees in AR 15–39 and DoDI 5105.18.

Advisory committee management officer for the Department of Defense

The individual designated by the Director for Administration and Management, OSD, to manage and provide policy oversight to the DoD Federal Advisory Committee Management Program.

Alternate designated Federal officer

A full-time or permanent part-time Federal employee appointed by the DoD Sponsor or designee to assist the committee’s appointed DFO.

Committee member

An individual who serves by appointment or invitation on an advisory committee or subcommittee. A committee member may be a Federal employee, a private U.S. citizen, or a U.S. State or local government employee.

Department of Defense Sponsor

The component head designated by the Director for Administration and Management, OSD, to sponsor a DoD-supported Federal Advisory Committee. The SECARMY is the DoD Sponsor for Federal Advisory Committees within the DA.

Department of Defense–supported Federal Advisory Committee

Any committee subject to the provisions of 41, CFR Sections 102–3.5 through 102–3.185, and 5 USC 10 that the Secretary of Defense or the DoD has been directed to support or that the Secretary of Defense or designee has established.

Designated Federal officer

A full-time or permanent part-time Federal employee appointed by the DoD Sponsor for a specific DoD-supported committee who serves as the Federal Government’s representative to the committee and ensures that the committee is in compliance with applicable regulations and guidance.

Group Federal officer

A full-time or permanent part-time Federal employee appointed by the DoD Sponsor to assist the Sponsor in overseeing and managing the Sponsor’s aspects of the DoD Federal Advisory Committee Management Program.

Special Government employee

Refers to an officer or employee of the executive or legislative branch who is retained, designated, appointed, or employed to perform temporary duties (either on a full-time or intermittent basis) not to exceed 130 days during any period of 365 consecutive days.

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