

Department of Defense Policy on the Use of Technical Associations of Similar Organizations for Advisory Purposes

Executive Officer, OTSG

12 June 62

A. Naimon/edc/65906

MEMAS-1

SATSG/RAD

Dir, Professional Service

Dir, Personnel & Training

Dir, Plans, Supply & Operations

Asst for Dental Services

Asst for Veterinary Services

Sp Asst to TSG for Reserve Affairs

The attention of all addressees is invited to inclosed copy of DF dated 5 June 1962 from OCA to TSG, among others, on the above subject, together with its inclosure.

1 Incl
as

LAURENCE A. POTTER
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File Name: Advisory Committees 1962-1964

FILE NO. COMPT-M(MP)	SUBJECT Department of Defense Policy on the Use of Technical Associations or Similar Organizations for Advisory Purposes		
TO DPTIAG CRI CCMLC COMFICRS COMFORD TQMG CSIGO ✓TSG CoFT	FROM DA Comd Mgmt. Off, OCA	DATE 5 June 1962	COMMENT NO. 1 V. O. Miller/75902

1. Reference is made to Department of the Army Letter, file AGAM-P (M) 334 (24 Apr 62) COMPT-M(MP), subject: "Regulations for the Formation and Use of Advisory Committee," dated 24 April 1962.

2. Attached for information and guidance, Inclosure 1, is a copy of a letter from the General Counsel of the Department of Defense to the President of the American Ordnance Association, concerning the use of that Association's committees or technical divisions to provide advice to the Department of Defense or its subordinate organizations. The policy enunciated in the General Counsel's letter, relates to and supplements provisions of DOD Directive 5030.13, dated 20 April 1962, cited in paragraph 2 of reference 1 above, as a directive being issued to implement Executive Order 11007.

3. Any questions regarding the utilization of the American Ordnance Association or similar organizations, to obtain advice and views on Department of the Army problems may be referred to the undersigned, extension 75902, or to any individual serving as counsel or legal advisor to your organization.

1 Incl
Cy of Ltr GC/DOD to
Pres., Amer. Ord. Ass'n.

V. O. Miller
V. O. Miller
DA Committee Management Officer



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
WASHINGTON, D. C.

April 17, 1962

Dear Mr. Trainer:

In your letter of March 6, 1962 to the Secretary of Defense, you requested that certain determinations be made with respect to the technical divisions and special committees of your Association under Executive Order 11007, dated February 27, 1962, entitled, "Prescribing Regulations for the Formation and Use of Advisory Committees". This executive order is implemented within the Department of Defense by DOD Directive 5030.13 which is currently being revised to make it consistent with the above executive order. However, it is not anticipated that the Department of Defense will relax its more rigid rules now applicable to the formation and use of industry advisory committees.

The DOD Directive, as well as the executive order, covers those advisory committees which were specifically formed by or utilized by the Department of Defense to obtain advice or recommendations and for any other purpose. With respect to utilization of advisory committees which are not formed by the Department of Defense, the provisions of the DOD Directive and the executive order apply only when an activity of the Department of Defense requests an organization outside of the Government to make the services of one or more of its committees directly available to advise the Department or its subordinate agencies but only during the period when it is being utilized by the department in the same manner as a government-formed advisory committee.

The DOD Directive and executive order do not limit or circumscribe the way in which Department of Defense activities seek advice from organizations outside of the Government except when a DOD activity forms or utilizes a committee or other similar group for this purpose. The fact that an organization, such as the American Ordnance Association, utilizes one of its own committees to develop advice or recommendations on any matter referred to the Association by a Department of Defense activity does not mean that the Department of Defense has "formed" or "utilized" that committee in the same manner as a government-formed advisory committee.

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Specifically, when a DOD activity requires technical information from the American Ordnance Association or the Association's advice or participation, it is desirable for the Association may, itself, choose to use a committee or other appropriate method to develop the requested advice or recommendations. The American Ordnance Association, its technical divisions and committees are not subject to the provisions of the DOD Directive and the executive order governing advisory committees under such circumstances. DOD personnel may continue to attend and participate in deliberations of the Association's technical divisions on any matter of interest to their agency provided they comply with current DOD policies governing participation of DOD liaison representatives in activities of technical societies, associations and groups (DOD Directive 5500.2). Communications between the Government and the Association will be in writing.

Of course, the Department of Defense or its subordinate agencies may, at any time, find it in the public interest to request the Association to make available to the Department the services of a specific Association committee to provide advice directly to the Department or the subordinate agency concerned on specific matters under consideration. In such cases, that committee would be utilized by the Department or the subordinate agency concerned in the same manner as a government-formed advisory committee and, therefore, would be subject to the provisions of the executive order and the DOD Directive only during the period that it is being utilized by the Department or subordinate agency concerned. The Association committee, in this event, would be chaired by and under the control of a full-time salaried officer or employee during the period that it is being utilized by the Department or subordinate agency concerned. The Government chairman would formulate the agenda, call the meetings, and keep and approve verbatim transcripts of the meetings. He would also have the authority and be required to adjourn any meeting of such committee whenever he considered adjournment to be in the public interest.

A copy of this letter is being forwarded to the Secretaries of the Army, Navy and Air Force, and heads of other DOD agencies, so that activities under their control will be guided accordingly. If you have any further questions with respect to this matter, please do not hesitate to refer them to me.

Sincerely,

/s/ CYRUS R. VANCE

Mr. J. E. Trainer, President
American Ordnance Association
Mills Building
Washington 6, D. C.