

2019 Current Fiscal Year Report: Government-Industry Advisory Panel

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1. Department or Agency

Department of Defense

2. Fiscal Year

2019

3. Committee or Subcommittee

Government-Industry Advisory
Panel

3b. GSA Committee No.

2561

4. Is this New During Fiscal Year?

5. Current Charter	6. Expected Renewal Date	7. Expected Term Date
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No	03/06/2018	03/06/2020	03/04/2019
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8a. Was Terminated During Fiscal Year?

Yes

8b. Specific Termination Authority

CMO memo to
USD(A&S)

8c. Actual Term Date

03/04/2019

9. Agency Recommendation for Next Fiscal Year

Terminate

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority

Agency Authority

12. Specific Establishment Authority

Section 813(b)(1) of the
National Defense

Authorization Act for Fiscal
Year 2016 (Public Law
114-92)

13. Effective Date	14. Committee Type	14c. Presidential?
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11/26/2015	Continuing	No
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15. Description of Committee

National Policy Issue Advisory
Board

16a. Total Number of Reports

1

16b. Report Date

Report Title

Government-Industry Advisory Panel
11/13/2018 on Technical Data Rights Final
Report

Number of Committee Reports Listed: 1

17a. 0 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 0
 Open

Meetings and Dates

No Meetings

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$23,000.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$23,000.00	\$0.00
19. Federal Staff Support Years (FTE)	0.20	0.00

20a. How does the Committee accomplish its purpose?

The Panel, pursuant to section 813(b)(1) of the FY 2016 NDAA, shall provide to the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), a review of 10 U.S.C. §§ 2320 and

2321, regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interests of the taxpayers and the national defense.

20b. How does the Committee balance its membership?

The Panel shall be composed of no more than 20 members. Pursuant to section 813(b)(2) of the FY 2016 NDAA, Panel members selected from the Federal government will be knowledgeable about technical data issues and appropriately represent the three military departments, as well as the legal, acquisition, logistics, and research and development communities in the Department of Defense; and Panel members selected from the private sector will include independent experts and individuals appropriately representative of the diversity of interested parties, including large and small businesses, traditional and nontraditional government contractors, prime contractors and subcontractors, suppliers of hardware and software, and institutions of higher education.

20c. How frequent and relevant are the Committee Meetings?

The Committee will meet at a minimum of once per year.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The Secretary of Defense, pursuant to section 813(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (FY 2016 NDAA) (Public Law 114-92) and in accordance with the provisions of the Federal Advisory Committee Act

(FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established this non-discretionary Panel.

20e. Why is it necessary to close and/or partially closed committee meetings?

Meetings are not closed to the public unless the Department of Defense determines that items on the planned agenda meet the closed meeting provisions of 5 U.S.C. § 552b(c). Pursuant to DoD Policy, closed meetings can only be authorized by the DoD Sponsor, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and in consultation with the Office of General Counsel for the Department of Defense.

21. Remarks

This discretionary advisory committee, the Government-Industry Advisory Panel was terminated by the Department of Defense (DoD) prior to the signing of Executive Order (EO) 13875, "Evaluating and Improving the Utility of Federal Advisory Committees", dated June 14, 2019. Notwithstanding, the DoD in accordance with EO 13875 and OMB guidance included this discretionary advisory committee as part of DoD's 1/3 reduction in discretionary advisory committees which was directed by EO 13875.

Designated Federal Officer

David J. Wollman DFO

Narrative Description

In FY-19 the Panel submitted 30 recommendations to the Department before terminating. Purpose: Reviewing sections 2320 and 2321 of title 10, United States Code, regarding rights in technical data and the validation of proprietary data restrictions and

the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interests of the taxpayers and the national defense. Scope of the Review: (A) Ensuring DoD does not pay more than once for the same work. (B) Ensuring DoD contractors are appropriately rewarded for their innovation and invention. (C) Providing for cost-effective reprocurement, sustainment, modification, and upgrades to DoD systems. (D) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of DoD. (E) Ensuring that the DoD has appropriate access to innovative products, technologies, and processes developed by the private sector for commercial use.

What are the most significant program outcomes associated with this committee?

Checked if
Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

Not Applicable

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>

\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

Cost savings are difficult to determine based on the broad purpose and scope of the panel effecting law and regulation.

What is the approximate Number of recommendations produced by this committee for the life of the committee?

30

Number of Recommendations Comments

The panel's final report with recommendations was submitted to USD(A&S) Nov. 12, 2019.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

Not Applicable

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

Not Applicable

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

Agency will provide feedback on panel's report NLT 60 days after submission of the report when it is due to Congress.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

- | | |
|-----------------------------------|--------------------------|
| Reorganized Priorities | <input type="checkbox"/> |
| Reallocated resources | <input type="checkbox"/> |
| Issued new regulation | <input type="checkbox"/> |
| Proposed legislation | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Action Comments

No actions recommended yet, so difficult to determine if outcomes will result in final changes to laws or regulations.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

Not Applicable

How is access provided to the information for the Committee's documentation?

Checked if Applies

- | | |
|---------------------------|-------------------------------------|
| Contact DFO | <input checked="" type="checkbox"/> |
| Online Agency Web Site | <input type="checkbox"/> |
| Online Committee Web Site | <input type="checkbox"/> |
| Online GSA FACA Web Site | <input checked="" type="checkbox"/> |
| Publications | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Access Comments

Not Applicable