

Accordingly, I hereby direct the heads of executive departments and agencies not to make any new appointments or reappointments of federally registered lobbyists to advisory committees and other boards and commissions. Within 90 days of the date of this memorandum, the Director of the Office of Management and Budget shall issue proposed guidance designed to implement this policy to the full extent permitted by law. The final guidance shall be issued following public comment on the proposed guidance.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 1003. Applicability

(a) IN GENERAL.—This chapter, and any rule, order, or regulation promulgated under this chapter, shall apply to each advisory committee except to the extent that the Act establishing the advisory committee specifically provides otherwise.

(b) EXEMPTIONS RELATING TO CERTAIN FEDERAL ENTITIES.—Nothing in this chapter shall be construed to apply to an advisory committee established or utilized by—

(1) the Central Intelligence Agency;

(2) the Federal Reserve System; or

(3) the Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security the advisory committee cannot comply with the requirements of this chapter.

(c) EXEMPTIONS RELATING TO CERTAIN LOCAL AND STATE ENTITIES.—Nothing in this chapter shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4198.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1003	5 U.S.C. App. (FACA §4)	Pub. L. 92–463, §4, Oct. 6, 1972, 86 Stat. 771; Pub. L. 111–259, title IV, §410(a), Oct. 7, 2010, 124 Stat. 2724.

§ 1004. Responsibilities of congressional committees

(a) REVIEW OF ACTIVITIES.—In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not al-

ready being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) CONSIDERATION OF LEGISLATION.—In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 1009 of this chapter to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) ADHERENCE TO GUIDELINES.—To the extent they are applicable, the guidelines set out in subsection (b) shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4198.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1004	5 U.S.C. App. (FACA §5)	Pub. L. 92–463, §5, Oct. 6, 1972, 86 Stat. 771.

§ 1005. Responsibilities of the President

(a) DELEGATION.—The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to the President by Presidential advisory committees.

(b) REPORT ON RESPONSE TO RECOMMENDATIONS.—Within 1 year after a Presidential advisory committee submits a public report to the President, the President or the President's delegate shall submit to Congress a report stating

either proposals for action or reasons for inaction, with respect to the recommendations contained in the public report.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4199.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1005	5 U.S.C. App. (FACA §6(a), (b))	Pub. L. 92–463, §6(a), (b), Oct. 6, 1972, 86 Stat. 772.

§ 1006. Responsibilities of the Administrator

(a) COMMITTEE MANAGEMENT SECRETARIAT.—The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) ANNUAL REVIEWS.—

(1) IN GENERAL.—Each year, the Administrator shall conduct a comprehensive review of the activities and responsibilities of each advisory committee to determine—

(A) whether the committee is carrying out its purpose;

(B) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to the committee should be revised;

(C) whether the committee should be merged with other advisory committees; or

(D) whether the committee should be abolished.

(2) OBTAINING INFORMATION.—The Administrator may from time to time request such information as the Administrator deems necessary to carry out functions under this subsection. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(3) RECOMMENDATIONS.—Upon completion of the review, the Administrator shall make recommendations to the President and to either the agency head or Congress with respect to action the Administrator believes should be taken.

(c) ADMINISTRATIVE GUIDELINES AND MANAGEMENT CONTROLS.—The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out functions under this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to the agency.

(d) GUIDELINES FOR UNIFORM FAIR PAY RATES.—

(1) IN GENERAL.—The Administrator, after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner that gives appropriate recognition to the responsibilities and quali-

fications required and other relevant factors. The guidelines shall provide that—

(A) a member of an advisory committee or of the staff of an advisory committee shall not receive compensation at a rate in excess of the maximum rate payable under section 5376 of this title;

(B) members of advisory committees, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of this title for persons employed intermittently in the Government service; and

(C) members of advisory committees may be provided services pursuant to section 3102 of this title while in performance of their advisory committee duties if the members—

(i) are blind or deaf or otherwise qualify as individuals with disabilities (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791)); and

(ii) do not otherwise qualify for assistance under section 3102 of this title by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of this title).

(2) PAY FOR FULL-TIME EMPLOYEES.—Nothing in this subsection shall prevent an individual from receiving compensation at the rate at which the individual would otherwise be compensated (or was compensated) as a full-time employee of the United States if the individual—

(A) is a full-time employee of the United States without regard to service with an advisory committee; or

(B) was a full-time employee of the United States immediately before service with an advisory committee.

(e) BUDGET RECOMMENDATIONS.—The Administrator shall include in budget recommendations a summary of the amounts the Administrator considers necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4199.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1006	5 U.S.C. App. (FACA §7)	Pub. L. 92–463, §7, Oct. 6, 1972, 86 Stat. 772; Pub. L. 96–523, §2, Dec. 12, 1980, 94 Stat. 3040.

In this section, the words “Administrator” and “General Services Administration” are substituted for “Director” and “Office of Management and Budget”, respectively, because of section 5F of Reorganization Plan No. 1 of 1977 (5 U.S.C. App.).

In subsection (b)(1), the words “Each year, the Administrator shall conduct a comprehensive review” are substituted for “The Administrator shall, immediately after the enactment of this Act [October 6, 1972], institute a comprehensive review” and “Thereafter, the Administrator shall carry out a similar review annually” to eliminate obsolete language.

In subsection (d)(1) (matter before subparagraph (A)), the words “Director of the Office of Personnel Manage-