

ment” are substituted for “Civil Service Commission” because of section 102 of Reorganization Plan No. 2 of 1978 (5 U.S.C. App.).

In subsection (d)(1) (matter before subparagraph (A)), the words “The guidelines shall provide” are substituted for “The regulations shall provide” for consistency with the 1st sentence of subsection (d)(1), which provides that the Administrator shall establish “guidelines”, not regulations.

In subsection (d)(1)(A), the words “maximum rate payable under section 5376 of this title” are substituted for “rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code” for clarity and because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (enacted by section 529 of Public Law 101-509 (5 U.S.C. 5376 note)).

In subsection (d)(1)(C)(i), the words “individuals with disabilities” are substituted for “handicapped individuals” for consistency with section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

In subsection (d)(1)(C)(i), the citation to “(29 U.S.C. 791)” is substituted for “(29 U.S.C. 794)” to correct an error in the law.

§ 1007. Responsibilities of agency heads

(a) ADMINISTRATIVE GUIDELINES AND MANAGEMENT CONTROLS.—Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under sections 1006 and 1009 of this title. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) ADVISORY COMMITTEE MANAGEMENT OFFICER.—The head of each agency that has an advisory committee shall designate an Advisory Committee Management Officer who shall—

- (1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by the agency;
- (2) assemble and maintain the reports, records, and other papers of any advisory committee established by the agency during the advisory committee's existence; and
- (3) carry out, on behalf of the agency, the provisions of section 552 of this title with respect to such reports, records, and other papers.

(Pub. L. 117-286, §3(a), Dec. 27, 2022, 136 Stat. 4201.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1007	5 U.S.C. App. (FACA §8)	Pub. L. 92-463, §8, Oct. 6, 1972, 86 Stat. 773.

In subsection (a), the word “Administrator” is substituted for “Director” (meaning the Director of the Office of Management and Budget) because of section 5F of Reorganization Plan No. 1 of 1977 (5 U.S.C. App.).

§ 1008. Establishment and purpose of advisory committees

(a) ESTABLISHMENT.—An advisory committee shall not be established unless establishment is—

- (1) specifically authorized by statute or by the President; or
- (2) determined as a matter of formal record, by the head of the agency involved after con-

sultation with the Administrator, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) PURPOSE OF ADVISORY COMMITTEES.—Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) ADVISORY COMMITTEE CHARTERS.—

(1) GENERAL REQUIREMENT.—An advisory committee shall not meet or take any action until an advisory committee charter has been filed—

(A) with the Administrator in the case of Presidential advisory committees; or

(B) with—

(i) the head of the agency to whom the advisory committee reports; and

(ii) the standing committees of the Senate and House of Representatives having legislative jurisdiction over the agency to which the advisory committee reports.

(2) CONTENTS OF CHARTER.—The advisory committee charter shall contain—

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if the duties are not solely advisory, a specification of the authority for the duties;

(G) the estimated annual operating costs for the committee in dollars and person-years;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than 2 years from the date of the committee's establishment; and

(J) the date the charter is filed.

(3) COPY OF CHARTER TO LIBRARY OF CONGRESS.—A copy of the advisory committee charter shall be furnished to the Library of Congress.

(Pub. L. 117-286, §3(a), Dec. 27, 2022, 136 Stat. 4201.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1008	5 U.S.C. App. (FACA §9)	Pub. L. 92-463, §9, Oct. 6, 1972, 86 Stat. 773.

In subsection (a)(2) and subsection (c)(1)(A), the word “Administrator” is substituted for “Director” (meaning the Director of the Office of Management and Budget) because of section 5F of Reorganization Plan No. 1 of 1977 (5 U.S.C. App.).

§ 1009. Advisory committee procedures**(a) COMMITTEE MEETINGS.—**

(1) OPEN TO PUBLIC.—Each advisory committee meeting shall be open to the public.

(2) NOTICE OF MEETINGS.—Except when the President determines otherwise for reasons of national security, timely notice of each meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of each meeting in advance.

(3) PARTICIPATION.—Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) PUBLIC INSPECTION AND COPYING OF RECORDS.—Subject to section 552 of this title, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) MINUTES.—Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified by the chairman of the advisory committee.

(d) CLOSED SESSIONS.—Paragraphs (1) and (3) of subsection (a) shall not apply to any portion of an advisory committee meeting for which the President, or the head of the agency to which the advisory committee reports, determines that such portion of the meeting may be closed to the public in accordance with section 552b(c) of this title. Any such determination shall be in writing and shall contain the reasons for the determination. If such a determination is made, the advisory committee shall issue a report, at least annually, setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of this title.

(e) DESIGNATED OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever the officer or employee determines it to be in the public interest, to adjourn any such meeting. An advisory committee shall not conduct any meeting in the absence of that designated officer or employee of the Federal Government.

(f) CALL FOR MEETING OR ADVANCE APPROVAL.—Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4202.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1009	5 U.S.C. App. (FACA §10)	Pub. L. 92–463, §10, Oct. 6, 1972, 86 Stat. 774; Pub. L. 94–409, §5(c), Sept. 13, 1976, 90 Stat. 1247.

In subsection (a), in paragraphs (2) and (3), the word “Administrator” is substituted for “Director” (meaning the Director of the Office of Management and Budget) because of section 5F of Reorganization Plan No. 1 of 1977 (5 U.S.C. App.).

§ 1010. Availability of transcripts

(a) DEFINITION OF AGENCY PROCEEDING.—In this section, the term “agency proceeding” has the meaning given the term in section 551 of this title.

(b) AVAILABILITY.—Agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of any agency proceeding or advisory committee meeting.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4203.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1010	5 U.S.C. App. (FACA §11)	Pub. L. 92–463, §11, Oct. 6, 1972, 86 Stat. 775.

In subsection (b), the words “Except where prohibited by contractual agreements entered into prior to the effective date of this Act [i.e., 90 days after October 6, 1972]” are omitted as obsolete.

§ 1011. Fiscal and administrative provisions

(a) RECORDS.—Each agency shall keep records that fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any authorized representative of the Comptroller General, shall have access to the records for the purpose of audit and examination.

(b) SUPPORT SERVICES.—Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. If an advisory committee reports to more than one agency, only one agency at a time shall be responsible for support services. In the case of Presidential advisory committees, support services may be provided by the General Services Administration.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4203.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1011	5 U.S.C. App. (FACA §12)	Pub. L. 92–463, §12, Oct. 6, 1972, 86 Stat. 775.