

(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 sub-

section. 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 qualifications 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|-------------------------|---|
| 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 Management” 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 accomplish-

ments 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|-------------------------|---|
| 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 consultation 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;