



## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### **Assembly of the Administrative Conference of the United States Federal Advisory Committee Charter**

#### **1. Committee's Official Designation**

Assembly of the Administrative Conference of the United States (Assembly).

#### **2. Authority**

The Assembly was established by the Administrative Conference Act, as amended, 5 U.S.C. §§ 591 *et seq.* The Assembly is chartered as an advisory committee of the Administrative Conference of the United States (ACUS) in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

#### **3. Objectives and Scope of Activities**

The Assembly adopts recommendations for the improvement of administrative procedures in federal agencies. The objectives of these recommendations are to ensure that private rights may be fully protected and regulatory activities and other federal responsibilities may be carried out expeditiously in the public interest, to promote more effective public participation and efficiency in the rulemaking process, to reduce unnecessary litigation in the regulatory process, to improve the use of science in the regulatory process, and to improve the effectiveness of laws applicable to the regulatory process.

#### **4. Description of Duties**

The Assembly reviews, evaluates, and votes on whether to approve proposals, reports, and recommendations of its subcommittees, pursuant to its bylaws established under the authority of 5 U.S.C. § 595(a)(2). The Assembly operates exclusively in an advisory capacity.

#### **5. Agency or Official to Whom the Assembly Reports**

The Chairman is the chief executive of the Conference. 5 U.S.C. § 595(c). Activities of the Assembly are carried out under the direction of the Chairman and the Council. Recommendations adopted by the Assembly are reported by the Chairman to the President, Congress, and affected agencies, as appropriate.

#### **6. Support**

The Assembly receives support services from ACUS.

#### **7. Estimated Annual Operating Costs and Staff Years**

The annual fiscal year cost to operate the Assembly is estimated at \$249,829.00, including 1.3 full-time equivalent staff years.

## **8. Designated Federal Officer (DFO)**

The DFO (and Alternate DFOs) will be appointed by the Chairman of ACUS and will be full-time federal employees, appointed in accordance with agency procedures. The DFO or an Alternate DFO will call and attend each meeting of the Assembly and any subcommittees established under the ACUS bylaws and prepare the agendas in accordance with the provisions of the Administrative Conference Act, as amended, and is authorized to adjourn any such meeting whenever he or she determines it to be in the public interest.

## **9. Estimated Number and Frequency of Meetings**

The Assembly will meet approximately twice each year. There will be approximately five standing subcommittees of the Assembly, and from time to time additional special subcommittees, established under the authority of the ACUS bylaws. Each such subcommittee will meet approximately four times per year. All meetings of the Assembly will be open to the public and announced in accordance with FACA. In general, meetings of subcommittees will be conducted in accordance with the openness requirements of FACA, consistent with Federal Advisory Committee Regulation 41 CFR § 102-3.145.

## **10. Duration**

The Administrative Conference Act, as amended, prescribes continuing duration for ACUS.

## **11. Termination.**

This charter terminates two years from the date of filing. Pursuant to Section 14 of FACA, ACUS will file a charter for the Assembly upon the expiration of two years from the date hereof. The Assembly and its subcommittees will meet in accordance with the provisions of the FACA charter.

## **12. Membership and Designation**

The appointment and designation of members of the Assembly is prescribed by the Administrative Conference Act, as amended. Under that Act, it must have between 75 and 101 members. The Conference is headed by a full-time Chairman appointed by the President for a five-year term, by and with the advice and consent of the Senate. The Conference includes a Council, composed of the Chairman and ten additional members appointed by the President for three-year terms. The remaining members include designees or appointees from federal executive departments, agencies, and independent regulatory boards and commissions (no fixed terms), and not more than 40 other members appointed by the Chairman with the approval of the Council (two-year terms) who must “provide broad representation of the views of private citizens and utilize diverse experience.” 5 U.S.C. § 593(b)(6). These members “shall be members of the practicing bar, scholars in the field of administrative law or government, or others specially informed by knowledge and experience with respect to federal administrative procedure.” *Id.* The bylaws impose limits on the number of

continuous years of service by non-Government members. Council members may continue to serve until their successors are appointed. Under the bylaws, each member of the Assembly is expected to participate in all respects according to his or her own views and not necessarily as a representative of any agency or other group or organization, public or private. Accordingly, non-Government members of the Assembly have been deemed to be Special Government Employees, and not Representatives.

Members, except the Chairman, are not entitled to pay for service. Members appointed from outside the Federal Government are entitled to travel expenses, including per diem instead of subsistence, as authorized by section 5703 of title 5 for individuals serving without pay, subject to availability of funds.

Under the bylaws, and subject to the approval of the Council, the Chairman may appoint senior fellows, special counsels, and liaison representatives to the Assembly and its subcommittees. Such appointees have all of the rights of members of the Assembly, but may not vote, except in subcommittee deliberations, where the subcommittee chairman generally has the authority to confer voting rights upon such appointees. All such appointees who are non-Government appointees have been deemed to be Special Government Employees, and not Representatives.

### **13. Subcommittees**

The Assembly has authority to adopt bylaws and regulations that create such subcommittees as it considers necessary for the conduct of studies and the development of recommendations for consideration by the Assembly. 5 U.S.C. § 595(a)(2). Subcommittee members are appointed by the Chairman. *Id.* § 595(c)(5). All subcommittee members are either members of the Assembly or senior fellows, special counsels, or liaison representatives as described above. All proposed recommendations of subcommittees will be considered by the Assembly prior to adoption.

### **14. Recordkeeping**

The records made available to or prepared for or by the Assembly or its subcommittees shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Such records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

### **15. Filing Date**

August 3, 2018