

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 5302

To amend title 5, United States Code, to address the responsibilities of the Administrator of General Services with respect to Federal advisory committees, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Advisory Com-
5 mittee Database Act”.

6 **SEC. 2. FEDERAL ADVISORY COMMITTEES.**

7 Chapter 10 of title 5, United States Code, is amend-
8 ed—

9 (1) in section 1006—

10 (A) in subsection (a)—

1 (i) by striking “The Administrator”
2 and inserting the following:

3 “(1) IN GENERAL.—The Administrator”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(2) COLLECTION OF INFORMATION.—

7 “(A) IN GENERAL.—The Committee Man-
8 agement Secretariat established and maintained
9 under paragraph (1) shall continually collect
10 from the head of each agency such information
11 as is necessary for the Administrator to carry
12 out the responsibilities of the Administrator
13 under this section, which shall include, at a
14 minimum, the following with respect to each ad-
15 visory committee within the jurisdiction of that
16 agency:

17 “(i) The name of the advisory com-
18 mittee.

19 “(ii) The authority under which the
20 advisory committee is established.

21 “(iii) A copy of the charter of the ad-
22 visory committee.

23 “(iv) The interest areas of the advi-
24 sory committee.

1 “(v) The means by which the advisory
2 committee complies with the requirements
3 of section 1004(b)(2) (commonly referred
4 to as a ‘Membership Balance Plan’).

5 “(vi) The current (as of the date on
6 which the information is collected) mem-
7 bership of the advisory committee, which
8 shall include, at a minimum, the following
9 with respect to each member of the advi-
10 sory committee:

11 “(I) The name of the member.

12 “(II) The ethics designation of
13 the member, such as whether the
14 member is an employee, a special Gov-
15 ernment employee (as defined in sec-
16 tion 202 of title 18), or a representa-
17 tive member.

18 “(III) The entity or individual
19 who appointed the member to the ad-
20 visory committee, which shall include
21 an identification of the authority for
22 that appointment.

23 “(IV) The term of the appoint-
24 ment of the member to the advisory
25 committee, as appropriate.

1 “(vii) The Advisory Committee Man-
2 agement Officer designated under section
3 1007(b) with respect to the advisory com-
4 mittee.

5 “(viii) The officer or employee des-
6 ignated under section 1009(e) with respect
7 to the advisory committee.

8 “(ix) The termination date of the ad-
9 visory committee, if applicable.

10 “(x) With respect to a particular fis-
11 cal year, the total operational and staff
12 costs of the advisory committee for that
13 fiscal year, and with respect to the forth-
14 coming fiscal year, the estimated total
15 operational and staff costs of the advisory
16 committee for that forthcoming fiscal year.

17 “(xi) The frequency with which the
18 advisory committee (excluding any sub-
19 committee or other subgroup of the advi-
20 sory committee) has met and the dates on
21 which those meetings have taken place.

22 “(xii) A summary of the business con-
23 ducted at each meeting of the advisory
24 committee.

1 “(xiii) The recommendations issued by
2 the advisory committee, which shall in-
3 clude—

4 “(I) the number of those rec-
5 ommendations; and

6 “(II) if feasible, information re-
7 garding whether those recommenda-
8 tions were partially or fully imple-
9 mented.

10 “(B) PUBLICATION.—The Committee
11 Management Secretariat established and main-
12 tained under paragraph (1) shall, with respect
13 to the information collected under subpara-
14 graph (A) of this paragraph—

15 “(i) annually publish that information
16 on a public website of the General Services
17 Administration, which shall allow for that
18 information to be downloaded in a format
19 that is machine-readable, as defined in sec-
20 tion 3502 of title 44; and

21 “(ii) on the website described in
22 clause (i) of this subparagraph, maintain
23 access to that information from previous
24 years, as applicable with respect to rel-
25 evant records schedules.”;

1 (B) in subsection (b)—

2 (i) in paragraph (1)—

3 (I) in the matter preceding sub-
4 paragraph (A), by inserting “, in con-
5 sultation with the head of each agen-
6 cy,” after “the Administrator”;

7 (II) by redesignating subpara-
8 graphs (C) and (D) as subparagraphs
9 (D) and (E), respectively; and

10 (III) by inserting after subpara-
11 graph (B) the following:

12 “(C) whether the committee, for the period
13 covered by the review, complied with the re-
14 quirements of subsection (a)(2);” and

15 (ii) by amending paragraph (3) to
16 read as follows:

17 “(3) BIENNIAL REPORT AND RECOMMENDA-
18 TIONS.—The Administrator shall biennially submit
19 to the Committee on Homeland Security and Gov-
20 ernmental Affairs of the Senate and the Committee
21 on Oversight and Accountability of the House of
22 Representatives a report containing the results of
23 the 2 most recent reviews conducted under this sub-
24 section, which shall include recommendations to the
25 President and to either the agency head or Congress

1 with respect to action the Administrator believes
2 should be taken.”; and

3 (C) in subsection (c)—

4 (i) in the first sentence—

5 (I) by striking “administrative
6 guidelines and management controls”
7 and inserting “regulations, adminis-
8 trative guidelines, and management
9 controls”; and

10 (II) by inserting after “their per-
11 formance” the following: “, which
12 shall include guidance regarding how
13 the agency and the advisory commit-
14 tees of the agency should prepare the
15 information that is required to be sub-
16 mitted under subsection (a)(2) to en-
17 sure standardization and consistency
18 in the reporting of that information”;
19 and

20 (ii) by adding at the end the fol-
21 lowing: “The Administrator may update
22 the regulations, administrative guidelines,
23 and management controls prescribed under
24 this subsection, as determined necessary by
25 the Administrator.”; and

1 (2) in section 1007—

2 (A) by amending subsection (a) to read as
3 follows:

4 “(a) ADMINISTRATIVE GUIDELINES AND MANAGE-
5 MENT CONTROLS.—Each agency head shall—

6 “(1) establish uniform administrative guidelines
7 and management controls for advisory committees
8 established by that agency, which shall be consistent
9 with directives of the Administrator under sections
10 1006 and 1009 of this title;

11 “(2) maintain systematic information on the
12 nature, functions, and operations of each advisory
13 committee within the jurisdiction of the agency;

14 “(3) ensure timely and accurate reporting to
15 the Administrator regarding the activities of each
16 advisory committee within the jurisdiction of the
17 agency, including with respect to the information re-
18 quired to be submitted under section 1006(a)(2);

19 “(4) in coordination with each officer or em-
20 ployee of the Federal Government designated under
21 section 1009(e), establish relevant and appropriate
22 performance measures and outcomes for each advi-
23 sory committee established by the agency; and

24 “(5) ensure that each advisory committee with-
25 in the jurisdiction of the agency, and the staff of

1 each such advisory committee (including each officer
2 or employee of the Federal Government designated
3 under section 1009(e)), complies with the require-
4 ments of this chapter and the rules, orders, and reg-
5 ulations promulgated under this chapter.”; and

6 (B) in subsection (b)—

7 (i) in paragraph (2)—

8 (I) by inserting “recommenda-
9 tions,” after “records,”; and

10 (II) by striking “and” at the end;

11 (ii) in paragraph (3)—

12 (I) by striking “such reports,
13 records, and other papers” and insert-
14 ing “the reports, records, rec-
15 ommendations, and other papers de-
16 scribed in paragraph (2)”;

17 (II) by striking the period at the
18 end and inserting “; and”;

19 (iii) by adding at the end the fol-
20 lowing:

21 “(4) serve as the primary liaison between the
22 agency and the Administrator.”.

1 SEC. 3. NO ADDITIONAL FUNDS.

2 No additional funds are authorized to be appro-
3 priated for the purpose of carrying out this Act or the
4 amendments made by this Act.