

Calendar No. 746

118TH CONGRESS
2D SESSION**S. 5302****[Report No. 118–326]**

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 12, 2024

Mr. PETERS (for himself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FEDERAL ADVISORY COMMITTEES.**

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

7 (1) in section 1006—

8 (A) in subsection (a)—

9 (i) by striking “The Administrator”
10 and inserting the following:

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

12 (ii) by adding at the end the fol-
13 lowing:

14 “(2) COLLECTION OF INFORMATION.—

15 “(A) IN GENERAL.—The Committee Man-
16 agement Secretariat established and maintained
17 under paragraph (1) shall continually collect
18 from the head of each agency such information
19 as is necessary for the Administrator to carry
20 out the responsibilities of the Administrator
21 under this section, which shall include, at a
22 minimum, the following with respect to each ad-
23 visory committee within the jurisdiction of that
24 agency:

25 “(i) The name of the advisory com-
26 mittee.

1 “(ii) The authority under which the
2 advisory committee is established.

3 “(iii) A copy of the charter of the ad-
4 visory committee.

5 “(iv) The interest areas of the advi-
6 sory committee.

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

11 “(vi) The current (as of the date on
12 which the information is collected) mem-
13 bership of the advisory committee, which
14 shall include, at a minimum, the following
15 with respect to each member of the advi-
16 sory committee:

17 “(I) The name of the member.

18 “(II) The ethics designation of
19 the member, such as whether the
20 member is an employee, a special Gov-
21 ernment employee (as defined in sec-
22 tion 202 of title 18), or a representa-
23 tive member.

24 “(III) The entity or individual
25 who appointed the member to the ad-

visory committee, which shall include an identification of the authority for that appointment.

“(IV) The term of the appointment of the member to the advisory committee, as appropriate.

“(vii) The Advisory Committee Management Officer designated under section 1007(b) with respect to the advisory committee.

“(viii) The officer or employee designated under section 1009(c) with respect to the advisory committee.

“(ix) The termination date of the advisory committee, as applicable.

“(x) With respect to a particular fiscal year, the total operational and staff costs of the advisory committee for that fiscal year, and with respect to the forthcoming fiscal year, the estimated total operational and staff costs of the advisory committee for that forthcoming fiscal year.

“(xi) The frequency with which the advisory committee (excluding any subcommittee or other subgroup of the advi-

sory committee) has met and the dates on which those meetings have taken place.

“(xii) A summary of the business conducted at each meeting of the advisory committee.

“(xiii) The recommendations issued by the advisory committee, which shall include—

“(I) the number of those recommendations; and

“(II) if feasible, information regarding whether those recommendations were partially or fully implemented.

“(B) PUBLICATION.—The Committee Management Secretariat established and maintained under paragraph (1) shall, with respect to the information collected under subparagraph (A) of this paragraph—

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

1 “(ii) on the website described in
 2 clause (i) of this subparagraph, maintain
 3 access to that information from previous
 4 years, as applicable with respect to rel-
 5 evant records schedules.”;

6 ~~(B)~~ in subsection (b)—

7 (i) in paragraph (1)—

8 (I) in the matter preceding sub-
 9 paragraph (A), by inserting “, in con-
 10 sultation with the head of each agen-
 11 cy,” after “the Administrator”;

12 (II) by redesignating subpara-
 13 graphs (C) and (D) as subparagraphs
 14 (D) and (E), respectively; and

15 (III) by inserting after subpara-
 16 graph (B) the following:

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

20 (ii) by amending paragraph (3) to
 21 read as follows:

22 “(3) BIENNIAL REPORT AND RECOMMENDA-
 23 TIONS.—The Administrator shall biennially submit
 24 to the Committee on Homeland Security and Gov-
 25 ernmental Affairs of the Senate and the Committee

on Oversight and Accountability of the House of Representatives a report containing the results of the 2 most recent reviews conducted under this subsection, which shall include recommendations to the President and to either the agency head or Congress with respect to action the Administrator believes should be taken.”; and

(C) in subsection (c)—

(i) in the first sentence—

(I) by striking “administrative guidelines and management controls” and inserting “regulations, administrative guidelines, and management controls”; and

(II) by inserting after “their performance” the following: “, which shall include guidance regarding how the agency and the advisory committees of the agency should prepare the information that is required to be submitted under subsection (a)(2) to ensure standardization and consistency in the reporting of that information”; and

1 (ii) by adding at the end the fol-
 2 lowing: “The Administrator may update
 3 the regulations, administrative guidelines,
 4 and management controls prescribed under
 5 this subsection, as determined necessary by
 6 the Administrator.”; and

7 (2) in section 1007—

8 (A) by amending subsection (a) to read as
 9 follows:

10 “~~(a) ADMINISTRATIVE GUIDELINES AND MANAGE-~~
 11 ~~MENT CONTROLS.—~~Each agency head shall—

12 “~~(1) establish uniform administrative guidelines~~
 13 and management controls for advisory committees
 14 established by that agency, which shall be consistent
 15 with directives of the Administrator under sections
 16 1006 and 1009 of this title;

17 “~~(2) maintain systematic information on the~~
 18 nature, functions, and operations of each advisory
 19 committee within the jurisdiction of the agency;

20 “~~(3) ensure timely and accurate reporting to~~
 21 the Administrator regarding the activities of each
 22 advisory committee within the jurisdiction of the
 23 agency, including with respect to the information re-
 24 quired to be submitted under section 1006(a)(2);

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

6 “(5) ensure that each advisory committee with-
 7 in the jurisdiction of the agency, and the staff of
 8 each such advisory committee (including each officer
 9 or employee of the Federal Government designated
 10 under section 1009(e)), complies with the require-
 11 ments of this chapter and the rules, orders, and reg-
 12 ulations promulgated under this chapter.”; and

13 (B) in subsection (b)—

14 (i) in paragraph (2)—

15 (I) by inserting “recommenda-
 16 tions,” after “records,”; and

17 (II) by striking “and” at the end;

18 (ii) in paragraph (3)—

19 (I) by striking “such reports,
 20 records, and other papers” and insert-
 21 ing “the reports, records, rec-
 22 ommendations, and other papers de-
 23 scribed in paragraph (2)”;

24 (II) by striking the period at the
 25 end and inserting “; and”;

1 (iii) by adding at the end the fol-
 2 lowing:

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

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Federal Advisory Com-
 7 mittee Database Act”.*

8 **SEC. 2. FEDERAL ADVISORY COMMITTEES.**

9 *Chapter 10 of title 5, United States Code, is amend-*
 10 *ed—*

11 (1) in section 1006—

12 (A) in subsection (a)—

13 (i) by striking “The Administrator”
 14 and inserting the following:

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

16 (ii) by adding at the end the following:

17 “(2) COLLECTION OF INFORMATION.—

18 “(A) IN GENERAL.—The Committee Man-
 19 agement Secretariat established and maintained
 20 under paragraph (1) shall continually collect
 21 from the head of each agency such information
 22 as is necessary for the Administrator to carry
 23 out the responsibilities of the Administrator
 24 under this section, which shall include, at a min-
 25 imum, the following with respect to each advi-

1 *sory committee within the jurisdiction of that*
2 *agency:*

3 *“(i) The name of the advisory com-*
4 *mittee.*

5 *“(ii) The authority under which the*
6 *advisory committee is established.*

7 *“(iii) A copy of the charter of the advi-*
8 *sory committee.*

9 *“(iv) The interest areas of the advisory*
10 *committee.*

11 *“(v) The means by which the advisory*
12 *committee complies with the requirements of*
13 *section 1004(b)(2) (commonly referred to as*
14 *a ‘Membership Balance Plan’).*

15 *“(vi) The current (as of the date on*
16 *which the information is collected) member-*
17 *ship of the advisory committee, which shall*
18 *include, at a minimum, the following with*
19 *respect to each member of the advisory com-*
20 *mittee:*

21 *“(I) The name of the member.*

22 *“(II) The ethics designation of the*
23 *member, such as whether the member is*
24 *an employee, a special Government*

1 *employee (as defined in section 202 of*
2 *title 18), or a representative member.*

3 “(III) *The entity or individual*
4 *who appointed the member to the advi-*
5 *sory committee, which shall include an*
6 *identification of the authority for that*
7 *appointment.*

8 “(IV) *The term of the appoint-*
9 *ment of the member to the advisory*
10 *committee, as appropriate.*

11 “(vii) *The Advisory Committee Man-*
12 *agement Officer designated under section*
13 *1007(b) with respect to the advisory com-*
14 *mittee.*

15 “(viii) *The officer or employee des-*
16 *ignated under section 1009(e) with respect*
17 *to the advisory committee.*

18 “(ix) *The termination date of the advi-*
19 *sory committee, if applicable.*

20 “(x) *With respect to a particular fiscal*
21 *year, the total operational and staff costs of*
22 *the advisory committee for that fiscal year,*
23 *and with respect to the forthcoming fiscal*
24 *year, the estimated total operational and*

1 *staff costs of the advisory committee for that*
 2 *forthcoming fiscal year.*

3 “(xi) *The frequency with which the ad-*
 4 *visory committee (excluding any sub-*
 5 *committee or other subgroup of the advisory*
 6 *committee) has met and the dates on which*
 7 *those meetings have taken place.*

8 “(xii) *A summary of the business con-*
 9 *ducted at each meeting of the advisory com-*
 10 *mittee.*

11 “(xiii) *The recommendations issued by*
 12 *the advisory committee, which shall in-*
 13 *clude—*

14 “(I) *the number of those rec-*
 15 *ommendations; and*

16 “(II) *if feasible, information re-*
 17 *garding whether those recommenda-*
 18 *tions were partially or fully imple-*
 19 *mented.*

20 “(B) *PUBLICATION.—The Committee Man-*
 21 *agement Secretariat established and maintained*
 22 *under paragraph (1) shall, with respect to the*
 23 *information collected under subparagraph (A) of*
 24 *this paragraph—*

1 “(i) annually publish that information
 2 on a public website of the General Services
 3 Administration, which shall allow for that
 4 information to be downloaded in a format
 5 that is machine-readable, as defined in sec-
 6 tion 3502 of title 44; and

7 “(ii) on the website described in clause
 8 (i) of this subparagraph, maintain access to
 9 that information from previous years, as
 10 applicable with respect to relevant records
 11 schedules.”;

12 (B) in subsection (b)—

13 (i) in paragraph (1)—

14 (I) in the matter preceding sub-
 15 paragraph (A), by inserting “, in con-
 16 sultation with the head of each agen-
 17 cy,” after “the Administrator”;

18 (II) by redesignating subpara-
 19 graphs (C) and (D) as subparagraphs
 20 (D) and (E), respectively; and

21 (III) by inserting after subpara-
 22 graph (B) the following:

23 “(C) whether the committee, for the period
 24 covered by the review, complied with the require-
 25 ments of subsection (a)(2);”;

1 (ii) by amending paragraph (3) to
2 read as follows:

3 “(3) *BIENNIAL REPORT AND RECOMMENDA-*
4 *TIONS.—The Administrator shall biennially submit to*
5 *the Committee on Homeland Security and Govern-*
6 *mental Affairs of the Senate and the Committee on*
7 *Oversight and Accountability of the House of Rep-*
8 *resentatives a report containing the results of the 2*
9 *most recent reviews conducted under this subsection,*
10 *which shall include recommendations to the President*
11 *and to either the agency head or Congress with re-*
12 *spect to action the Administrator believes should be*
13 *taken.”; and*

14 (C) in subsection (c)—

15 (i) in the first sentence—

16 (I) by striking “administrative
17 guidelines and management controls”
18 and inserting “regulations, adminis-
19 trative guidelines, and management
20 controls”; and

21 (II) by inserting after “their per-
22 formance” the following: “, which shall
23 include guidance regarding how the
24 agency and the advisory committees of
25 the agency should prepare the informa-

1 tion that is required to be submitted
 2 under subsection (a)(2) to ensure
 3 standardization and consistency in the
 4 reporting of that information”; and

5 (ii) by adding at the end the following:

6 “The Administrator may update the regula-
 7 tions, administrative guidelines, and man-
 8 agement controls prescribed under this sub-
 9 section, as determined necessary by the Ad-
 10 ministrator.”; and

11 (2) in section 1007—

12 (A) by amending subsection (a) to read as
 13 follows:

14 “(a) ADMINISTRATIVE GUIDELINES AND MANAGEMENT
 15 CONTROLS.—Each agency head shall—

16 “(1) establish uniform administrative guidelines
 17 and management controls for advisory committees es-
 18 tablished by that agency, which shall be consistent
 19 with directives of the Administrator under sections
 20 1006 and 1009 of this title;

21 “(2) maintain systematic information on the na-
 22 ture, functions, and operations of each advisory com-
 23 mittee established by that agency;

24 “(3) ensure timely and accurate reporting to the
 25 Administrator regarding the activities of each advi-

1 *sory committee established by that agency, including*
 2 *with respect to the information required to be sub-*
 3 *mitted under section 1006(a)(2);*

4 *“(4) in coordination with each officer or em-*
 5 *ployee of the Federal Government designated under*
 6 *section 1009(e), establish relevant and appropriate*
 7 *performance measures and outcomes for each advisory*
 8 *committee established by that agency; and*

9 *“(5) ensure that each advisory committee estab-*
 10 *lished by that agency, and the staff of each such advi-*
 11 *sory committee (including each officer or employee of*
 12 *the Federal Government designated under section*
 13 *1009(e)), complies with the requirements of this chap-*
 14 *ter and the rules, orders, and regulations promulgated*
 15 *under this chapter.”; and*

16 *(B) in subsection (b)—*

17 *(i) in paragraph (2)—*

18 *(I) by inserting “recommenda-*
 19 *tions,” after “records,”; and*

20 *(II) by striking “and” at the end;*

21 *(ii) in paragraph (3)—*

22 *(I) by striking “such reports,*
 23 *records, and other papers” and insert-*
 24 *ing “the reports, records, recommenda-*

1 *tions, and other papers described in*
2 *paragraph (2)”; and*

3 *(II) by striking the period at the*
4 *end and inserting “; and”; and*

5 *(iii) by adding at the end the fol-*
6 *lowing:*

7 *“(4) serve as the primary liaison between the*
8 *agency and the Administrator.”.*

9 ***SEC. 3. NO ADDITIONAL FUNDS.***

10 *No additional funds are authorized to be appropriated*
11 *for the purpose of carrying out this Act or the amendments*
12 *made by this Act.*

Calendar No. 746

118TH CONGRESS
2D Session

S. 5302

[Report No. 118-326]

A BILL

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.

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported with an amendment