

may not be submitted for a fiscal year not covered by a current strategic plan under this section.

(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

(f) For purposes of this section the term “agency” means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.

(Added Pub. L. 111-352, §2, Jan. 4, 2011, 124 Stat. 3866.)

PRIOR PROVISIONS

A prior section 306, added Pub. L. 103-62, §3, Aug. 3, 1993, 107 Stat. 286; amended Pub. L. 106-65, div. A, title IX, §902, Oct. 5, 1999, 113 Stat. 717; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, §604(b), Dec. 20, 2006, 120 Stat. 3241, related to strategic plans, prior to repeal by Pub. L. 111-352, §2, Jan. 4, 2011, 124 Stat. 3866.

CHAPTER 5—ADMINISTRATIVE PROCEDURE

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¹ So in original. Does not conform to section catchline.

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AMENDMENTS

2004—Pub. L. 108-401, §2(b)(2), Oct. 30, 2004, 118 Stat. 2255, substituted “Purposes” for “Purpose” in item 591.

1996—Pub. L. 104-320, §§4(b)(2), 10(b), 11(b)(2), (d)(2), Oct. 19, 1996, 110 Stat. 3871, 3873, 3874, in item 569 substituted “Encouraging negotiated rulemaking” for “Role of the Administrative Conference of the United States and other entities”, added items 570a and 584, and struck out item 582 “Compilation of information”.

1992—Pub. L. 102-354, §4, Aug. 26, 1992, 106 Stat. 945, substituted headings of subchapters III, IV, and V and items 561 to 570, 571 to 583, and 591 to 596 for former heading of subchapter III and former items 571 to 576 relating to Administrative Conference of the United States, former heading of subchapter IV and former items 581 to 593 relating to alternative means of dispute resolution in the administrative process, and former heading of subchapter IV and former items 581 to 590 relating to negotiated rulemaking procedure.

1990—Pub. L. 101-648, §3(b), Nov. 29, 1990, 104 Stat. 4976, added heading of subchapter IV and items 581 to 590 relating to negotiated rulemaking procedure.

Pub. L. 101-552, §4(c), Nov. 15, 1990, 104 Stat. 2745, added heading of subchapter IV and items 581 to 593 [renumbered 571 to 583] relating to alternative means of dispute resolution.

1986—Pub. L. 99-470, §2(b), Oct. 14, 1986, 100 Stat. 1198, substituted “Authorization of appropriations” for “Appropriations” in item 576.

1985—Pub. L. 99-80, §6, Aug. 5, 1985, 99 Stat. 186, revised item 504 and repealed Pub. L. 96-481, title II, §203(c), Oct. 21, 1980, 94 Stat. 2327, which provided for the repeal, effective Oct. 1, 1984, of item 504.

1980—Pub. L. 96-481, title II, §203(a)(2), (c), Oct. 21, 1980, 94 Stat. 2327, added item 504 “Costs and fees of parties”, and repealed that item effective Oct. 1, 1984.

1976—Pub. L. 94-409, §3(b), Sept. 13, 1976, 90 Stat. 1246, added item 552b.

1974—Pub. L. 93-579, §4, Dec. 31, 1974, 88 Stat. 1905, added item 552a.

1967—Pub. L. 90-83, §1(1)(B), Sept. 11, 1967, 81 Stat. 195, added item 500.

Pub. L. 90-23, §2, June 5, 1967, 81 Stat. 56, substituted “Public information; agency rules, opinions, orders, records and proceedings” for “Publication of information, rules, opinions, orders, and public records” in item 552.

SUBCHAPTER I—GENERAL PROVISIONS

§ 500. Administrative practice; general provisions

(a) For the purpose of this section—

(1) “agency” has the meaning given it by section 551 of this title; and

(2) “State” means a State, a territory or possession of the United States including a Commonwealth, or the District of Columbia.

(b) An individual who is a member in good standing of the bar of the highest court of a State may represent a person before an agency on filing with the agency a written declaration that he is currently qualified as provided by this subsection and is authorized to represent the particular person in whose behalf he acts.

(c) An individual who is duly qualified to practice as a certified public accountant in a State may represent a person before the Internal Revenue Service of the Treasury Department on filing with that agency a written declaration that he is currently qualified as provided by this subsection and is authorized to represent the particular person in whose behalf he acts.

(d) This section does not—

(1) grant or deny to an individual who is not qualified as provided by subsection (b) or (c) of this section the right to appear for or represent a person before an agency or in an agency proceeding;

(2) authorize or limit the discipline, including disbarment, of individuals who appear in a representative capacity before an agency;

(3) authorize an individual who is a former employee of an agency to represent a person before an agency when the representation is prohibited by statute or regulation; or

(4) prevent an agency from requiring a power of attorney as a condition to the settlement of a controversy involving the payment of money.

(e) Subsections (b)–(d) of this section do not apply to practice before the United States Patent and Trademark Office with respect to patent matters that continue to be covered by chapter 3 (sections 31–33) of title 35.

(f) When a participant in a matter before an agency is represented by an individual qualified under subsection (b) or (c) of this section, a notice or other written communication required or permitted to be given to the participant in the matter shall be given to the representative in addition to any other service specifically required by statute. When a participant is represented by more than one such qualified representative, service on any one of the representatives is sufficient.

(Added Pub. L. 90-83, §1(1)(A), Sept. 11, 1967, 81 Stat. 195; amended Pub. L. 106-113, div. B, §1000(a)(9) [title IV, §4732(b)(2)], Nov. 29, 1999, 113 Stat. 1536, 1501A-583.)

HISTORICAL AND REVISION NOTES

| <i>Section of title 5</i> | <i>Source (U.S. Code)</i> | <i>Source (Revised Statutes at Large)</i> |
|---------------------------|---------------------------|--------------------------------------------------|
| 500(a) | 5 App.: 1014. | Nov. 8, 1965, Pub. L. 89-332, §3, 79 Stat. 1281. |
| 500(b)–(e) ... | 5 App.: 1012. | Nov. 8, 1965, Pub. L. 89-332, §1, 79 Stat. 1281. |
| 500(f) | 5 App.: 1013. | Nov. 8, 1965, Pub. L. 89-332, §2, 79 Stat. 1281. |

The definition of “State” in subsection (a)(2) is supplied for convenience and is based on the words “State, possession, territory, Commonwealth, or District of Columbia” in subsections (a) and (b) of 5 App. U.S.C. 1012.

In subsection (d), the words “This section does not” are substituted for “nothing herein shall be construed”.

In subsection (d)(3), the word “employee” is substituted for “officer or employee” to conform to the definition of “employee” in 5 U.S.C. 2105.

AMENDMENTS

1999—Subsec. (e). Pub. L. 106-113 substituted “United States Patent and Trademark Office” for “Patent Office”.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, §4731] of Pub. L. 106-113, set out as a note under section 1 of Title 35, Patents.

§ 501. Advertising practice; restrictions

An individual, firm, or corporation practicing before an agency of the United States may not use the name of a Member of either House of Congress or of an individual in the service of the United States in advertising the business.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 381.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|------------------|-----------------------------------------------|
| | 5 U.S.C. 101. | Apr. 27, 1916, ch. 89, §1, 39 Stat. 54. |

The words “may not” are substituted for “It shall be unlawful for”. The words “agency of the United States” are substituted for “any department or office of the Government”. The words “an individual in the service of the United States” are substituted for “officer of the Government” in view of the definitions in sections 2104 and 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 502. Administrative practice; Reserves and National Guardsmen

Membership in a reserve component of the armed forces or in the National Guard does not prevent an individual from practicing his civilian profession or occupation before, or in connection with, an agency of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 381.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|--------------------------------|---------------------------------------------------------------|
| | 5 U.S.C. 30r(c) (2d sentence). | Aug. 10, 1956, ch. 1041, §29(c) (2d sentence), 70A Stat. 632. |