

SUBCHAPTER V—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-354, §2(1), Aug. 26, 1992, 106 Stat. 944, redesignated subchapter III of this chapter as this subchapter.

Statutory Notes and Related Subsidiaries

TERMINATION OF ADMINISTRATIVE CONFERENCE OF UNITED STATES

Pub. L. 104-52, title IV, Nov. 19, 1995, 109 Stat. 480, authorized \$600,000 for the prompt and orderly termination of the Administrative Conference of the United States by Feb. 1, 1996.

§ 591. Purposes

The purposes of this subchapter are—

(1) to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest;

(2) to promote more effective public participation and efficiency in the rulemaking process;

(3) to reduce unnecessary litigation in the regulatory process;

(4) to improve the use of science in the regulatory process; and

(5) to improve the effectiveness of laws applicable to the regulatory process.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 388, §571; renumbered §591, Pub. L. 102-354, §2(2), Aug. 26, 1992, 106 Stat. 944; Pub. L. 108-401, §2(a), Oct. 30, 2004, 118 Stat. 2255.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 1045(e), Aug. 30, 1964, Pub. L. 88-499, §2(e), 78 Stat. 615.

The words "this subchapter" are substituted for "this Act" to reflect the codification of the Administrative Conference Act in this subchapter.

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

Editorial Notes

PRIOR PROVISIONS

A prior section 591 was renumbered section 581 of this title.

AMENDMENTS

2004—Pub. L. 108-401 amended section catchline and text generally. Prior to amendment, text read as follows: "It is the purpose of this subchapter to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities

may be carried out expeditiously in the public interest."

1992—Pub. L. 102-354 renumbered section 571 of this title as this section.

§ 592. Definitions

For the purpose of this subchapter—

(1) "administrative program" includes a Federal function which involves protection of the public interest and the determination of rights, privileges, and obligations of private persons through rule making, adjudication, licensing, or investigation, as those terms are used in subchapter II of this chapter, except that it does not include a military or foreign affairs function of the United States;

(2) "administrative agency" means an authority as defined by section 551(1) of this title; and

(3) "administrative procedure" means procedure used in carrying out an administrative program and is to be broadly construed to include any aspect of agency organization, procedure, or management which may affect the equitable consideration of public and private interests, the fairness of agency decisions, the speed of agency action, and the relationship of operating methods to later judicial review, but does not include the scope of agency responsibility as established by law or matters of substantive policy committed by law to agency discretion.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 388, §572; renumbered §592, Pub. L. 102-354, §2(2), Aug. 26, 1992, 106 Stat. 944.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 1045a, Aug. 30, 1964, Pub. L. 88-499, §3, 78 Stat. 615.

In paragraph (1), the words "subchapter II of this chapter" are substituted for "the Administrative Procedure Act (5 U.S.C. 1001-1011)" to reflect the codification of the Act in this title. The word "naval" is omitted as included in "military".

In paragraph (2), the words "section 551(1) of this title" are substituted for "section 2(a) of the Administrative Procedure Act (5 U.S.C. 1001(a))".

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

Editorial Notes

PRIOR PROVISIONS

A prior section 592 was renumbered section 582 of this title and was subsequently repealed.

AMENDMENTS

1992—Pub. L. 102-354 renumbered section 572 of this title as this section.

§ 593. Administrative Conference of the United States

(a) The Administrative Conference of the United States consists of not more than 101 nor less than 75 members appointed as set forth in subsection (b) of this section.

(b) The Conference is composed of—

(1) a full-time Chairman appointed for a 5-year term by the President, by and with the

advice and consent of the Senate. The Chairman is entitled to pay at the highest rate established by statute for the chairman of an independent regulatory board or commission, and may continue to serve until his successor is appointed and has qualified;

(2) the chairman of each independent regulatory board or commission or an individual designated by the board or commission;

(3) the head of each Executive department or other administrative agency which is designated by the President, or an individual designated by the head of the department or agency;

(4) when authorized by the Council referred to in section 595(b) of this title, one or more appointees from a board, commission, department, or agency referred to in this subsection, designated by the head thereof with, in the case of a board or commission, the approval of the board or commission;

(5) individuals appointed by the President to membership on the Council who are not otherwise members of the Conference; and

(6) not more than 40 other members appointed by the Chairman, with the approval of the Council, for terms of 2 years, except that the number of members appointed by the Chairman may at no time be less than one-third nor more than two-fifths of the total number of members. The Chairman shall select the members in a manner which will provide broad representation of the views of private citizens and utilize diverse experience. The 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.

(c) Members of the Conference, 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 this title for individuals serving without pay.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 389, § 573; Pub. L. 99-470, § 1, Oct. 14, 1986, 100 Stat. 1198; renumbered § 593 and amended Pub. L. 102-354, § 2(2), (3), Aug. 26, 1992, 106 Stat. 944.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1045b.	Aug. 30, 1964, Pub. L. 88-499, § 4, 78 Stat. 616.

In subsection (a), the words “There is hereby established” are omitted as executed. The words “hereinafter referred to as the ‘Conference’” are omitted as unnecessary as the title “Administrative Conference of the United States” is fully set out the first time it is used in each section of this chapter.

In subsection (b)(4), the words “referred to in section 575(b) of this title” are inserted for clarity.

In subsection (c), the words “by section 5703 of this title” are substituted for “by law (5 U.S.C. 73b-2)” to reflect the codification of that section in title 5.

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

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 593 was renumbered section 583 of this title.

##### AMENDMENTS

1992—Pub. L. 102-354, § 2(2), renumbered section 573 of this title as this section.

Subsec. (b)(4). Pub. L. 102-354, § 2(3), substituted “section 595(b)” for “section 575(b)”.

1986—Subsec. (a). Pub. L. 99-470, § 1(a)(1), substituted “101” for “91”.

Subsec. (b)(6). Pub. L. 99-470, § 1(a)(2), substituted “40” for “36”.

#### Statutory Notes and Related Subsidiaries

##### TERMINATION OF ADMINISTRATIVE CONFERENCE OF UNITED STATES

For termination of Administrative Conference of United States, see note set out preceding section 591 of this title.

##### DEVELOPMENT OF ADMINISTRATIVE CONFERENCE

The Administrative Conference of the United States, established as a permanent body by the Administrative Conference Act, Pub. L. 88-499, Aug. 30, 1964, 78 Stat. 615, was preceded by two temporary Conferences. The first was called by President Eisenhower in 1953 and adopted a final report which was transmitted to the President who acknowledged receipt of it on March 3, 1955. The second was established by President Kennedy by Executive Order No. 10934, Apr. 14, 1961, 26 F.R. 3233, which, by its terms, called for a final report to the President by December 31, 1962. The final report recommended a continuing Conference consisting of both government personnel and outside experts.

#### § 594. Powers and duties of the Conference

To carry out the purposes of this subchapter, the Administrative Conference of the United States may—

(1) study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and make recommendations to administrative agencies, collectively or individually, and to the President, Congress, or the Judicial Conference of the United States, in connection therewith, as it considers appropriate;

(2) arrange for interchange among administrative agencies of information potentially useful in improving administrative procedure;

(3) collect information and statistics from administrative agencies and publish such reports as it considers useful for evaluating and improving administrative procedure;

(4) enter into arrangements with any administrative agency or major organizational unit within an administrative agency pursuant to which the Conference performs any of the functions described in this section; and

(5) provide assistance in response to requests relating to the improvement of administrative procedure in foreign countries, subject to the concurrence of the Secretary of State, the Administrator of the Agency for International Development, or the Director of the United States Information Agency, as appropriate, except that—

(A) such assistance shall be limited to the analysis of issues relating to administrative