

CHARTER OF THE ACADEMY FOR THE ADMINISTRATIVE PROCESS

Article 1. Charter

Article 2. Powers

Article 3. Objectives and Purposes

Article 4. Membership

Article 5. Board of Directors; Composition; Responsibilities

Article 6. Chair of the Academy

Article 7. Bylaws

Article 8. Minutes; Financial Records

Article 9. Activities

Article 10. Dissolution

Article 11. Amendments

Article 1. Charter

Be it enacted by the Congress, The Academy for the Administrative Process is hereby established as an independent, non-partisan, and objective entity and shall be granted the authority to act conferred upon it by this Charter.

Article 2. Powers

The Academy for the Administrative Process (hereinafter referred to as the "Academy") shall have the power:

1. To adopt, alter, and use an official seal.
2. To adopt, amend, and alter bylaws, not inconsistent with this Charter, for the regulation of its affairs.
3. To choose such officers, members, agents, and employees as the activities of the Academy may require.
4. To do any other acts and things, not inconsistent with this Charter, as may be necessary and proper to carry out the purposes of the Academy.

Article 3. Objectives and Purposes

The objectives and purposes of the Academy shall be:

1. To care for the organization and protection of the administrative process.

2. To develop new ways to help administrative agencies function more fairly, efficiently, and effectively in carrying out administrative programs.
3. To promote improvements in the quality of administrative agencies and the administrative process.
4. To evaluate any unnecessary costs, delays, and burdens imposed upon the various administrative agencies by inadequate, inefficient, and duplicative administrative processes.
5. To make cross-cutting agency comparisons and to formulate the necessary procedural reforms for the improvement of the administrative process as a whole.
6. To facilitate communication among administrative agencies and to arrange for the interchange of information potentially useful in improving the administrative process.
7. To serve as a forum for the self-critique of administrative agencies.
8. To bring a sense of unity to administrative agencies and to promote an appropriate degree of uniformity in their procedures.
9. To review and evaluate whether the basic law governing administrative procedure, the Administrative Procedure Act or any related statute or other procedural requirement, require revision and updating.
10. To study and adopt recommendations concerning better rule-making procedures, and ways to avoid legal technicalities, controversies, and delays through agency use of alternative means of dispute resolution.
11. To evaluate judicial review of agency actions and make appropriate recommendations to the end that it might be more expeditious and contribute to the development and improvement of the administrative process.
12. To consider ways to improve federal, state, and local relations in different areas, including those in which state and local government agencies administer federal programs.
13. To advise state and local government agencies and their staffs on significant legal developments and emerging trends occurring in the area of administrative procedure.
14. To consider new ways of achieving public goals through the greater reliance on the private sector, and the procedures that would make

these means more effective, efficient, and accountable as well as more acceptable to government agencies and the affected constituencies in the private sector.

15. To provide assistance in response to requests relating to the improvement of administrative procedure in foreign countries, and make recommendations for the appropriate means by which American agencies undertake to modify their regulations in response to international harmonization and treaty requirements.
16. To bring together an inter-disciplinary collection of experts in the administrative process to deliver results in the improvement of the administrative process through recommendations agency accountability.
17. To receive and investigate, as appropriate, complaints and inquiries about how individual agencies have functioned, and thereby serve as an Ombuds for the administrative process.
18. To make recommendations for the improvement of the Administrative Process to Congress, the President, Federal Agencies, States, State instrumentalities, and Federal and State Courts.

Article 4. Membership

The Academy shall consist of individuals from the public, private, academic, and not-for-profit sectors who are experts in administrative law and the administrative process. That expertise may come via government position, professional interactions with agencies, or scholarship. It may be in law, public administration, management, economics, dispute resolution, or political affairs. The members of the Academy shall be appointed by the Chair of the Academy with the approval of the Board of Directors. Members shall be selected in a manner which will provide broad and diverse representation of the views on administrative law and the administrative process.

Article 5. Board of Directors; Composition; Responsibilities

The Academy shall have a Board of Directors composed of a Chair and 10 other members. The Board of Directors shall be appointed by the President of the United States for a term of 3 years, serving at the will of the President. Half of the members of the Board shall be officers or employees of the United States Government, and the others shall be experts in the administrative process who reflect a diverse mix of interests and perspectives. The Board of Directors shall

be the governing body of the Academy and shall, during intervals between meetings of the members, be responsible for the general policies and programs of the Academy. The Board of Directors shall be responsible for the control of all funds administered by the Academy.

Article 6. Chair of the Academy

The Chair is the Chief Executive Officer of the Academy who shall be appointed to a 5 year term by the President of the United States without the advice and consent of the Senate. The Chair shall serve at the will of the President.

Article 7. Bylaws

The Academy shall adopt, amend, and alter bylaws, not inconsistent with this Charter, for the regulation of its affairs, including:

1. The number of members of the Academy.
2. The term for members, and the number of terms a member may serve.
3. The officers of the Academy.
4. The establishment of such committees as appropriate.
5. The meetings and other functions of the Academy by which it discharges its responsibilities under this Charter.

Article 8. Minutes; Financial Records

The Academy shall keep minutes of the proceedings of its members, Board of Directors, and committees having authority under the Board of Directors. It shall also keep books and records of its financial transactions. After the close of each fiscal year, the accounts of the Academy shall be audited by independent certified public accountants.

Article 9. Activities

1. The Academy may, whenever called upon by Congress, the Administration, an agency, a State, or any state instrumentality, investigate and report upon any subject of the administrative process, broadly construed. The reasonable expenses of such investigations and reports may be paid by the requesting entity.

2. The Academy is authorized to receive donations and bequests, and to enter into contracts for the provision of services.
3. The Academy is authorized to use, with their consent, the services and facilities of Federal Agencies and of State and private agencies and instrumentalities with or without reimbursement.
4. No part of the income or assets administered by the Academy shall inure to any member or director of the Academy, or be distributed to any such person during the life of the Academy or upon its dissolution or final liquidation. Nothing in this section shall be construed to prevent the payment of reasonable compensation to the Chair, agents, and employees of the Academy, or to provide reimbursement for actual necessary expenses for participation in the affairs of the Academy by members of the Board of Directors and the members of Academy in amounts approved by the Board of Directors.
5. The Academy is authorized to receive appropriated funds for the purposes of fulfilling its activities and responsibilities under this Charter.
6. The Academy shall not make any loan to any director, member, agent, and employee of the Academy.
7. The Academy is not an agency of the Federal Government for any purpose and shall not claim Congressional approval or Federal Government authority for any of its activities other than by mutual agreement.
8. Section 15 of the Federal Advisory Committee Act, 5 U.S.C. Appendix 2 § 15, shall apply to the Academy in the same manner and to the same effect as it applies to the National Academy of Sciences. The Freedom of Information Act, 5 U.S.C. § 552 shall apply to the Academy as if it were an agency.

Article 10. Dissolution

Upon final dissolution or liquidation of the Academy, and after discharge or satisfaction of all the outstanding obligations and liabilities for which it is responsible, the remaining assets in the hands of the Academy shall be distributed in a manner that is consistent with the purposes of the Academy and in accordance with all applicable restrictions and obligations of the Academy.

Article 11. Amendments

Congress expressly reserves the right to alter, amend, or repeal this Charter.