



H.R. 5687 – Federal Advisory Committee Act Amendments of 2008

FLOOR SITUATION

H.R. 5687 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative William Clay (D-MO) on April 3, 2008. The bill was ordered to be reported, as amended, by voice vote of the Committee on Oversight and Government Reform on April 9, 2008.

H.R. 5687 is expected to be considered on the floor of the House on June 24, 2008.

SUMMARY

Independent Advice and Conflict of Interest Disclosure: H.R. 5687 amends the Federal Advisory Committee Act (P.L. 92-463) to require appointments to federal advisory committees to be made without regard to political affiliation or activity, unless required by federal statute. The bill also requires each agency head to ensure that no individual who has a relevant conflict of interest is appointed to an advisory committee that reports to the agency, unless the conflict is unavoidable and the need for the individual's service outweighs the potential impacts of the conflict.

In addition, H.R. 5687 requires the public disclosure of any conflict of interest, and the Director of the Office of Government Ethics is required to describe regulations defining "conflict of interest". The Administrator of General Services is directed to develop regulations necessary to implement the Federal Advisory Committee Act.

Preventing Efforts to Circumvent the Federal Advisory Committee Act: The bill regards an individual who is not a full-time or permanent part-time employee of the federal government as a member of a committee if the individual regularly attends and participates in committee meetings. This regulation applies even if the individual does not have the right to vote or veto the committee's advice or recommendations. H.R. 5687 states that any communication between an interagency advisory committee and any person who is not a Federal employee must be made available for public inspection.

Increasing Transparency of Advisory Committees: The legislation requires public disclosure of the charters of advisory committees, the process used to establish and appoint committee members, certain information about current members, transcripts or recordings of committee meetings, and notices of future committee meetings. The Administrator of General Services is required to provide electronic access to such information on the General Services Administration's website.

H.R. 5687 requires committee charters to include the authority under which the committee is established, and the estimated number of members and a description of the expertise needed to carry out the committee's objectives.

Comptroller General Review and Reports: The Comptroller General is directed to review compliance of federal agencies with the requirements of this Act. The Comptroller General is also required to submit reports of these reviews to Congress within one year of enactment of the regulations in this Act.

BACKGROUND

The Federal Advisory Committee Act (P.L. 92-463) was enacted in 1972 to increase the accountability and transparency of federal advisory committees. This legislation also limited the length of time for which a committee can operate. The Act additionally requires a database of all committees to be made available to Congress and the public.



LEGISLATIVE DIGEST

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Advisory committees offer advice to Federal agencies and the President on hundreds of complex issues including drinking water standards, infant mortality, and chemical and biological threats. In 2007, the General Services Administration reported that there were over 900 advisory committees comprised of more than 65,000 members.

[Federal Advisory Committee Database](#)

STAFF CONTACT

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