

## HR 5687

Federal Advisory Committee Act Amendments of 2008

**Congress:** 110 (2007–2009, Ended)

**Chamber:** House

**Policy Area:** Government Operations and Politics

**Introduced:** Apr 3, 2008

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governm

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Jun 25, 2008)

**Official Text:** <https://www.congress.gov/bill/110th-congress/house-bill/5687>

### Sponsor

**Name:** Rep. Clay, Wm. Lacy [D-MO-1]

**Party:** Democratic • **State:** MO • **Chamber:** House

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Apr 3, 2008

### Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Jun 25, 2008
Oversight and Government Reform Committee	House	Reported By	May 15, 2008

### Subjects & Policy Tags

#### Policy Area:

Government Operations and Politics

### Related Bills

*No related bills are listed.*

Federal Advisory Committee Act Amendments of 2008 - (Sec. 2) Amends the Federal Advisory Committee Act to require appointments to advisory committees to be made without regard to political affiliation or activity, unless otherwise required by federal statute. Directs each agency head to: (1) ensure that no individual who has a conflict of interest is appointed unless the need for the individual's services outweighs the potential impacts of the conflict; (2) require that each individual to be appointed inform the agency of any actual or potential conflict that exists before the appointment or that arises while the individual is serving; and (3) ensure that advisory committee reports are the result of the committee's judgment, independent from the agency.

Declares that: (1) this Act is not intended to preclude agency heads from requiring the recusal of individuals with conflicts from particular aspects of the committee's work; and (2) an individual representative's association with the entity whose views are being represented shall not itself be considered to be a conflict of interest.

Requires: (1) the public disclosure of any conflict of interest; (2) the Director of the Office of Government Ethics to promulgate regulations defining "conflict of interest" and identifying the method for disclosure and the period back in time an interest is considered a conflict; and (3) the Administrator of General Services to promulgate regulations to implement the Federal Advisory Committee Act.

(Sec. 3) Regards an individual who is not a full-time or permanent part-time officer or employee of the federal government as a member of a committee if the individual regularly attends and participates in committee meetings as if the individual were a member, even if the individual does not have the right to vote or veto the committee's advice or recommendations.

(Sec. 4) Requires public disclosure of: (1) any communication between an interagency advisory committee established by the President or the Vice President and a person who is not a federal officer or employee; (2) charters of advisory committees; (3) the process used to establish and appoint committee members; (4) specified information about current members; (5) each committee's decision-making process; (6) transcripts or recordings of committee meetings; (7) determinations to close meetings; and (8) notices of future committee meetings. Requires agency heads to make such information available electronically 15 days before each meeting (or 30 days after for meeting transcripts or recordings). Authorizes an agency to withhold from disclosure any information that would be exempt from disclosure under the Freedom of Information Act. Requires the Administrator of General Services to provide electronic access to such information on the General Services Administration's (GSA's) Internet site.

Requires committee charters to include: (1) the authority under which the committee is established; (2) the estimated number of members and a description of the expertise needed to carry out the committee's objectives; (3) a description of whether the committee will be composed of special government employees, representatives, or members from both categories; and (4) whether the committee has the authority to create subcommittees and, if so, the agency official authorized to exercise such authority.

(Sec. 5) Requires the Comptroller General to review and report on agency compliance with the Federal Advisory Committee Act, including whether agencies are appropriately appointing advisory committee members as either special government employees or representatives.

## Actions Timeline

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- **Jun 25, 2008:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Jun 24, 2008:** Mr. Clay moved to suspend the rules and pass the bill, as amended.
- **Jun 24, 2008:** Considered under suspension of the rules. (consideration: CR H5994-5997)
- **Jun 24, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5687.
- **Jun 24, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H5994-5995)
- **Jun 24, 2008:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H5994-5995)
- **Jun 24, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **May 15, 2008:** Reported (Amended) by the Committee on Oversight and Government. H. Rept. 110-650.
- **May 15, 2008:** Placed on the Union Calendar, Calendar No. 411.
- **Apr 9, 2008:** Committee Consideration and Mark-up Session Held.
- **Apr 9, 2008:** Ordered to be Reported (Amended) by Voice Vote.
- **Apr 3, 2008:** Introduced in House
- **Apr 3, 2008:** Referred to the House Committee on Oversight and Government Reform.

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