

HR 1320

Federal Advisory Committee Act Amendments of 2010

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 5, 2009

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. (Jul 27, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/1320>

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. Towns, Edolphus [D-NY-10]	D · NY		Mar 5, 2009

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Jul 27, 2010
Oversight and Government Reform Committee	House	Reported By	Jun 4, 2009

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Federal Advisory Committee Act Amendments of 2010 - (Sec. 2) Amends the Federal Advisory Committee Act (FACA) to require appointments to advisory committees to be made without regard to political affiliation or activity, unless otherwise required by federal statute.

Directs the head of an agency, prior to appointing members to an advisory committee, to give interested persons an opportunity to suggest potential committee members. Directs the agency to: (1) include a request for comments in the required notice regarding establishment of the advisory committee; (2) provide a mechanism for interested persons to comment through the agency's official website; and (3) consider any comments submitted in selecting members.

Requires an individual appointed to an advisory committee who is not a full-time or permanent part-time officer or employee of the federal government to be designated as: (1) a special government employee if the individual is providing advice based on the individual's expertise or experience; or (2) a representative if the individual is representing the views of an entity or entities outside of the federal government. Prohibits an agency from designating committee members as representatives to avoid subjecting them to federal ethics rules and requirements.

Requires the designated ethics official for each agency to: (1) determine whether each agency advisory committee member's designation is appropriate and to redesignate members if necessary; and (2) certify to the agency head that such determination has been made following the initial appointment of members and at the time a committee's charter is renewed (or, in the case of a committee with an indefinite charter, every two years).

Directs the agency head to: (1) inform each individual appointed to an agency advisory committee about whether the individual is appointed as a special government employee or as a representative, the differences between the two, and applicable ethics requirements; and (2) obtain a signed confirmation that each member received such information. Requires the Director of the Office of Government Ethics to provide guidance to agencies on such ethics requirements.

Directs the agency head to develop and implement strategies to minimize the need for written determinations regarding whether an employee's financial interest is likely to affect the integrity of the services which the government may expect from such employee.

Requires the Administrator of General Services to promulgate regulations to implement FACA.

(Sec. 3) Deems: (1) an individual who is not a full-time or permanent part-time officer or employee of the federal government to be a member of an advisory committee if the individual regularly attends and participates in committee meetings, even if the individual does not have the right to vote; and (2) an advisory committee to be established by an agency or the President if it is formed, created, or organized under contract, other transactional authority, cooperative agreement, grant, or otherwise at the request or direction of an agency or the President.

(Sec. 4) Requires the head of an agency to which an advisory committee reports to make available on the agency's official public Internet site: (1) the committee's charter; (2) the process used to establish and appoint committee members; (3) specified information about current members, including special government employees for whom conflict of interest certifications were made; (4) information about any recusals from any meeting or other work of the committee; (5) a summary each committee's decision-making process; (6) transcripts or recordings of committee meetings; (7) determinations to close meetings; and (8) notices of future meetings. Requires the Administrator to provide electronic access to such information on the General Services Administration's (GSA's) Internet site. Expands the information required to be disclosed about advisory committee charters.

(Sec. 5) Requires the Comptroller General to review and report on agency compliance with FACA.

(Sec. 6) Amends the Trade Act of 1974 to specify the applicability of FACA provisions to trade advisory committees.

Actions Timeline

- **Jul 27, 2010:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Jul 26, 2010:** Ms. Norton moved to suspend the rules and pass the bill, as amended.
- **Jul 26, 2010:** Considered under suspension of the rules. (consideration: CR H6017-6020)
- **Jul 26, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1320.
- **Jul 26, 2010:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Jul 26, 2010:** Considered as unfinished business. (consideration: CR H6020-6021)
- **Jul 26, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 250 - 124 (Roll no. 467).(text: CR H6017-6018)
- **Jul 26, 2010:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 250 - 124 (Roll no. 467). (text: CR H6017-6018)
- **Jul 26, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 4, 2009:** Reported by the Committee on Oversight and Government. H. Rept. 111-135.
- **Jun 4, 2009:** Placed on the Union Calendar, Calendar No. 68.
- **Mar 10, 2009:** Committee Consideration and Mark-up Session Held.
- **Mar 10, 2009:** Ordered to be Reported by the Yeas and Nays: 16 - 1.
- **Mar 5, 2009:** Introduced in House
- **Mar 5, 2009:** Referred to the House Committee on Oversight and Government Reform.

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