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## [H.R. 2347, Federal Advisory Committee Act Amendments, as amended](#)

### FLOOR SITUATION

On Tuesday, March 1, 2016, the House will consider [H.R. 2347](#), the Federal Advisory Committee Act Amendments of 2015, as amended, under suspension of the rules. H.R. 2347 was introduced on May 15, 2015 by Rep. Wm. Lacy Clay (D-MO), and was referred to the Committee on Oversight and Government Reform, and in addition, to the Committee on Ways and Means. The Oversight and Government Reform Committee ordered the bill reported by unanimous consent on October 9, 2015.

### SUMMARY

H.R. 2347 improves the transparency and accountability of federal advisory committees. The bill clarifies that all advisory committee members should be selected without regard to political affiliation, creates a formal process for the public to recommend potential advisory committee members, requires member selection without regard to their partisan affiliation, and requires members serving as individual experts to fully disclose any conflicts of interest. The bill also requires each agency head to make information about advisory committees available on the agency's website.

### BACKGROUND

Federal advisory committees, which are also sometimes referred to as commissions, councils, or task forces, are established to assist the executive and legislative branch in deliberating complex policy issues. Congress, the President, or an agency head may establish a federal advisory committee to render independent advice or provide policy recommendations. During FY2014, there were approximately 1,000 active federal advisory committees with nearly 70,000 members. These committees reported approximately \$334 million in cost, of which \$192 million of which was spent on federal support staff.<sup>1</sup>

The Federal Advisory Committee Act (FACA) of 1972 mandates certain structural and operational requirements, including formal reporting and oversight procedures. Additionally, FACA requires committee meetings be open to the public, unless they meet certain requirements. Also, FACA

<sup>1</sup> See CRS Report, ["Federal Advisory Committees: An Introduction and Overview."](#) October 28, 2015.

committee records are to be accessible to the public. Pursuant to statute, the General Services Administration (GSA) maintains and administers management guidelines for federal advisory committees.<sup>2</sup>

The Government Accountability Office (GAO) concluded in a report that additional government-wide guidance could help ensure federal advisory committee members are independent. They recommend amending the act to (1) help prevent inappropriate use of representative appointments; (2) better ensure the independence of committee members by clarifying the nature of advice to be provided by members of advisory committees; and (3) require that all committee members, not just special government employees, be provided ethics training.<sup>3</sup>

Similar legislation ([H.R. 1320](#)) passed the House in the 111<sup>th</sup> Congress by a vote of [250 to 124](#) on July 26, 2010.

According to the bill sponsor, “This bill opens up the Federal Advisory Committee selection and oversight process by providing greater transparency and ensuring real independence for appointees. The act also imposes much tougher standards to ensure that committee members are insulated from political pressure to influence their recommendations. Finally, my act would require any FACA appointee selected by the President or an agency to provide expert advice to fully comply with all conflict of interest rules and federal ethics laws.”<sup>4</sup>

## **COST**

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 2347, as reported by the Committee, would cost \$70 million over the 2016 to 2020 period, assuming appropriation of the necessary amounts. Enacting the bill could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would be negligible. Enacting the bill would not affect revenues. The amended version of the bill includes a provision (Section 11), specifying that no additional funds shall be available to carry out the requirements in the bill.

## **STAFF CONTACT**

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

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<sup>2</sup> Id.

<sup>3</sup> U.S. Gov’t Accountability Office, GAO–04–328, Federal Advisory Committees: Additional Guidance Could Help Agencies Better Ensure Independence and Balance (2004). <https://www.acus.gov/recommendation/federal-advisory-committee-act-issues-and-proposed-reforms>

<sup>4</sup> See. Rep. Wm. Lacy Clay Press Release, [“Clay Introduces Bill to Amend Federal Advisory Committee Act,”](#) March 13, 2013.