

the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 73.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2017

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 70) to amend the Federal Advisory Committee Act to increase the transparency of Federal advisory committees, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Advisory Committee Act Amendments of 2017”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring independent advice and expertise.
- Sec. 3. Preventing efforts to circumvent the Federal Advisory Committee Act and public disclosure.
- Sec. 4. Increasing transparency of advisory committees.
- Sec. 5. Managing Federal advisory committees.
- Sec. 6. Comptroller General review and reports.
- Sec. 7. Application of Federal Advisory Committee Act to Trade Advisory Committees.
- Sec. 8. Definitions.
- Sec. 9. Technical and conforming amendments.
- Sec. 10. Effective date.
- Sec. 11. No additional funds authorized.

SEC. 2. ENSURING INDEPENDENT ADVICE AND EXPERTISE.

(a) BAR ON POLITICAL LITMUS TESTS.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in the section heading, by inserting “MEMBERSHIP;” after “ADVISORY COMMITTEES;”;

(2) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) APPOINTMENTS MADE WITHOUT REGARD TO POLITICAL AFFILIATION OR ACTIVITY.—All appointments to advisory committees shall be made without regard to political affiliation or political activity, unless required by Federal statute.”

(b) MINIMIZING CONFLICTS OF INTEREST.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.), as amended by subsection (a) of this section, is further amended by inserting after subsection (b) (as added by such subsection (a)) the following:

“(c) PUBLIC NOMINATIONS OF COMMITTEE MEMBERS.—Prior to appointing members to an advisory committee, the head of an agency shall give interested persons an opportunity to suggest potential committee members. The agency shall include a request for comments in the Federal Register notice required under subsection (a) and provide a mechanism for interested persons to com-

ment through the official website of the agency. The agency shall consider any comments submitted under this subsection in selecting the members of an advisory committee.

“(d) DESIGNATION OF COMMITTEE MEMBERS.—

“(1) An individual appointed to an advisory committee who is not a full-time or permanent part-time officer or employee of the Federal Government shall be designated as—

“(A) a special Government employee, if the individual is providing advice based on the individual’s expertise or experience; or

“(B) a representative, if the individual is representing the views of an entity or entities outside of the Federal Government.

“(2) An agency may not designate committee members as representatives to avoid subjecting them to Federal ethics rules and requirements.

“(3) The designated agency ethics official for each agency shall review the members of each advisory committee that reports to the agency to determine whether each member’s designation is appropriate, and to redesignate members if appropriate. The designated agency ethics official shall certify to the head of the agency that such review has been made—

“(A) following the initial appointment of members; and

“(B) at the time a committee’s charter is renewed, or, in the case of a committee with an indefinite charter, every 2 years.

“(4) The head of each agency shall inform each individual appointed to an advisory committee that reports to the agency whether the individual is appointed as a special Government employee or as a representative. The agency head shall provide each committee member with an explanation of the differences between special Government employees and representatives and a summary of applicable ethics requirements. The agency head, acting through the designated agency ethics official, shall obtain signed and dated written confirmation from each committee member that the member received and reviewed the information required by this paragraph.

“(5) The Director of the Office of Government Ethics shall provide guidance to agencies on what to include in the summary of ethics requirements required by paragraph (4).

“(6) The head of each agency shall, to the extent practicable, develop and implement strategies to minimize the need for written determinations under section 208(b)(3) of title 18, United States Code. Strategies may include such efforts as improving outreach efforts to potential committee members and seeking public input on potential committee members.”

(c) REGULATIONS IMPLEMENTING FACA.—Section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by inserting “promulgate regulations and” after “The Administrator shall”.

(d) ENSURING INDEPENDENT ADVICE AND RECOMMENDATIONS.—The Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in section 8—

(A) in the section heading, by inserting “INDEPENDENT ADVICE AND RECOMMENDATIONS;” after “RESPONSIBILITIES OF AGENCY HEADS;”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) The head of each agency shall ensure that the agency does not interfere with the free and independent participation, expression of views, and deliberation by committee members. Each advisory committee shall include a statement describing the process

used by the advisory committee in formulating the advice and recommendations when they are transmitted to the agency.”; and

(2) in section 10—

(A) in the section heading, by inserting “; CHAIR” after “ATTENDANCE”; and

(B) by inserting after subsection (f) the following new subsection:

“(g) The Chair shall not be an employee of the agency to which the advisory committee reports, unless—

“(1) a statute specifically authorizes selection of such an employee as the Chair; or

“(2) the head of the agency directs an employee to serve as the Chair.”

SEC. 3. PREVENTING EFFORTS TO CIRCUMVENT THE FEDERAL ADVISORY COMMITTEE ACT AND PUBLIC DISCLOSURE.

(a) DE FACTO MEMBERS.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following new subsection:

“(d) TREATMENT OF INDIVIDUAL AS MEMBER.—An individual who is not a full-time or permanent part-time officer or employee of the Federal Government shall be regarded 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 advice or recommendations of the advisory committee.”

(b) SUBCOMMITTEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.), as amended by subsection (a) of this section, is further amended by striking subsection (a) and inserting the following:

“(a) APPLICATION.—The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee, including any subcommittee or subgroup thereof, except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise. Any subcommittee or subgroup that reports to a parent committee established under section 9(a) is not required to comply with section 9(f).”

(c) COMMITTEES CREATED UNDER CONTRACT.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended in the matter following subparagraph (C) by adding at the end the following: “An advisory committee is considered to be established by an agency, agencies, 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, agencies, or the President.”

(d) ADVISORY COMMITTEES CONTAINING SPECIAL GOVERNMENT EMPLOYEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.), as amended by subsections (a) and (b) of this section, is further amended by adding at the end the following new subsection:

“(e) SPECIAL GOVERNMENT EMPLOYEES.—Committee members appointed as special Government employees shall not be considered full-time or permanent part-time officers or employees of the Federal Government for purposes of determining the applicability of this Act under section 3(2).”

SEC. 4. INCREASING TRANSPARENCY OF ADVISORY COMMITTEES.

(a) INFORMATION REQUIREMENT.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended to read as follows:

“SEC. 11. DISCLOSURE OF INFORMATION.

“(a) IN GENERAL.—With respect to each advisory committee, the head of the agency to which the advisory committee reports shall make publicly available in accordance with subsection (b) the following information:

“(1) The charter of the advisory committee.

“(2) A description of the process used to establish and appoint the members of the advisory committee, including the following:

“(A) The process for identifying prospective members.

“(B) The process of selecting members for balance of viewpoints or expertise.

“(C) The reason each member was appointed to the committee.

“(D) A justification of the need for representative members, if any.

“(3) A list of all current members, including, for each member, the following:

“(A) The name of any person or entity that nominated the member.

“(B) Whether the member is designated as a special Government employee or a representative.

“(C) In the case of a representative, the individuals or entity whose viewpoint the member represents.

“(4) A list of all members designated as special Government employees for whom written certifications were made under section 208(b) of title 18, United States Code, a copy of each such certification, a summary description of the conflict necessitating the certification, and the reason for granting the certification.

“(5) Any recusal agreement made by a member or any recusal known to the agency that occurs during the course of a meeting or other work of the committee.

“(6) A summary of the process used by the advisory committee for making decisions.

“(7) Detailed minutes of all meetings of the committee and a description of committee efforts to make meetings accessible to the public using online technologies (such as video recordings) or other techniques (such as audio recordings).

“(8) Any written determination by the President or the head of the agency to which the advisory committee reports, pursuant to section 10(d), to close a meeting or any portion of a meeting and the reasons for such determination.

“(9) Notices of future meetings of the committee.

“(10) Any additional information considered relevant by the head of the agency to which the advisory committee reports.

“(b) MANNER OF DISCLOSURE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the head of an agency shall make the information required to be disclosed under this section available electronically on the official public website of the agency and to the Administrator at least 15 calendar days before each meeting of an advisory committee. If the head of the agency determines that such timing is not practicable for any required information, such head shall make the information available as soon as practicable but no later than 48 hours before the next meeting of the committee. An agency may withhold from disclosure any information that would be exempt from disclosure under section 552 of title 5, United States Code.

“(2) WEBSITE AVAILABILITY.—The head of an agency shall make available electronically, on the official public website of the agency, detailed minutes and, to the extent available, a transcript or audio or video recording of each advisory committee meeting not later than 30 calendar days after such meeting.

“(3) GRANT REVIEWS.—In the case of grant reviews, disclosure of information required by subsection (a)(3) may be provided in the aggregate rather than by individual grant.

“(c) PROVISION OF INFORMATION BY ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall provide, on the official public website of the General Services Administration, electronic access

to the information made available by each agency under this section.

“(d) AVAILABILITY OF MEETING MATERIALS.—Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of advisory committee meeting materials.”

(b) CHARTER FILING.—Subsection (f) of section 9 of the Federal Advisory Committee Act (5 U.S.C. App.), as redesignated by section 2(a) of this Act, is amended to read as follows:

“(f) No advisory committee shall meet or take any action until an advisory committee charter has been filed with the Administrator, the head of the agency to whom any advisory committee reports, and the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information in the following order:

“(1) The committee’s official designation.

“(2) The authority under which the committee is established.

“(3) The committee’s objectives and the scope of its activity.

“(4) A description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions.

“(5) The agency or official to whom the committee reports.

“(6) The agency responsible for providing the necessary support for the committee.

“(7) The responsibilities of the officer or employee of the Federal Government designated under section 10(e).

“(8) The estimated number and frequency of committee meetings.

“(9) The period of time necessary for the committee to carry out its purposes.

“(10) The committee’s termination date, if less than two years from the date of the committee’s establishment.

“(11) The estimated number of members and a description of the expertise needed to carry out the objectives of the committee.

“(12) A description of whether the committee will be composed of special Government employees, representatives, or members from both categories.

“(13) Whether the agency intends to create subcommittees and if so, the agency official authorized to exercise such authority.

“(14) The estimated annual operating costs in dollars and full-time equivalent positions for such committee.

“(15) The recordkeeping requirements of the committee.

“(16) The date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.”

SEC. 5. MANAGING FEDERAL ADVISORY COMMITTEES.

(a) COMMITTEE MANAGEMENT OFFICERS.—Subsection (c) of section 8 of the Federal Advisory Committee Act (5 U.S.C. App.), as redesignated by section 2(d) of this Act, is amended to read as follows:

“(c) The head of each agency that has an advisory committee shall designate an Advisory Committee Management Officer who shall—

“(1) be a senior official who is—

“(A) an expert in implementing the requirements of this Act and regulations promulgated pursuant to this Act; and

“(B) the primary point of contact for the General Services Administration;

“(2) be responsible for the establishment, management, and supervision of the advisory committees of the agency, including establishing procedures, performance measures, and outcomes for such committees;

“(3) assemble and maintain the reports, records, and other papers (including advisory committee meeting materials) of any such committee during its existence;

“(4) ensure any such committee and corresponding agency staff adhere to the provisions of this Act and any regulations promulgated pursuant to this Act;

“(5) maintain records on each employee of any such committee and completion of training required for any such employee;

“(6) be responsible for providing the information required in section 7(b) of this Act to the Administrator; and

“(7) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to the reports, records, and other papers described in paragraph (3).”

SEC. 6. COMPTROLLER GENERAL REVIEW AND REPORTS.

(a) REVIEW.—The Comptroller General of the United States shall review compliance by agencies with the Federal Advisory Committee Act, as amended by this Act, including whether agencies are appropriately appointing advisory committee members as either special Government employees or representatives.

(b) REPORT.—The Comptroller General shall submit to the committees described in subsection (c) two reports on the results of the review, as follows:

(1) The first report shall be submitted not later than one year after the date of promulgation of regulations under section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.), as amended by section 2(c).

(2) The second report shall be submitted not later than five years after such date of promulgation of regulations.

(c) COMMITTEES.—The committees described in this subsection are the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 7. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT TO TRADE ADVISORY COMMITTEES.

Section 135(f)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2155(f)(2)(A)) is amended by striking “subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act” and inserting “subsections (a) and (b) of section 10 and subsections (a)(7), (a)(8), (a)(9), (b)(2), and (d) of section 11 of the Federal Advisory Committee Act”.

SEC. 8. DEFINITIONS.

Section 3 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(5) The term ‘special Government employee’ has the meaning given that term in section 202(a) of title 18, United States Code.”

SEC. 9. TECHNICAL AND CONFORMING AMENDMENTS.

Section 7(d)(1) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking “the rate specified for GS-18 of the General Schedule under section 5332” and inserting “the rate for level IV of the Executive Schedule under section 5315”; and

(2) in subparagraph (C)(i), by striking “handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794))” and inserting “individuals with disabilities (as defined in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)))”.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act.

SEC. 11. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I would like to thank the Committee on Ways and Means for their work on this bill; and I include committee exchanges of letters into the RECORD.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2017.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR CHAIRMAN CHAFFETZ, I am writing with respect to H.R. 70, the "Federal Advisory Committee Act Amendments of 2017," which was referred to the Committee on Oversight and Government Reform.

H.R. 70 involves issues that fall within the Rule X jurisdiction of the Committee on Ways and Means. As a result of your having consulted with the Committee and in order to expedite the House's consideration of H.R. 70, the Committee on Ways and Means will not assert its jurisdictional claim over this bill. However, this is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Ways and Means with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in die bill or similar legislation.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 70, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration thereof.

Sincerely,

KEVIN BRADY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
Washington, DC, January 4, 2017.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: On January 3, 2017, H.R. 70, the Federal Advisory Committee Act Amendments of 2017, was introduced by Rep. Wm. Lacy Clay (D-MO-1). The bill was referred primarily to the Committee on Oversight and Government Reform, with an additional referral to the Committee on Ways and Means.

I ask that you allow the Ways and Means Committee to be discharged from further consideration of the bill so that it may be

scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Oversight and Government Reform, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

JASON CHAFFETZ,
Chairman.

Mr. CHAFFETZ. Mr. Speaker, this is a bill that the primary sponsor is actually the gentleman from Missouri (Mr. CLAY). I reserve the balance of my time in order to allow Mr. CLAY to speak first on this issue, Mr. Speaker.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Let me begin by thanking the chairman for his understanding and his support of this legislation. I certainly appreciate it, and I am sure it will make the Federal Government run more efficiently.

I rise in strong support of the Federal Advisory Committee Act Amendments. I have introduced this bill in previous Congresses, and it passed the House last year without opposition.

The FACA was originally enacted in 1972. It is intended to ensure that committees that provide advice to Federal agencies and the President operate with transparency.

Advisory committees provide the government with recommendations on a wide range of issues. For example, the EPA relies on the expertise of the Clean Air Scientific Advisory Committee to provide technical advice on setting national air quality standards.

The bill we are considering today would strengthen FACA to make Federal advisory committees more transparent and to make agencies more accountable in how they select and use these committees. Agencies currently can avoid the requirements of FACA by conducting advisory committee business through subcommittees. This bill makes it clear that FACA applies to subcommittees as well as parent committees.

The bill also clarifies that a committee set up by a contractor is subject to FACA if it is formed under direction of the President or an agency.

Under FACA, agencies would be required to disclose how advisory members are chosen, whether they have financial conflicts of interest if they are appointed to provide their own expertise, and who they work for if they are representing a specific interest.

I urge my colleagues to support this bill. I hope the Senate will take it up quickly and send it to the President.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Again, I thank the gentleman from Missouri (Mr. CLAY) for his good work

on this. The Federal Advisory Committee Act Amendments of 2017 was introduced by Representative CLAY to help improve the governance and transparency of the Federal advisory committees. Last Congress, this bill passed through the committee by regular order and passed the House.

Congress acknowledged the merits of using advisory committees to acquire viewpoints from business, academic, and other interests when it passed the original act back in 1972. While not necessarily well-known, Federal advisory committees are small bodies of people who provide advice, guidance, and recommendation to Federal policymakers on a wide range of topics.

All told, in fiscal year 2015, there were roughly 1,000 Federal advisory committees, and they held roughly 7,400 meetings at a cost to the American taxpayers of more than \$369 million. Now, this strikes me personally as an exceptionally high number. It is a large amount of money. We need to learn more about them, and I personally would help champion to reduce the number of overall Federal advisory committees.

We have some 2 million Federal employees, I think, who are highly capable, motivated, and compensated to provide this work. It is good to get outside perspective; but, at some point, we are going to have to look at the cost, the size, and the scope of this as well. Nevertheless, we have to make sure that we are getting the most of these taxpayer dollars.

Some agencies believe the FACA requirements are cumbersome and resource intensive. We could certainly streamline this. This reduces the ability of committees to focus on substantive issues in a timely fashion.

Both governmental agencies and private groups say the 1972 act does not do enough to require agencies to promote openness and transparency with regard to Federal advisory committees. The bill works to address these problems and bring transparency to the Federal advisory committees and the Federal agency decisionmaking process.

The bill provides needed transparency for how committee members are selected in several ways. First, the bill requires members to be selected without political affiliation. The bill also authorizes agency heads to require members to fully disclose any conflicts of interest. You would think that that would be common sense but something that we actually need to put into this bill and make sure that we understand that.

In addition, the bill allows these individuals who regularly attend and participate in committee meetings to be considered as a member, even if they are not allowed to vote.

The bill also improves transparency of committee activities. This is done by increasing the independence of these committees and making sure its advice, information, and recommendations are a judgment of the committee and not the agency.

The bill also increases transparency by requiring each agency to make available on their Web site the committee and its activities.

I urge our Members to support this. It has wide support and has had it in the Oversight and Government Reform Committee. I urge its passage. I again thank Mr. CLAY, Mr. CONNOLLY, and others who were working on this issue. I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), a colleague, friend, and cohort on the Oversight and Government Reform Committee.

Mr. CONNOLLY. Mr. Speaker, I thank the gentleman from Missouri (Mr. CLAY) for his leadership on this very important piece of legislation. I also thank the distinguished chairman of our full committee for his leadership in moving this through.

The Federal Advisory Committee Act Amendments of 2017, I think, fall under the umbrella of good government, which the Oversight and Government Reform Committee, at its best, strives to promote on a bipartisan basis. I am proud, as Mr. CLAY indicated, to be an original cosponsor of the bill.

We welcome consideration of the Federal Advisory Committee Act Amendments, which would improve the transparency and accountability of Federal advisory committees, often arcane, Byzantine parts of the government most of the public can't access.

This crucial piece of legislation ensures that the selection process of advisory committee members takes place without regard to political affiliation and requires the disclosure of potential conflicts of interest.

The Federal Advisory Committee Act, FACA, enacted on October 6, 1972, formalized the process for establishing, operating, overseeing, and terminating Federal advisory committees. Federal advisory committees provide a mechanism for government officials to gain knowledge from Federal and non-Federal experts on key policy matters. FACA ensures Federal advisory committees, however, are both transparent and accessible.

FACA was enacted in response to concerns that Federal advisory committees were becoming increasingly common but had little oversight or accountability. The then-House Committee on Government Operations listened to concerns over the lack of transparency and formalized a governance process for these advisory bodies by establishing the Committee Management Secretariat within the General Services Administration to monitor compliance with the new law. The intent of that law was to make Federal advisory committees more accountable, more transparent, balanced, and independent from the influence of special interests.

This bill before us today, inspired by Mr. LACY's leadership, will help strengthen the independence of those advisory committees by requiring

members to be selected without regard to partisan affiliation. It is imperative that the recommendations and guidance of the committees be provided free of political influence, pressure, and intervention.

The bill closes the loophole that allows subcommittees to operate outside of the regulations of FACA. It also improves the transparency of advisory committees by requiring agency heads to obtain conflict of interest disclosures from all committee members serving as individual experts.

H.R. 2347 builds upon the accountability of the advisory committees by explicitly stating that committees established by contractors must comply with the law and that individuals who regularly attend and participate as if they are members are considered members regardless of their ability to vote.

This bill also calls on the Government Accountability Office to review and report regularly on agency compliance.

The SPEAKER pro tempore (Mr. BYRNE). The time of the gentleman has expired.

Mr. CLAY. Mr. Speaker, I yield the gentleman from Virginia an additional 30 seconds.

Mr. CONNOLLY. Mr. Speaker, last Congress, the Committee on Oversight and Government Reform reported this bill favorably by unanimous consent.

I urge my colleagues to continue Congress' longstanding support of oversight, accountability, and transparency and vote for this thoughtful and important piece of legislation.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers. I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no additional speakers. I would urge the House to adopt this legislation.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, it is a good piece of legislation. I again thank Mr. CLAY and Mr. CONNOLLY for their work on this, and I urge its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 70.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

GAO ACCESS AND OVERSIGHT ACT OF 2017

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 72) to ensure the Government Accountability Office has adequate access to information.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 72

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "GAO Access and Oversight Act of 2017".

SEC. 2. ACCESS TO CERTAIN INFORMATION.

(a) ACCESS TO CERTAIN INFORMATION.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

"§ 721. Access to certain information

"(a) No provision of the Social Security Act, including section 453(1) of that Act (42 U.S.C. 653(1)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect any record under section 716 of this title.

"(b) The specific reference to a statute in subsection (a) shall not be construed to affect access by the Government Accountability Office to information under statutes that are not so referenced."

(b) AGENCY REPORTS.—Section 720(b) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "or planned" after "action taken"; and

(2) by striking paragraph (1) and inserting the following:

"(1) the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the congressional committees with jurisdiction over the agency program or activity that is the subject of the recommendation, and the Government Accountability Office before the 61st day after the date of the report; and"

(c) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(1) by striking "(a)" and inserting "(2)"; and

(2) by inserting after the section heading the following:

"(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge the duties of the Comptroller General (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law."

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following:

"721. Access to certain information."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

□ 1315

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I thank the Committee on Ways and Means for their work on the bill, and I include the committee exchange of letters into the RECORD.