

Opening Statement
Wm. Lacy Clay, Chairman

*“Examining the Federal Advisory Committee Act (FACA) –
Current Issues and Developments”*

Information Policy, Census, and National Archives Subcommittee
Oversight and Government Reform Committee

Wednesday, April 2, 2008
2154 Rayburn HOB
2:00 P.M.

Congress passed the Federal Advisory Committee Act in 1972 in response to the proliferation of federal advisory committees with increased costs and little accountability. The aim of the Act was to make federal advisory committees accountable, transparent, balanced, and independent from the influence of special interests. FACA seeks to insure that the federal government benefits from a wide range of views on issues of importance to the American people, particularly with respect to sensitive or controversial issues. However, the law has not always been implemented to achieve balance, transparency, and independence.

Recent news articles have reported that

the Administration has employed litmus tests to push its ideological agenda and exclude otherwise qualified individuals from federal advisory committees.

A GAO study found that some appointments to scientific and technical advisory committees had generated some controversy due to the perception that appointments were made based on ideology rather than expertise or were weighted to favor one group of stakeholders over another.

GAO also found that members of federal advisory committees are often appointed as “representatives,” who represent entities or organizations and are not screened for conflicts of interest, when they should be appointed as “special government employees,” subject to conflict of interest review. This happened with Vice President Dick Cheney’s infamous Energy Task Force that was stacked with industry executives.

Oversight and Government Reform Committee Chairman Henry Waxman and I have taken action to correct the loopholes in the law. We will introduce the “Federal Advisory Committee Act

Amendments of 2008,” which will improve balance, transparency, and independence.

The FACA amendments will increase the disclosure requirements for advisory committees; require that appointments to advisory committees be made without regard to political affiliation; and require agencies to obtain conflict of interest disclosures.

Our witnesses today will offer their views on the bill and provide recommendations to strengthen the bill. The subcommittee looks forward to hearing their testimony.