

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### HONORING THE LIFE OF ROBERT MONDAVI

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 365) honoring the life of Robert Mondavi.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 365

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rose, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother, Peter, in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition, the Robert Mondavi Winery;

Whereas in the later 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines, like his now-legendary Fumé Blanc;

Whereas as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or "Judgement of Paris", wine competition;

Whereas in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food, and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress honors the life of Robert Mondavi, a true pioneer and patriarch of the California wine industry.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

##### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. Mr. Speaker, representing the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Con. Res. 365, which celebrates the life of Robert Mondavi, a notable winemaker and philanthropist who had a great effect in boosting the economic and cultural well-being of California and the Nation.

Robert Mondavi was born on June 18, 1913 in Virginia, Minnesota to Italian immigrants. In 1965, Mr. Mondavi started his own winery, the Robert Mondavi Winery, in the fertile soil of the Napa Valley and immediately became a passionate advocate for California wines. Through his vineyard, he worked to raise the status of California wines and was successful.

Through his professional and charitable work, Mr. Mondavi's influence on the California wine industry and the Nation at large has been immense and lasting. Therefore, Mr. Speaker, I urge the swift approval of this resolution honoring the life of Mr. Mondavi.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, as the proud granddaughter of Italian immigrants, I am always proud to recognize the achievements of Italian Americans.

I also want to say how grateful North Carolina is for the work that was done by Mr. Mondavi and others in creating an appetite for fine wine in this country.

The Fifth District of North Carolina, the district that I represent, has, in the last couple of years, been granted two appellations, the Yadkin Valley and Swan Creek appellations, and we hope some day that those appellations will be spoken of in the same way that the Napa Valley and other appellations are spoken of currently in our country and around the world.

I commend the resolution to my colleagues and urge its approval.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to join us in adopting this resolution.

Mr. THOMPSON of California. Mr. Speaker, I rise to honor the life and legacy of the late Robert Mondavi, a founding father of the American wine industry.

Mr. Mondavi was born to Italian immigrants in June 1913. He graduated from Stanford University and joined his family in running Charles Krug Winery in my hometown of St. Helena.

Nearly three decades later, he founded the Robert Mondavi Winery to make his dream of creating world-class California wines a reality. Only a few years later, he released a Cabernet Sauvignon that opened the eyes of the world to the potential of the Napa Valley region.

He went on to create the first French-American wine venture, the first of many international partnerships.

His work made him known throughout the world as a premier winemaker and businessman. His pursuit of excellence and passion for winemaking could be found in every sip of a Robert Mondavi vintage.

Through innovation and determination, he redefined American wines and helped propel the birth of one of our Nation's fastest growing industries. Robert Mondavi's leadership is irreplaceable.

But to me and many others, he was best known—and loved—as a dear friend, a pillar of the community, and a much-admired philanthropist.

I was fortunate to know Mr. Mondavi my whole life. I grew up with his children and I later worked with him on issues important to the wine community. Of all his accomplishments, it was his commitment to our community that I found most awe inspiring.

A lifelong student himself, Bob established the Robert Mondavi Institute for Wine and Food Science at the University of California at Davis so that future generations could continue improving his craft.

He also established the Robert and Margrit Mondavi Center for Performing Arts at UC Davis. He was a leading force in the creation of Copia: The American Institute for Food, Wine, and the Arts in downtown Napa. He helped found the Napa Valley Wine Auction, which raises millions of dollars to help many of our local charities. He was also a strong and steady voice for the conservation of our farmlands.

Mr. Mondavi's legacy, can be found throughout the world. But it is most treasured at home. My district would not be what it is today without him.

I will miss him greatly. My thoughts and prayers are with Margrit, sons Tim and Michael, daughter Marcia and his entire family.

Mr. Speaker, it is my hope that this resolution serves as a tribute to the unparalleled life of Robert Mondavi.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 2115

# FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2008

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5687) to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5687

*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 2008".

(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. Comptroller General review and reports.
- Sec. 6. Definitions.
- Sec. 7. Effective date.

## 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 (d) and (e), 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) CONFLICTS OF INTEREST DISCLOSURE.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by inserting after subsection (b) (as added by subsection (a)) the following:

"(c) CONFLICTS OF INTEREST DISCLOSURE.—"(1)(A) The head of each agency shall ensure that no individual appointed to serve on an advisory committee that reports to the agency has a conflict of interest that is relevant to the functions to be performed by the advisory committee, unless the head of the agency determines that the need for the individual's services outweighs the potential impacts of the conflict of interest.

"(B) If the head of the agency makes such a determination with respect to an individual, nothing in this subsection is intended

to preclude the head of the agency from requiring the recusal of the individual from particular aspects of the committee's work.

"(C) In the case of an individual appointed as a representative, the fact that an individual is associated with the entity whose views are being represented by the individual shall not itself be considered a conflict of interest by the agency.

"(2) The head of each agency shall require—

"(A) that each individual the agency appoints or intends to appoint to serve on an advisory committee as a representative inform the agency official responsible for appointing the individual in writing of any actual or potential conflict of interest—

"(i) that exists before appointment or that arises while the individual is serving on the Committee; and

"(ii) that is relevant to the functions to be performed; and

"(B) that, for an individual appointed to serve on an advisory committee, the conflict is publicly disclosed as described in section 11.

"(3) Nothing in this subsection is intended to alter any requirement or obligation for a special Government employee under the Ethics in Government Act (5 U.S.C. App.) or other applicable ethics law, including any requirement to file a financial disclosure report. The head of each agency shall require that each individual the agency appoints as a special Government employee inform the agency in writing of any conflict that exists before appointment or that arises while the individual is serving on the committee to the extent any financial disclosure required by the Ethics in Government Act (5 U.S.C. app.) or other applicable law would not uncover the conflict of interest as such term is defined in regulations promulgated by the Office of Government Ethics to carry out this subsection.

"(4) The head of each agency shall ensure that each report of an advisory committee that reports to the agency is the result of the advisory committee's judgment, independent from the agency. Each advisory committee shall include in each report of the committee a statement describing the process used by the advisory committee in formulating the recommendations or conclusions contained in the report."

## (c) REGULATIONS.—

(1) REGULATIONS RELATING TO CONFLICTS OF INTEREST.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Government Ethics, in consultation with the Administrator of General Services, shall promulgate—

(A) regulations defining the term "conflict of interest";

(B) regulations identifying the method by which individuals must disclose conflicts and the period of time for which a representative or special Government employee, or a candidate for appointment as a representative or special Government employee, shall look back in time to determine whether an interest is considered a conflict for the purpose of the notification requirement in subsection (c) of section 9 of the Federal Advisory Committee Act, as added by this section; and

(C) such other regulations as the Director finds necessary to carry out and ensure the enforcement of such subsection (c).

(2) REGULATIONS IMPLEMENTING FACA.—Section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by inserting after "(c)" the following: "The Administrator shall promulgate regulations as necessary to implement this Act."

## 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:

"(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) INTERAGENCY ADVISORY COMMITTEES.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following:

"(f) INTERAGENCY ADVISORY COMMITTEES.—(1) Any communication between—

"(A) an interagency advisory committee established by the President or the Vice President or any member or staff acting on behalf of such an interagency advisory committee, and

"(B) any person who is not an officer or employee of the Federal Government, shall be made available for public inspection and copying. Any portion of a communication that involves a matter described in section 552(b) of title 5, United States Code, or that is subject to a valid constitutionally based privilege against such disclosure, may be withheld from public disclosure.

"(2) In this subsection, the term 'interagency advisory committee' means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, established in the interest of obtaining advice or recommendations for the President or the Vice President, that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government and includes officers or employees of at least two separate Federal agencies but does not include an advisory committee as defined in section 3(2) of this Act.

"(3) This subsection is not intended to apply to cabinet meetings, the National Security Council, the Council of Economic Advisors, or any other permanent advisory body established by statute."

(c) SUBCOMMITTEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is 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(e). In this subsection, the term 'subgroup' includes any working group, task force, or other entity formed for the purpose of assisting the committee or any subcommittee of the committee in its work."

(d) 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."