

mandating that all Federal agencies manage and preserve their email records electronically.

Agencies are already supposed to be saving emails electronically. In 2012, the Archivist and the Director of the Office of Management and Budget issued a directive that required agencies to do so. This bill would help ensure that email records from Federal agencies and the White House are all preserved.

According to a September 2018 report from the National Archives and Records Administration, approximately 35 percent of agencies continue to print and file hard copies of email messages. This means that these records are more likely to get lost, and they are harder for the agency to retrieve during records searches under the Freedom of Information Act.

This bill would put into statute what agencies are already required to do under a directive issued by the Archivist and the Director of the Office of Management and Budget in 2012. Agencies are required, under the directive, to save all permanent electronic records electronically by the end of 2019. Putting this requirement to save email records electronically into statute would show agencies to take this issue seriously.

This bill would also require the Archivist to establish standards for the preservation and management of Presidential email records and to certify, annually, that the White House has records management controls in place that meet those standards. The Archivist would be required, under this legislation, to report 1 year after the President leaves office on whether the controls used by the President met the required standards.

This bill has been introduced and passed by the House under multiple administrations. This is not a partisan bill for sure. It is a good government bill.

Madam Speaker, I urge all Members to support this bill, and I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 1582, the Electronic Message Preservation Act.

The American people, Madam Speaker, as you know, have the right to know what is going on in their government. Preservation of Federal records is essential to that right. The Federal Government must preserve Federal records, regardless of the form or technology used to create those records in order to remain accountable to the American people.

Over the last two decades, technology has advanced. Electronic communication has permeated all parts of the Federal Government. The Electronic Message Preservation Act requires the Federal Government to preserve those electronic records in electronic format. It just makes sense.

For decades, many Federal agencies have used what we call the print-to-file method of electronic record preservation. That is right; Federal employees were actually encouraged to print out emails to archive the paper copies instead of just archiving them electronically.

Paper-based records, as you know, Madam Speaker, really are inefficient, prone to record loss, and difficult to manage. A poorly managed, paper-based system can also increase the costs of recordkeeping for the Federal Government and the American taxpayers.

The Office of Management and Budget and my good friends over at the National Archives, under the leadership of David Ferriero, have been working to modernize Federal recordkeeping. They issued a joint directive that requires agencies to preserve emails and other electronic records in electronic format. Under that directive, all Federal agencies should be preserving electronic records in an electronic format by the end of this year.

This bill, Madam Speaker, just codifies that requirement in a joint directive and expands the scope of the electronic message preservations to include the Presidential records, as my colleague opposite has already noted.

The bill also requires agencies to report on compliance with the electronic record preservation requirements, which will allow Congress to understand the progress towards these goals.

Madam Speaker, I would like to thank Chairman CUMMINGS for working on this important issue. I encourage all of my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

If anything, I am surprised, perhaps shocked, that we have had to put the matter of electronic recordkeeping into statutory form to make sure it has happened.

We are deep into the electronic era, and perhaps, when you put a matter into statutory form, it finally is a matter of law and it gets people's attention. I certainly hope so.

Madam Speaker, I am prepared to yield back unless the gentleman has something more to say.

I reserve the balance of my time.

Mr. MEADOWS. Madam Speaker, I want to thank the gentlewoman for her deliberative process and the way that she has managed that. I thank her.

I think this is one of the rare moments where you have true bipartisan support on something that is just common sense. We need to be doing that.

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

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I rise in support of the Electronic Message Preservation Act. I introduced this bill with the goal of modernizing the Federal and Presidential Records Acts.

This bill would require the Archivist of the United States to issue regulations mandating that all federal agencies manage and preserve their email records electronically.

This bill would help ensure that email records from federal agencies and the White House are preserved.

According to a September 2018 report from the National Archives and Records Administration, approximately 35 percent of agencies continue to print and file hard copies of email messages.

This means that these records are more likely to get lost and that they are harder for the agency to retrieve during records searches under the Freedom of Information Act.

This bill would put into statute what agencies are already required to do under a directive issued by the Archivist and the Director of the Office of Management and Budget in 2012.

In 2016, the National Archives issued a document for agency records officers titled, "Why Agencies Need to Move Towards Electronic Recordkeeping." The National Archives identified a number of reasons including long term cost savings, information security, and more efficient and effective implementation of the Freedom of Information Act.

This bill would also require the Archivist to establish standards for the preservation and management of email records that are presidential records and to certify annually that the White House has records management controls in place that meet those standards.

Under this bill, the Archivist must report one year after the president leaves office on whether the controls used by the president met the required standards.

This legislation would provide accountability to encourage every president to have the controls in place that are necessary to preserve emails and other electronic records.

This bill has passed the House with bipartisan support several times before, including last Congress. I urge my colleagues to support the bill again today and I hope the Senate will act on the bill and send it to the President's desk before the end of the year.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 1582.

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 2019

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1608) 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. 1608

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 2019”.

(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 campaign 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.**—

“(1) Before making an appointment to an advisory committee, the head of an agency shall—

“(A) solicit nominations for potential committee members;

“(B) if the head of the agency is required to publish a notice under subsection (a)(2), include in the notice a solicitation for nominations of potential committee members; and

“(C) provide in the notice under subparagraph (B) a mechanism for interested persons to comment through a publicly available website of the agency.

“(2) The head of an agency shall consider any comments submitted in accordance with paragraph (1)(C) in appointing the members of an advisory committee.

“(3) The head of an agency shall solicit nominations under paragraph (1) not less frequently than once every 2 years.

“(4) Notwithstanding paragraph (1), if a vacancy in an advisory committee occurs before the next scheduled solicitation for nominations under this subsection, an agency may appoint a member from among individuals that were previously nominated to be a member of the 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 who is not a full-time or permanent part-time officer or employee of the Federal Government 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.

“(7) Nothing in this subsection shall be construed to supersede the inapplicability of this Act with respect to peer review groups appointed under paragraph (16) of section 402(b) of the Public Health Service Act, as described in the flush text following paragraph (25)(B) of such section.”.

(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) **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(f).”.

(b) **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.”.

(c) **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:

“(d) **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—

“(i) designated as a special Government employee;

“(ii) a representative; or

“(iii) a full-time or permanent part-time officer or employee of the Federal Government.

“(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 subsection (a) available electronically on a publicly available 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 a publicly available 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 45 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 a publicly available website of the General Services Administration, electronic access to the information made available by each agency under this section.

“(d) AVAILABILITY OF MEETING MATERIALS.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and where prohibited by contractual agreements entered into prior to the effective date of the Federal Advisory Committee Act Amendments of 2019, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of advisory committee meeting materials.

“(2) APPLICABILITY.—Nothing in this subsection shall be construed to require the dis-

closure of information that is protected from mandatory disclosure by statute.”

(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 2 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 full- or part-time Government employees, special Government employees, representatives, or a combination of 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) ensure the establishment, management, and supervision of the advisory committees of the agency, including establishing procedures, performance measures, and outcomes for such committees;

“(3) ensure the assembly and maintenance of 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 provi-

sions of this Act and any regulations promulgated pursuant to this Act;

“(5) ensure the maintenance of 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 who are not full-time or permanent part-time officers or employees of the Federal Government 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 1 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 5 years after such date of promulgation of regulations.

(c) COMMITTEES.—The committees described in this subsection are the Committee on Oversight and 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)”.

SEC. 10. EFFECTIVE DATE.

This Act and the amendments made by 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.

SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from North Carolina (Mr. MEADOWS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam 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 this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the Federal Advisory Committee Act Amendments.

Representative LACY CLAY, my good friend from Missouri, has introduced this bill each Congress for a decade now. The bill passed in each of the previous two Congresses, and it passed the House last year without opposition.

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

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 members for these committees.

Agencies often 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 the Federal Advisory Committee Act Amendments, agencies would be required to disclose how advisory members are chosen and whether they have financial conflicts of interest. They would also be required to disclose if they are appointed to provide their own expertise and who they work for if they are representing a specific interest.

Last Congress, this legislation was approved without opposition by the Committee on Homeland Security and Governmental Affairs in the Senate. Chairman RON JOHNSON and his staff were very helpful in pushing this bill through the Senate.

The bill we are considering today includes changes made following negotiations we engaged in during the process. These are changes to address concerns raised last Congress by the Department of Health and Human Services and technical corrections from the General Services Administration.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 2019.

Hon. ELIJAH CUMMINGS,
Chairman, Committee on Oversight and Reform,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CUMMINGS: In recognition of the desire to expedite consideration of H.R. 1608, "Federal Advisory Committee Act Amendments of 2019," the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letter on this matter be included in the Congressional Record during floor consideration of H.R. 1608.

Sincerely,

RICHARD E. NEAL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, DC, March 12, 2019.

Hon. RICHARD E. NEAL,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1608, the Federal Advisory Committee Act Amendments of 2019. As you know, the bill was referred primarily to the Committee on Oversight and Reform, with an additional referral to the Committees on Ways and Means.

I thank you for allowing the Committee on Ways and Means to be discharged from further consideration of the bill to expedite floor consideration. 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.

I would be pleased to include this letter in the Congressional Record during floor consideration in order to memorialize our understanding.

Sincerely,

ELIJAH E. CUMMINGS,
Chairman.

□ 1330

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

Madam Speaker, I rise in support of H.R. 1608, the Federal Advisory Committee Act Amendments of 2019. I

thank the sponsor of this legislation, my colleague from Missouri (Mr. CLAY). In spite of the fact that he is not wearing his stylish red glasses today, I want to acknowledge the great work that he has done. He has been a tireless advocate on this important reform over many Congresses.

H.R. 1608 will help improve the governance and transparency of Federal advisory committees. The Federal advisory committees are groups of experts and stakeholders who provide advice and recommendations to Federal policymakers.

Currently, Madam Speaker, there are over 1,000 advisory committees that are covered by the transparency and accountability requirements in the Federal Advisory Committee Act. But many more advisory committees are exempt from the law and may not receive the same level of scrutiny, due to a lack of transparency of their own operations.

The gentleman from Missouri (Mr. CLAY) has been right in working tirelessly to make sure that advisory committees covered under the law are required to report on their operational costs. Those reports show advisory committees cost the Federal Government, many times, over \$300 million annually, Madam Speaker.

We need to make sure that we are getting the most from the hardworking American taxpayers' dollars. The 1972 act does not do enough to ensure transparency and openness to the Federal decisionmaking process.

This bill provides the needed transparency for how committee members are selected and how committee activities function. I encourage all my colleagues to support this particular legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, I thank my friend from the District of Columbia for her generosity in time and consideration, as well as my colleague and friend from North Carolina (Mr. MEADOWS), who supports the legislation also.

Madam Speaker, I rise today in support of the Federal Advisory Committee Act Amendments of 2019.

As was mentioned, I introduced this bill in previous Congresses, and it most recently passed the House by voice vote in 2017, without opposition.

This legislation fits well with the theme of Sunshine Week, as the House joins together to address the need for more transparency in our government.

The Federal Advisory Committee Act, or FACA, as it is known, was originally enacted in 1972, as was mentioned, to ensure that the advisory groups that provide counsel to the executive branch operate with transparency.

Advisory committees provide the government with recommendations on a wide range of issues of importance to the American public. For example, advisory committees to the Department of Health and Human Services provide advice about critical issues such as human trafficking. The National Advisory Committee on the Sex Trafficking of Children and Youth in the U.S. makes recommendations on Federal programs, such as best practices to provide housing for children and youth who are victims of trafficking. The individuals on that committee are trusted to have experience relevant to the issues facing these children and share their reports with child welfare agencies that provide direct services around the country.

The bill we are considering today would strengthen FACA to make Federal advisory committees more transparent and make agencies more accountable in how they select and use their committees.

Under current law, agencies are able to avoid the requirements of FACA by conducting advisory committee business through subcommittees, as Ms. NORTON mentioned.

This bill makes it clear that FACA applies to subcommittees as well as their parent committees. The bill also clarifies that a committee set up by a contractor is subject to FACA if it is formed under the direction of the President or its agency.

Under FACA, agencies will be required to disclose how advisory committee members are selected; 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.

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

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

I thank the gentleman for his thoughtfulness. I have often said there are two ways things get done here in Washington, D.C.: slow and never. Let's hope that this is one of those times where it is just slow and that we get the Senate to act on it.

I would inform the gentlewoman from the District of Columbia that I have no further speakers, and I am prepared to close.

But before I do that, I want to thank the staff on both sides of the committee. Oftentimes, we get up here and get to deliberate this, but it is the staffs who do the hard work. I thank our staff in the minority and, certainly, the majority staff for their hard work.

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

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

I must say that my friend from Missouri has been indefatigable in trying

to get this bill passed. It looks like it received some notice, at least the last time, in the Senate.

I have joked with my friend that maybe if he got somebody else to introduce it, we could get the bill passed. But he keeps trying. If at first you don't succeed—

I believe that because he has understood that these advisory committees are very important and sometimes amount to enacting legislation, so important are some of them to our process, that he has to keep plugging away until we get it done. I thank him for doing so.

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

The SPEAKER pro tempore (Ms. ADAMS). The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 1608.

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 REGISTER MODERNIZATION ACT

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1654) to amend title 44, United States Code, to modernize the Federal Register, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1654

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 "Federal Register Modernization Act".

SEC. 2. FEDERAL REGISTER MODERNIZATION.

(a) REFERENCES TO PRINTING.—Chapter 15 of title 44, United States Code, is amended—

(1) in section 1502—

(A) in the heading, by striking "printing" and inserting "publishing"; and

(B) by striking "printing and distribution" and inserting "publishing";

(2) in section 1507—

(A) by striking "the duplicate originals or certified copies of the document have" and inserting "the document has"; and

(B) in paragraph (2), by striking "printed" and inserting "published"; and

(3) in section 1509, in subsections (a) and (b), by striking "printing, reprinting, wrapping, binding, and distributing" and inserting "publishing", each place it appears.

(b) PUBLISH DEFINED.—Section 1501 of title 44, United States Code, is amended—

(1) by striking "and" at the end of the definition for "person" and inserting a semicolon; and

(2) by inserting after the definition for "person" the following:

"'publish' means to circulate for sale or distribution to the public; and";

(c) FILING DOCUMENTS WITH OFFICE AMENDMENT.—Section 1503 of title 44, United States Code, is amended to read as follows:

"§ 1503. Filing documents with Office; notation of time; public inspection; transmission for publishing"

"The original document required or authorized to be published by section 1505 shall be filed with the Office of the Federal Register for publication at times established by the Administrative Committee of the Federal Register by regulation. The Archivist of the United States shall cause to be noted on the original of each document the day and hour of filing. Upon filing, the document shall be immediately available for public inspection in the Office. The original shall be retained by the National Archives and Records Administration and shall be available for inspection under regulations prescribed by the Archivist, unless such original is disposed of in accordance with disposal schedules submitted by the Administrative Committee and authorized by the Archivist pursuant to regulations issued under chapter 33; however, originals of proclamations of the President and Executive orders shall be permanently retained by the Administration as part of the National Archives of the United States. The Office shall transmit to the Government Publishing Office, as provided by this chapter, each document required or authorized to be published by section 1505. Every Federal agency shall cause to be transmitted for filing the original of all such documents issued, prescribed, or promulgated by the agency."

(d) FEDERAL REGISTER AMENDMENT.—Section 1504 of title 44, United States Code, is amended to read as follows:

"§ 1504. 'Federal Register'; publishing; contents; distribution; price"

"Documents required or authorized to be published by section 1505 shall be published immediately by the Government Publishing Office in a serial publication designated the 'Federal Register'. The Director of the Government Publishing Office shall make available the facilities of the Government Publishing Office for the prompt publication of the Federal Register in the manner and at the times required by this chapter and the regulations prescribed under it. The contents of the daily issues shall be indexed and constitute all documents, required or authorized to be published, filed with the Office of the Federal Register up to the time of the day immediately preceding the day of publication fixed by regulations under this chapter. There shall be published with each document a copy of the notation, required to be made by section 1503, of the day and hour when, upon filing with the Office, the document was made available for public inspection. Distribution shall be made at a time in the morning of the day of distribution fixed by regulations prescribed under this chapter. The prices to be charged for the Federal Register may be fixed by the Administrative Committee of the Federal Register established by section 1506 without reference to the restrictions placed upon and fixed for the sale of Government publications by sections 1705 and 1708."

(e) DOCUMENTS TO BE PUBLISHED IN FEDERAL REGISTER.—Section 1505 of title 44, United States Code, is amended—

(1) in subsection (b)—

(A) in the heading, by striking "COMMENTS" and inserting "NEWS COMMENTARY"; and

(B) by striking "comments" and inserting "news commentary";

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following new subsection:

"(c) ALTERNATIVE PUBLICATION.—In a continuity of operations event in which the Government Publishing Office does not fulfill