

Calendar No. 548105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-309ADVISORY COMMITTEE TERMINATION AND
STREAMLINING ACT OF 1998

REPORT

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2228

TO AMEND THE FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C.
APP.) TO MODIFY TERMINATION AND REAUTHORIZATION RE-
QUIREMENTS FOR ADVISORY COMMITTEES, AND FOR OTHER
PURPOSES

SEPTEMBER 8 (legislative day, AUGUST 31), 1998.—Ordered to be printed

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ADVISORY COMMITTEE TERMINATION AND STREAMLING ACT OF 1998

SEPTEMBER 8 (legislative day, AUGUST 31), 1998.—Ordered to be printed

Mr. THOMPSON, from the Committee on Governmental Affairs,
submitted the following

REPORT

[To accompany S. 2228]

The Committee on Governmental Affairs, to which was referred the bill (S. 2228) to amend the Federal Advisory Committee Act (5 U.S.C. App.) to modify termination and reauthorization requirements for advisory committees, and for other purposes, reports favorably thereon and recommends that the bill do pass.

I. PURPOSE

The fundamental purpose of S. 2288 is to streamline the operations of the federal government to save money and operate more efficiently and to promote congressional oversight and agency accountability. To achieve these basic goals, the legislation would terminate certain advisory committees in three years, unless the relevant authorizing committees of Congress reauthorize them within that period or the President certifies that any particular advisory committee addresses “critical needs relating to health, safety, national security, or other concerns,” in which case the President would have the authority to extend the life of the particular committee. The bill is also intended to improve executive branch management of advisory committees and to enhance public awareness of the activities of advisory committees.

II. BACKGROUND

The Federal government has relied for many years on advisory committees. For example, the Board of Visitors of the Naval Academy was founded in 1879. Advisory committees promote public par-

ticipation in the operation of the Federal government. In so doing, they are basic to the operation of our democratic society by permitting private citizens to participate actively in their government and to make recommendations or give advice to federal agencies.

In 1972, to ensure that advisory committees were subject to adequate oversight and consistent rules, operated openly, and were not used to allow improper outside influence on government policy, Congress enacted the Federal Advisory Committee Act ("FACA"). An "advisory committee" subject to the FACA is any entity asked to render advice or recommendations to an agency as a single group, not as a collection of individuals. Advisory committees are those composed of private citizens. They are typically created as a forum to solicit input from experts or members of the general public and thereby promote public participation in government. The FACA is intended to regulate advisory committees in a consistent manner and to ensure they operate openly.

Advisory committees are established by four means: those mandated by Congress through legislation; those authorized but not mandated by legislation; those established by the President pursuant to executive order; and those established directly by executive branch agencies pursuant to their own organic statutes. Advisory committees mandated by law or by executive order are considered "non-discretionary" committees. Advisory committees authorized, but not mandated by law or established by agencies under their own authority are considered "discretionary" committees.

The number of advisory committees used by federal agencies has consistently increased since the adoption of the FACA. Both Congress and succeeding administrations established them. By fiscal year 1988, there were 1020 advisory committees. This number continued to increase until fiscal year 1993, when there were 1305 advisory committees throughout the federal government.

The current Administration has sought to curb the number of advisory committees by limiting the number of "discretionary" advisory committees to 534. In fiscal year 1997, 230 of these 534 "discretionary" committees were authorized by law. The Administration has also imposed a agency-by-agency cap on the number of advisory committees used by each executive branch agency. Under the Administration's policy, a number of "discretionary" committees have been abolished. The Committee believes that the Administration has made a good start, but must continue to do more to control the number and cost of advisory committees.

While the number of "discretionary" committees has been brought under control, Congress has not yet stepped up to the plate. See Appendix I. Although section 14 of the FACA, as enacted in 1972, provided that new advisory committees would last for only two years, it left open the possibility that Congress would establish advisory committees authorized for longer than two years. Since then, Congress has routinely created new advisory committees for longer than two years. In fiscal year 1997, there were 963 advisory committees assisting agencies of the executive branch. Of these, 422 were mandated by law. Many of these were established many years ago and no longer serve a useful purpose. The Administration has conducted a comprehensive review of advisory committees and has recommended that 61 existing, statutorily mandated advisory

committees be terminated. While the Committee does not take any position as to the appropriateness of the continuation or termination of any particular advisory committee, the Administration's recommendation is useful to show that some number of congressionally created advisory committees may be safely terminated.

Despite the decline in the number of advisory committees since fiscal year 1993, the number of individuals serving on advisory committees and the cost of advisory committees have continued to increase. According to the General Accounting Office, 36,586 individuals served on 963 advisory committees in fiscal year 1997, an average of 38 individuals per committee.¹ In fiscal year 1988, 21,236 individuals served on 1020 advisory committees, an average of about 21 individuals per committee.² The Committee is concerned by this increase and expects that the General Services Administration will take steps to curb the increase.

Of greater concern to the Committee is the continuing increase in cost. In fiscal year 1997, it cost the government over \$178 million to operate the 963 advisory committees.³ This was an increase of about \$29.5 million over fiscal year 1996, when there were 1000 advisory committees.⁴ The General Services Administration has estimated for the Committee that the cost of advisory committees for fiscal year 1998 will be \$183 million.⁵ These figures compare poorly to the cost for advisory committees in fiscal year 1988. That year, 1020 advisory committees cost the government about \$93 million. In constant 1988 dollars, the 963 advisory committees in fiscal year 1997 cost about \$136 million.⁶ While these numbers demonstrate that the mere termination of advisory committees will not necessarily save money, it is obvious that the costs would only be higher if there were still more advisory committees. For example, the Administration has estimated that the termination of the 61 advisory committees it has recommended for termination would save the government \$8.4 million.

The Committee believes that more needs to be done by the Administration and by Congress to terminate advisory committees that have outlived their usefulness and to otherwise improve management of advisory committees in order to save money and improve their operations. In consultation with the Administration, the Committee developed S. 2228.

III. LEGISLATIVE HISTORY

S. 2228 was introduced on June 25, 1998. The legislation was introduced by Senator Fred Thompson (R-TN), Chairman of the Committee on Governmental Affairs, the Committee with jurisdiction over the FACA, Senator John Glenn (D-OH), the Ranking Minority Member of the Committee on Governmental Affairs, and four other Members of the Committee on Governmental Affairs, Senator Thad Cochran (R-MS), Senator Carl Levin (D-MI), Senator Sam

¹ See Federal Advisory Committee Act: General Services Administration's Oversight of Advisory Committees (GAO/GGD-98-124, June 15, 1998), p. 5 ("GAO Report").

² *Id.*

³ Twenty-Sixth Annual Report of the President on Federal Advisory Committees: Fiscal Year 1997 (1998), p. 4.

⁴ *Id.*

⁵ *Id.*, p. 9.

⁶ GAO Report, p. 5.

Brownback (R-KS), and Senator Joseph Lieberman (D-CT). The legislation was drafted in close consultation with the General Services Administration, the executive branch agency charged with supervising the activities of advisory committees and the executive branch's compliance with the requirements of the FACA.

At its July 15, 1998, business meeting, the Committee on Governmental Affairs considered S. 2228. With a quorum present, the legislation was favorably reported by voice vote with no Member of the Committee being recorded in opposition. Senator Stevens expressed reservations with the bill, and Senator Collins discussed the possibility of resolving one issue of concern to her. The Chairman offered to work with all members of the Committee to resolve their concerns prior to the full Senate acting on the bill.

IV. SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 provides that the short title of the legislation is the "Advisory Committee Termination and Streamlining Act of 1998." The Committee notes that the legislation is intended to cover all advisory committees subject to the FACA. The legislation does not apply to any advisory committees wholly exempt from FACA, such as the advisory committees of the Regional Fishery Management Councils. See 16 U.S.C. § 1852(i). The legislation does, however, apply to advisory committees that are partly exempted from the FACA.

Section 2

Section 2 amends section 14 of the FACA to provide that each advisory committee mandated or authorized by statute shall terminate within three years of the date of the enactment of the legislation. The legislation makes clear that any advisory committee mandated or authorized by statute which is due to terminate in less than three years after the date of enactment of this legislation shall not be extended by operation of this legislation but shall terminate as scheduled prior to the date of enactment of this legislation.

This provision is the heart of the legislation. Congress has, over the years, established or authorized a large number of advisory committees. Many continue to serve important and useful functions. Others, however, have ceased to serve any useful function. Still, these committees continue to exist. Federal agencies must expend funds and federal employees must expend time to administer such committees, even when they no longer meet.

In order to permit an orderly evaluation of the continuing need for each statutorily created or authorized advisory committee, the bill would allow all advisory committees to remain in existence for three years. It is the Committee's intent and expectation that during that period, the relevant authorizing committees of both Houses of Congress will work with federal agencies to review the advisory committees within their jurisdiction and determine which can be terminated and which ought to continue. Those that ought to continue can be reauthorized; those that ought not to continue will terminate. Such a review will enhance the congressional over-

sight required by section 5(a) of the FACA and improve the accountability of advisory committees and the agencies they serve to Congress.

The bill carves out three exceptions to the three-year sunset provision. Advisory committees that provide peer review of federal grant or research applications or similar activities are not covered. The Committee takes as its model for this type of advisory committee exempted from the termination provision the advisory committees that are relied on by the National Institutes of Health to evaluate and rank grant and research proposals seeking federal funds. Also exempt from the termination provision are advisory committees that provide advice and recommendations relating to the academic certification of federal institutions. The model for this type of advisory committee is the Boards of Visitors of the military academies. Finally, in order to ensure that no advisory committee which serves a critical function may accidentally be terminated, the bill allows the President to continue in existence beyond the three-year termination date all advisory committees which address “critical needs relating to health, safety, national security, or other concerns, as the President may certify.” The Committee expects the President to exercise this authority to extend the life of statutorily established or authorized advisory committees sparingly and only in cases of “critical need.” The legislation does give the President complete discretion to determine when the need for the continuation of an advisory committee is “critical.” In addition, the language of the bill makes it clear that while the primary purpose for which the President may extend an advisory committee is to serve critical needs relating to health, safety, and national security, the President may also extend an advisory committee if it serves a critical need relating to some other concern, “as the President may certify.” Accordingly, the list spelled out in the new subsection 14(d)(2)(C) of the FACA is intended not to be exclusive.

Section 3

Section 3 amends section 7(c) of the FACA to strike “administrative guidelines” and substitute “regulations.” The purpose of the change, which was recommended by the Administration, is to clarify the GSA’s authority in order to promote the consistent, uniform application of the FACA throughout the executive branch.

Since the enactment of the FACA in 1972, the GSA has been responsible for overseeing executive branch compliance with the FACA’s provisions. In order to ensure consistent application of the FACA throughout the executive branch, GSA was authorized to issue administrative guidelines. According to the GSA, because its guidelines do not have the force of binding regulations, some agencies do not adhere to them in part or at all.

In order to ensure that the FACA is applied in like manner throughout each executive branch agency, the legislation would authorize the GSA to issue regulations, to which executive branch agencies would have to adhere. The Committee expects that this change will help the GSA to terminate unneeded “discretionary” advisory committees and increase public access to committee deliberations.

Section 4

Section 4 amends section 6(c) of the FACA, which requires the President to submit an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during each fiscal year. Since 1972, this annual report has been due on December 31 of each year. The President has consistently failed to meet this deadline, due largely to the inability of the GSA to collect the necessary information from other executive branch agencies in a timely manner. The GSA has found that three months following the end of the fiscal year has been insufficient. This legislation changes the date on which the President's annual report must be submitted to Congress from December 31 to March 15. This change will provide a more realistic date for the submission of the annual report. The GSA has assured the Committee that the Administration will be able to meet the new March 15 deadline for submission of the report.

The Committee notes with approval and commends the GSA for the development of its new website, including an Internet-based reporting system with information on each executive branch agency's advisory committees, and encourages the GSA to continue the website and to update it throughout the year so that the information remains timely and up-to-date. The Committee also encourages the GSA to integrate its website with those of other agencies which address advisory committee activities.

Section 5

Under the FACA, notice of advisory committees must be printed in the Federal Register, the official reporter of executive agency announcements, except when the President determines otherwise for reasons of national security. The problem is that the Federal Register is routinely read only in Washington, DC, and in very a few other places. Most Americans never see a copy of the Federal Register. As a result, most Americans do not get information about advisory committee activities and meetings. This is a situation that the Committee finds to be intolerable. Advisory committees are intended to promote public involvement in the activities of their Federal government.

In order to facilitate improved public awareness of the activities of advisory committees, the legislation authorizes the GSA to prescribe regulations that will permit agencies to use other types of public notice of advisory committee meetings in addition to, or in lieu of, notice in the Federal Register if such notice would better ensure that all interested persons are notified of the meetings in advance. The Committee expects that the GSA will promulgate regulations that will promote electronic forms of notice of advisory committee meetings, using the Internet and websites and electronic mail, if and when it may be technologically feasible in individual cases. Although the provision does permit other forms of notice in lieu of Federal Register notice, the Committee expects that Federal Register notice will not be needed in only the most limited circumstances.

V. REGULATORY IMPACT STATEMENT

Pursuant to paragraph 11(b), rule XXVI of the Standing Rules of the Senate, the Committee, after due consideration, concludes that S. 2228 will not have a significant regulatory impact upon individuals or businesses or any significant economic impact upon them.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 28, 1998.

Hon. FRED D. THOMPSON,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2228, the Advisory Committee Termination and Streamlining Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

S. 2228—Advisory Committee Termination and Streamlining Act of 1998

S. 2228 would terminate—within three years of its enactment—advisory committees established or authorized by statute. The bill would exempt those committees whose purposes are to conduct peer reviews of federal grant or research applications, provide advice and recommendations relating to the academic certification of federal institutions, or address critical needs relating to health, safety, national security, or other concerns certified by the President.

According to the General Services Administration (GSA), which is responsible for overseeing and reporting on the Federal Advisory Committee Act, there were 963 advisory committees in fiscal year 1997, with reported costs totaling about \$178 million for that year. S. 2228 would apply only to the 652 committees established or authorized by statute, but many of these would be exempted from the termination requirement. For instance, 235 of the committees are within the Department of Health and Human Services (HHS), and CBO expects that most or all of them would fall under the exemption provided for health concerns. Further, according to data reported by federal agencies to GSA, about 100 of the 652 statutory committees are no longer active; thus, eliminating these committees would result in no savings. Depending on the extent to which the President would use the authority to exempt committees in addition to those specified in the legislation, it appears the bill would probably apply to between 250 and 300 active committees.

While the average cost for all advisory committees was \$185,000 in 1997, CBO estimates that the average cost for the 250 to 300 committees that would be affected by S. 2228 was about \$75,000. (Committees likely to be exempted under the bill, such as the HHS

committees, tend to have costs that are much higher than the average.) Assuming that costs would grow with inflation over the next several years, CBO estimates that enacting S. 2228 could save between \$20 million and \$25 million a year beginning in fiscal year 2002, if appropriations are reduced accordingly. Savings could be significantly lower if the President makes broad use of the authority granted under the legislation to exempt committees dealing with other areas of concern.

Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. In addition, S. 2228 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, and tribal governments.

The CBO contact for this estimate is John R. Righter. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW

Pursuant to paragraph 12, rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2228 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

Public Law 92-463, 5 U.S.C. App.

Federal Advisory Committee Act

SEC. 2 TERMINATION OF ADVISORY COMMITTEES

SEC. 14. Termination of advisory committees; renewal; continuation.

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expira-

tion of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(C) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

SEC. 14 * * *

(d)(1) Notwithstanding any other provision of law (including section 4(a) of this Act and this section) and except as provided under paragraph (2), each advisory committee established, authorized, or reauthorized by statute shall terminate 3 years after the date of enactment of the Advisory Committee Termination and Streamlining Act of 1998.

(2) This subsection shall not apply to any advisory committee the purpose of which is to—

(A) provide for peer review of Federal grant or research applications or similar activities;

(B) provide advice and recommendations relating to academic certification of Federal institutions; or

(C) address critical needs relating to health, safety, national security, or other concerns as the President may certify.

(3) Nothing in this subsection shall be construed to reauthorize the continuation of any advisory committee covered under paragraph (1) beyond termination date specified in the original authorization or any reauthorization for the committee.

* * * * *

SEC. 3 REGULATIONS

SEC. 7. Responsibilities of the Administrator of General Services; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations.

(a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Director shall, immediately after the enactment of this Act, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine—

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether it should be abolished.

The Director may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Director's review he shall make

recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Director shall carry out a similar review annually. Agency heads shall cooperate with the Director in making the reviews required by this subsection.

(c) The Director shall prescribe [administrative guidelines] and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Director, after study and consultation with the Civil Service Commission, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code; and

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee, from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Director shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

SEC. 7. * * *

(c) The Director shall prescribe *regulations* and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

* * * * *

SEC. 4. ANNUAL REPORT

SEC. 6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion.

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) [The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year.] The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgement, should be withheld for reasons of national security, and he shall include in such a report a statement that such information is excluded.

SEC. 6. (a) *Not later than March 15 of each year, the President shall submit an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year.* * * *

* * * * *

SEC. 5. ADVISORY COMMITTEE PROCEDURES

SEC. 10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance.

(a)(1) Each advisory committee meeting shall be open to the public.

[(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Director shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.]

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be

available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the Chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory, determines is concerned with matters listed in section 552(b) of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

SEC. 10. * * *

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register. The Administrator shall prescribe regulations to provide for other types of public notice in addition to, or in lieu of, notices in the Federal Register to ensure that all interested persons are notified of such meeting prior thereto.

* * * * *

APPENDIX I

Fiscal year	Total number of committees	Number of discretionary committees	Number of mandatory committees	Total costs (in millions)	Number of committee members
1988	1,020	696	324	\$92.6	21,236
1989	1,042	636	406	98.4	22,960
1990	1,128	721	407	112.3	22,391
1991	1,212	783	429	132.6	27,580
1992	1,230	767	463	146.3	29,020
1993	1,305	833	472	143.9	28,317
1994	1,195	739	456	133.4	30,446
1995	1,110	643	467	157.0	34,823
1996	1,000	530	470	152.4	35,329
1997	963	491	472	178.0	36,586

Notes:

The number of discretionary committees includes both those authorized by statute or established by agencies.

The number of mandatory committees includes both those required by statute or established by executive order.

The total costs for fiscal years 1994 and 1995 do not include potential unreported costs incurred by the Department of Health and Human Services. The figure for fiscal year 1996 has been adjusted to include underreported costs incurred by the Department of Health and Human Services.

The costs in the table have not been adjusted for inflation.

The number of committee members for fiscal years 1995 and 1996 have been adjusted to include committee members underreported by the Department of Health and Human Services.

Source: GAO Report, page 18, derived from Annual Reports of the President on Federal Advisory Committees.

