



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

May 23, 2013

H.R. 1104 **Federal Advisory Committee Act Amendments of 2013**

*As ordered reported by the House Committee on Oversight and Government Reform
on March 20, 2013*

SUMMARY

H.R. 1104 would amend the Federal Advisory Committee Act (FACA), which governs the operation of most federal advisory committees, to require agencies to disclose additional information about committee activities to the public. It also would expand the act's reach to additional federal committees and would require the Government Accountability Office to submit reports to the Congress concerning the appointment of advisory committee members. More than 1,000 advisory committees provide advice and guidance to federal agencies on many subjects ranging from organ donation to the operations of the Department of Homeland Security. Those committees, which may also be called commissions, councils, or task forces, have been created to collect a variety of viewpoints on specific policy issues. They can provide advice or make recommendations to federal agencies.

CBO estimates that implementing H.R. 1104 would cost \$88 million over the 2013-2018 period, assuming appropriation of the necessary amounts. Enacting the bill could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting the bill would not affect revenues.

H.R. 1104 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1104 is shown in the following table. The costs of this legislation fall primarily within budget function 800 (general government) but would affect all budget functions that include funding for federal advisory committees.

	By Fiscal Year, in Millions of Dollars					2014- 2018
	2014	2015	2016	2017	2018	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	10	20	20	20	20	90
Estimated Outlays	8	20	20	20	20	88

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 1104 will be enacted in fiscal year 2013, that the necessary funds will be provided for each year, and that spending will follow historical patterns for similar activities.

FACA governs the activities of federal advisory committees. Those committees provide independent advice and recommendations to the federal government. According to the General Services Administration (GSA), there are approximately 1,000 advisory committees with more than 70,000 members that provide advice and recommendations to about 50 departments and agencies. GSA estimates that the total cost to manage those advisory committees during fiscal year 2012 was about \$360 million.

Under FACA, GSA maintains management guidelines for committees and advises committees on implementing those guidelines. The Office of Government Ethics (OGE) is responsible for developing regulations and guidance for advisory committee members who serve as special government employees and must meet certain requirements pertaining to conflicts of interest. In addition, FACA requires that the advice provided by the committees be objective and publicly available. Meetings of advisory committees are generally open to the public, with certain specified exceptions. Notice of such meetings must be published in advance; all papers, records, and minutes of meetings must be made available for public inspection, and such information is subject to disclosure under the Freedom of Information Act.

According to GSA, OGE, and other agencies, H.R. 1104 would expand FACA to cover the members and activities of more than 30,000 federal advisory committees, commissions, councils, and task forces that are excluded under current law. In addition, CBO expects that implementing the bill would impose more-stringent ethics requirements on all advisory committee members. Also, agencies would have to make more information about such committees available to the public. Under the bill, the Government Accountability Office would be required to produce two reports over the next five years. Based on the current cost of administering advisory committees and

preparing reports, CBO estimates that implementing the bill would increase federal costs by about \$20 million a year.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 1104 could affect direct spending by agencies not funded through annual appropriations. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting the bill would not affect revenues.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 1104 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

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