



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

January 20, 2012

H.R. 3124 **Federal Advisory Committee Act Amendments of 2011**

*As ordered reported by the House Committee on Oversight and Government Reform
on October 16, 2011*

SUMMARY

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. The Federal Advisory Committee Act (FACA) governs the operation of most of those committees. H.R. 3124 would amend the FACA to require agencies to disclose additional information about committee activities to the public, and it would expand the act's reach to additional federal committees. The legislation also would require the Government Accountability Office to submit reports to the Congress concerning the appointment of advisory committee members.

CBO estimates that implementing H.R. 3124 would cost \$100 million over the 2012-2017 period, assuming appropriation of the necessary amounts. 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. 3124 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. 3124 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 federal advisory committees.

	By Fiscal Year, in Millions of Dollars						2012- 2017
	2012	2013	2014	2015	2016	2017	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Estimated Authorization Level	7	20	20	20	20	20	107
Estimated Outlays	3	17	20	20	20	20	100

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted in fiscal year 2012, 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 almost 1,000 advisory committees with about 80,000 members that provide advice and recommendations to about 50 departments and agencies. GSA estimates that the total cost to operate those advisory committees during fiscal year 2010 was almost \$390 million, including about \$180 million for federal salaries and expenses to support the committee operations.

Under FACA, GSA maintains and administers management guidelines for committees. The Office of Government Ethics (OGE) within GSA 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, most of the provisions of H.R. 3124 would expand FACA to cover the members and activities of additional federal advisory committees, commissions, councils, and task forces. Based on information from those sources, CBO also expects that implementing the bill would impose more stringent ethics requirements on committee members. In addition, agencies would have to make more information about such committees publicly available. Under the bill, the Government Accountability Office also would be required to produce two reports over the next five

years. Based on current costs of administering advisory committees, CBO estimates that implementing the bill would increase federal administrative 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. 3124 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. 3124 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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