



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

November 17, 2017

H.R. 70 **Federal Advisory Committee Act Amendments of 2017**

*As ordered reported by the Senate Committee on Homeland Security
and Governmental Affairs on October 4, 2017*

SUMMARY

H.R. 70 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 to cover additional federal committees and would require the Government Accountability Office (GAO) 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. 70 would cost \$70 million over the 2018-2022 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 be negligible. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 70 would not significantly affect net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 70 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 70 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					2018-
	2018	2019	2020	2021	2022	2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	15	15	15	15	15	75
Estimated Outlays	10	15	15	15	15	70

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 70 will be enacted in fiscal year 2018 and that the necessary funds will be provided each year. Estimated outlays are based on 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 about 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 2016 was \$424 million.

Under FACA, GSA maintains management guidelines for committees and advises committees on implementing those guidelines. The Office of Government Ethics 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 and other agencies, H.R. 70 would impose more-stringent ethics requirements on all advisory committee members. Agencies would have to make more

information about such committees available to the public, make the procedures for establishing an advisory committee and selecting its members more transparent to the public, and extend FACA regulations to cover additional advisory committees that are currently exempt. Under the bill, GAO would be required to produce two reports over the next five years that examine how agencies are appointing advisory committee members. Based on the current cost of administering advisory committees and preparing reports, CBO estimates that implementing the bill would cost each major agency around \$1million a year—or about \$15 million annually.

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. 70 could affect direct spending by agencies not funded through annual appropriations. CBO estimates, however, that any net increase in spending by those agencies would be negligible. Enacting the bill would not affect revenues.

INCREASE IN LONG TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting H.R. 70 would not significantly affect net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

MANDATES

H.R. 70 contains no intergovernmental or private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY

Federal Costs: Matthew Pickford
Mandates: Zachary Byrum

ESTIMATE APPROVED BY

H. Samuel Papenfuss
Deputy Assistant Director for Budget Analysis