

H.R. 7163, VA FOIA Reform Act of 2020

As ordered reported by the House Committee on Veterans' Affairs on September 17, 2020

| By Fiscal Year, Millions of Dollars | 2021 | 2021-2025 | 2021-2030 |
|--|------|-------------------------------------|---------------|
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | 0 | 0 | 0 |
| Spending Subject to Appropriation (Outlays) | 2 | 22 | not estimated |
| Statutory pay-as-you-go procedures apply? | No | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |

H.R. 7163 would require the Department of Veterans Affairs (VA) to develop a plan to respond to Freedom of Information Act (FOIA) requests within timelines required by current law. VA would be required to meet those timeliness standards within five years of the bill's enactment. In that plan, which would be due within 180 days of the bill's enactment, VA must describe the technology and process improvements needed to improve response times. VA also would be required to report annually on its progress in implementing the plan and complying with FOIA response timelines.

Under current law, people may request information from the government under FOIA, and agencies must respond to those requests within 20 business days. FOIA requests are considered backlogged if the responsible agency does not provide a response within 20 business days of receipt. VA's annual FOIA reports indicate the agency's backlog averaged 3,400 requests over the 2017-2019 period—about 15 percent of the total number of annual requests received.

VA employs about 310 full-time equivalent (FTE) positions to respond to FOIA requests. Using that current workforce and the percentage of backlogged requests relative to total requests, CBO estimates that VA would require 45 additional FTEs at an average salary of \$119,000. Allowing for gradual hiring, we estimate salaries for those personnel would cost \$20 million over the 2021-2025 period. CBO expects that VA would need additional information technology resources as well. Using information from VA, CBO estimates those expenses would total \$2 million. Thus, addressing the backlog of FOIA requests would cost

\$22 million over the 2021-2025 period. Such spending would be subject to the availability of appropriated funds.

According to VA, it is not possible to eliminate the backlog of FOIA requests because of the varying complexity of those requests. However, CBO estimates that the department could significantly reduce its backlog and come close to meeting the timeliness standards for FOIA responses with the additional resources estimated here.

Using the cost of similar reporting requirements, CBO estimates that the cost to satisfy the bill's reporting requirements would be insignificant.

The CBO staff contact for this estimate is Logan Smith. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.