

H.R. 2726, VA FOIA Reform Act of 2021

As ordered reported by the House Committee on Veterans' Affairs on May 4, 2021

By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	1	27	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 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 2726 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 changes 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 3,360 requests over the 2017-2020 period—about 15 percent of the total number of annual requests received.

VA employs about 300 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 \$123,000. Allowing for gradual hiring, we estimate salaries for those personnel would cost \$25 million over the 2021-2026 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

\$27 million over the 2021-2026 period. Such spending would be subject to the availability of appropriated funds.

Using information about similar reports, CBO estimates that satisfying the bill's reporting requirements would cost less than \$500,000.

The costs of the legislation, detailed in Table 1, fall within budget function 700 (veterans' benefits and services).

Table 1.
Estimated Increases in Spending Subject to Appropriation Under H.R. 2726

	By Fiscal Year, Millions of Dollars						2021-2026
	2021	2022	2023	2024	2025	2026	
Address FOIA Backlog							
Estimated Authorization	1	4	5	5	6	6	27
Estimated Outlays	1	4	5	5	6	6	27

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.

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