



# CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

May 21, 2013

## **H.R. 1211 FOIA Act**

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

### **SUMMARY**

H.R. 1211 would amend the Freedom of Information Act (FOIA). FOIA generally allows any person to obtain federal agency records. Specifically, the legislation would require the Office of Management and Budget (OMB) to establish a single FOIA website for making requests and checking on the status of those requests; establish a Chief FOIA Officers Council to review compliance with the act and to recommend improvements; and require additional reports from the National Archives and Records Administration (NARA) and other agencies.

CBO estimates that implementing H.R. 1211 would cost \$20 million over the 2014-2018 period, assuming appropriation of the necessary amounts. The legislation also could affect direct spending by agencies not funded through annual appropriations (such as the Tennessee Valley Authority). 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. 1211 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. 1211 is shown in the following table. The costs of this legislation fall within all budget functions that contain salaries and expenses.

	By Fiscal Year, in Millions of Dollars					
	2014	2015	2016	2017	2018	2014-2018
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
Estimated Authorization Level	5	5	4	4	4	22
Estimated Outlays	4	4	4	4	4	20

## **BASIS OF THE ESTIMATE**

For this estimate, CBO assumes that the bill will be enacted by the end of fiscal year 2013, that the necessary amounts will be appropriated for each year, and that spending will follow historical patterns for FOIA activities.

Enacted in 1966, FOIA was designed to enable anyone to request, without explanation or justification, copies of existing, identifiable, and unpublished records from the executive branch. OMB issues guidelines to agencies on fees to charge for providing requested information, while DOJ oversees agency compliance with FOIA. In 2012, federal agencies (excluding the Social Security Administration) received more than 650,000 FOIA requests. In addition, DOJ reports that in fiscal year 2012, agencies employed about 4,400 full-time staff to fulfill FOIA requests and spent around \$485 million on FOIA-related activities.

CBO expects that OMB would expand the use of existing websites that are currently used to fulfill FOIA requests. A governmentwide website (FOIA.gov) is operated by the Department of Justice, and FOIAonline.gov is a Web application operated by the Environmental Protection Agency that allows the public to track and search some FOIA requests. Nonetheless, CBO anticipates that the workloads of most agencies would increase to carry out the bill's new reporting requirements. We also estimate that NARA would face additional costs to arrange for a new annual meeting and to establish a Chief FOIA Officers Council to review and improve the FOIA process. Based on the costs of similar electronic filing systems and websites and a review of the annual reports by 15 major agencies over the last five years, CBO estimates that implementing H.R. 1211 would add about 1 percent—around \$5 million annually—to the governmentwide costs of administering FOIA.

## **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. Enacting H.R. 1211 could affect net direct spending for agencies not funded through the appropriations process, but CBO estimates that such effects would not be significant in any year.

## **INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

H.R. 1211 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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