



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

February 17, 2015

S. 337

FOIA Improvement Act of 2015

As reported by the Senate Committee on the Judiciary on February 9, 2015

SUMMARY

S. 337 would amend the Freedom of Information Act (FOIA) and aims to provide easier access to government documents. FOIA generally allows any person to obtain records from federal agencies. Specifically, the legislation would: establish a single website for making FOIA requests; direct agencies to make records available in an electronic format; reduce the number of exemptions agencies can use to withhold information from the public; clarify procedures for handling frequently requested documents and charging fees; establish the Chief FOIA Officers Council; and require agencies to prepare additional reports for the Congress on FOIA matters.

CBO estimates that implementing S. 337 would cost \$20 million over the 2015-2020 period, assuming appropriation of the necessary amounts. Enacting S. 337 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 changes direct spending by those agencies would not be significant. Enacting the bill would not affect revenues.

S. 337 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 S. 337 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						2015- 2020
	2015	2016	2017	2018	2019	2020	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Estimated Authorization Level	2	4	4	5	5	5	25
Estimated Outlays	1	3	4	4	4	4	20

BASIS OF THE ESTIMATE

For this estimate, CBO assumes that the bill will be enacted in fiscal year 2015, 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was designed to enable anyone to request, without explanation or justification, copies of existing, identifiable, and unpublished records from the executive branch. The Office of Management and Budget (OMB) issues guidelines to agencies on what fees to charge for providing information, while the Department of Justice (DOJ) oversees agency compliance with FOIA. In 2013, federal agencies (excluding the Social Security Administration) received more than 704,000 FOIA requests. In addition, DOJ reports that in fiscal year 2013, agencies employed about 4,200 full-time staff to fulfill requests and spent \$446 million on related activities.

Some of the provisions of the bill would codify and expand current practices related to FOIA. Presidential memoranda and DOJ guidelines have directed agencies to provide more FOIA information to the public on a timely basis. Under the bill, CBO expects that OMB would expand the use of existing websites that are currently used to fulfill FOIA requests.

CBO anticipates that the workloads of most agencies would increase slightly to carry out the bill's new reporting requirements. We also expect that agencies would incur additional costs to organize and hold an annual FOIA meeting and to establish a Chief FOIA Officers Council to review and improve the FOIA process. Based on the costs of developing and maintaining similar electronic filing systems and websites and a review of the annual reports on FOIA activities submitted by 15 major agencies over the past five years, which provide information on FOIA-related costs, CBO estimates that implementing S. 337 would eventually cost \$5 million annually—a 1 percent increase in the governmentwide cost of administering FOIA. We expect that most federal agencies would face additional costs of significantly less than \$0.5 million per 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. Enacting S. 337 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

S. 337 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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