

Union Calendar No.

117TH CONGRESS
1ST SESSION

H. R. 2726

[Report No. 117-]

To direct the Secretary of Veterans Affairs to establish a plan to reduce the backlog of requests for information made to the Department of Veterans Affairs pursuant to section 552 of title 5, United States Code, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2021

Mr. GALLEGO (for himself and Mr. MURPHY of North Carolina) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY --, 2021

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To direct the Secretary of Veterans Affairs to establish a plan to reduce the backlog of requests for information made to the Department of Veterans Affairs pursuant to section 552 of title 5, United States Code, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “VA FOIA Reform Act
5 of 2021”.

6 **SEC. 2. PLAN FOR REDUCTION OF BACKLOG OF FOIA RE-**
7 **QUESTS.**

8 (a) PLAN.—The Secretary of Veterans Affairs shall
9 establish and carry out a plan for the Secretary to meet,
10 by not later than five years after the date of the enactment
11 of this Act, the requirements of section 552 of title 5,
12 United States Code, with respect to providing documents
13 and information under such section within the timeframes
14 required by such section. The plan shall include the fol-
15 lowing:

16 (1) Improving and acquiring technology, includ-
17 ing with respect to searching email and other elec-
18 tronic information, and the timelines for such im-
19 provement, to ensure that the information tech-
20 nology of the Department of Veterans Affairs is ca-
21 pable of carrying out the plan.

22 (2) Identification of efficient procedures, poli-
23 cies, and systems of the Department that could be
24 developed to allow employees of the Department re-
25 sponsible for replying to requests under such section

1 552 to search and review documents rather than
2 other employees of the Department.

3 (3) A schedule for carrying out the plan, includ-
4 ing key milestones and metrics.

5 (b) COMPLIANCE ASSESSMENT.—The Secretary shall
6 request the Director of the Office of Government Informa-
7 tion Services of the National Archives and Records Admin-
8 istration to conduct an assessment of the compliance by
9 the Department of Veterans Affairs with section 552 of
10 title 5, United States Code.

11 (c) REPORTS.—

12 (1) INITIAL REPORT.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary shall submit to the Committees on Veterans'
15 Affairs of the House of Representatives and the Sen-
16 ate a report on implementing subsections (a) and
17 (b). The report shall include the following:

18 (A) The plan established under subsection

19 (a).

20 (B) An analysis of the root causes of the
21 backlog of FOIA requests.

22 (C) Recommendations with respect to any
23 additional resources or legislative action the
24 Secretary determines necessary for such imple-
25 mentation.

1 (2) ANNUAL REPORTS.—During the five-year
2 period following the date of the enactment of this
3 Act, the Secretary shall submit to the Committees
4 on Veterans’ Affairs of the House of Representatives
5 and the Senate annual reports on—

6 (A) carrying out the plan under subsection
7 (a), including any updates or changes made to
8 the plan; and

9 (B) the compliance by the Department as
10 described in subsection (b).

11 (3) PUBLICATION.—The Secretary shall make
12 publicly available on the internet website of the De-
13 partment the reports under paragraphs (1) and (2)
14 by not later than 30 days after the date on which
15 the Secretary submits the reports to the Committees
16 on Veterans’ Affairs of the House of Representatives
17 and the Senate.

18 (d) BACKLOG OF FOIA REQUESTS DEFINED.—In
19 this section, the term “backlog of FOIA requests” means
20 the number of requests, as reported by the Secretary of
21 Veterans Affairs to the Attorney General in the Annual
22 FOIA Report, made by individuals to the Secretary pursu-
23 ant to section 552 of title 5, United States Code, for docu-
24 ments or information that the Secretary has not fulfilled
25 or provided a response to the individual.