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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 38, United States Code, to establish the Office of Congressional and Legislative Affairs in the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 38, United States Code, to establish the Office of Congressional and Legislative Affairs in the Department of Veterans Affairs, 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. OFFICE OF CONGRESSIONAL AND LEGISLATIVE**
4 **AFFAIRS IN THE DEPARTMENT OF VETERANS**
5 **AFFAIRS.**

6 (a) OFFICE OF CONGRESSIONAL AND LEGISLATIVE
7 AFFAIRS.—Chapter 3 of title 38, United States Code, is
8 amended by adding at the end the following new section:

1 **“§ 326. Office of Congressional and Legislative Af-**
2 **fairs.**

3 “(a) ESTABLISHMENT.—There is established within
4 the Department an Office of Congressional and Legislative
5 Affairs (referred to in this section as the ‘Office’), which
6 shall serve as the principal liaison between the Depart-
7 ment and Congress.

8 “(b) FUNCTIONS.—The Office shall—

9 “(1) coordinate communications and legislative
10 engagement with Congress;

11 “(2) facilitate hearings, briefings, and technical
12 assistance;

13 “(3) coordinate the preparation and submission
14 of testimony and witness materials for congressional
15 hearings, including written statements, oral testi-
16 mony, and responses for the record;

17 “(4) manage and track congressional requests
18 for information;

19 “(5) support the development and analysis of
20 legislative proposals; and

21 “(6) ensure timely and accurate responses to
22 the Committees on Veterans’ Affairs of the House of
23 Representatives and the Senate (in this section, re-
24 ferred to as ‘the Committees’).

25 “(c) LEADERSHIP.—(1) There is at the head of the
26 Office an Assistant Secretary appointed by the President,

1 by and with the advice and consent of the Senate, who
2 shall ensure that the functions of legislative strategy and
3 congressional operations are exercised independently, con-
4 currently, and in mutual restraint, and who shall be re-
5 sponsible for resolving impasses between the Deputy As-
6 sistant Secretaries.

7 “(2) The Deputy Assistant Secretary for Legislative
8 Strategy, a noncareer appointee (as defined in section
9 3132(a) of title 5), shall be responsible for the formulation
10 and articulation of each legislative position and policy
11 communication conveyed to Congress, but may not direct
12 or control the timing, production, or transmission of con-
13 gressional materials.

14 “(3) The Deputy Assistant Secretary for Congres-
15 sional Operations, a career appointee (as defined in sec-
16 tion 3132(a) of title 5) in the Senior Executive Service,
17 shall be responsible for coordination, production, and
18 transmission of congressional materials, but may not alter,
19 delay, or substitute any legislative position established by
20 the Deputy Assistant Secretary for Legislative Strategy.

21 “(d) POSITION DESIGNATIONS.—(1) The Assistant
22 Secretary, the Deputy Assistant Secretary for Legislative
23 Strategy, and any supervisory policy official, who shall be
24 accountable for the substance, consistency, and attribution
25 of each legislative position communicated to Congress,

1 shall be a noncareer appointee (as defined in section
2 3132(a) of title 5).

3 “(2) Any analyst, liaison, records manager, member
4 of production staff, technical specialist, and administrative
5 support personnel shall be a career employee in the com-
6 petitive service.

7 “(e) STAFFING COMPOSITION.—(1) Not fewer than
8 65 percent of the employees occupying full-time equivalent
9 positions of the Office shall be career employees in the
10 competitive service.

11 “(2) A political appointee may perform policy and
12 strategy functions but shall not replace a core operational
13 career role.

14 “(3) In this subsection, ‘political appointee’ means an
15 individual who is—

16 “(A) a noncareer appointee in the Senior Exec-
17 utive Service, as defined under section 3132(a) of
18 title 5; or

19 “(B) employed in a position of a confidential or
20 policy-determining character under schedule C of
21 subpart C of part 213 of title 5, Code of Federal
22 Regulations, or successor regulation.

23 “(f) PROCEDURES.—The Assistant Secretary shall
24 maintain procedures for the following:

1 “(1) Ensuring prompt acknowledgment of con-
2 gressional requests, coordinated and complete re-
3 sponses, availability of subject-matter experts for
4 briefings, and internal tracking of outstanding in-
5 quiries.

6 “(2) Documenting the source of each legislative
7 position and the timing of each congressional pro-
8 duction, such that responsibility for substance and
9 responsibility for timeliness are separately identifi-
10 able.

11 “(g) SUPERVISION.—The Office shall operate under
12 the supervision of the Assistant Secretary. In supervising
13 the Office, the Assistant Secretary shall receive parallel
14 reports from each Deputy Assistant Secretary concerning
15 the performance of the Office, including instances in which
16 action or inaction of the other Deputy Assistant Secretary
17 affected accuracy, consistency, or timeliness of engage-
18 ment with Congress.

19 “(h) CONGRESSIONAL INFORMATION ACCESS AND
20 TIMELINES.—(1) Upon receipt of a written or electronic
21 request for information from the Committees, the Assist-
22 ant Secretary shall—

23 “(A) send to the requesting committee an ac-
24 knowledgment of the request not later than two
25 business days after receipt of such request;

1 “(B) provide to the requesting committee a pro-
2 duction plan and estimated date of the delivery of
3 the requested material not later than five business
4 days after receipt of such request; and

5 “(C) produce all requested records and mate-
6 rials not later than 45 days after receipt.

7 “(2) If the Secretary certifies that the scope or com-
8 plexity of the request prevents full production not later
9 than 30 days after the receipt of such request, the Assist-
10 ant Secretary shall—

11 “(A) provide a partial response to the request
12 not later than 45 days after receipt; and

13 “(B) produce a complete response to the re-
14 quest not later than 60 days after receipt.

15 “(3) Information shall be provided in the form re-
16 quested by the Committees, including underlying records,
17 datasets, methodologies, contracts, and communications,
18 and may not be limited to summaries or briefing materials
19 in lieu of original source documents unless authorized by
20 the requesting committee.

21 “(4) No official or employee of the Department
22 may—

23 “(A) withhold, screen, or alter responsive infor-
24 mation;

1 “(B) delay or condition production on initial
2 clearance or political review;

3 “(C) require a nondisclosure agreement unless
4 required by law;

5 “(D) substitute summaries for requested
6 records; or

7 “(E) otherwise impede or interfere with direct
8 transmission of information to the Committees.

9 “(5) If the Secretary determines that any information
10 requested by Congress is classified, the Secretary shall
11 make arrangements to present such information to the
12 Chair of the requesting committee using appropriate secu-
13 rity measures.

14 “(i) NONCOMPLIANCE.—If the Secretary fails to com-
15 ply with the required timeline for response to a congres-
16 sional request under subsection (h)—

17 “(1) the Secretary shall provide written notice to the
18 requesting committee explaining the delay and identifying
19 corrective actions;

20 “(2) the Secretary shall submit to the requesting
21 committee a corrective action plan, including specific
22 deadlines for compliance and designated;

23 “(3) amounts available for the salaries and expenses
24 of the Office may not be obligated or expended during the
25 period beginning on the day on which the Secretary is not

1 in substantial compliance with subsection (h) and ending
2 on the day on which the Secretary enters into compliance,
3 except for activities necessary to achieve compliance; and
4 “(4) the Inspector General of the Department shall
5 conduct a review to determine the cause of such non-
6 compliance, including whether any action or inaction by
7 a senior Department official contributed to the noncompli-
8 ance, and submit a report to the Committees not later
9 than 60 days after notification by the Secretary under
10 paragraph (1).”.

11 (b) REPORT.—Not later than two years after the date
12 of the enactment of this section, the Comptroller General
13 shall submit to the Committees a report evaluating the
14 implementation of this section.

15 (c) CLERICAL AMENDMENTS.—

16 (1) NUMBER OF DEPUTY ASSISTANT SECRE-
17 TARIES.—Section 308(d)(1) of such title is amended
18 by striking “19” and inserting “21”.

19 (2) TABLE OF CONTENTS.—The table of con-
20 tents for such chapter is amended by adding at the
21 end the following new item:

“326. Office of Congressional and Legislative Affairs”.