

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 7950**  
**OFFERED BY Mrs. Kiggans**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “VA Congressional Ac-  
3 countability Act”.

4 **SEC. 2. OFFICE OF CONGRESSIONAL AND LEGISLATIVE AF-**  
5 **FAIRS IN THE DEPARTMENT OF VETERANS**  
6 **AFFAIRS.**

7       (a) OFFICE OF CONGRESSIONAL AND LEGISLATIVE  
8 AFFAIRS.—Chapter 3 of title 38, United States Code, is  
9 amended by adding at the end the following new section:  
10 **“§ 326. Office of Congressional and Legislative Af-**  
11 **fairs.**

12       “(a) ESTABLISHMENT.—There is established within  
13 the Department an Office of Congressional and Legislative  
14 Affairs (referred to in this section as the ‘Office’), which  
15 shall serve as the principal liaison between the Depart-  
16 ment and Congress.

17       “(b) FUNCTIONS.—The Office shall—

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

3           “(2) facilitate hearings, briefings, and technical  
4           assistance;

5           “(3) coordinate the preparation and submission  
6           of testimony and witness materials for congressional  
7           hearings, including written statements, oral testi-  
8           mony, and responses for the record;

9           “(4) manage and track congressional requests  
10          for information;

11          “(5) support the development and analysis of  
12          legislative proposals; and

13          “(6) ensure timely and accurate responses to  
14          the Committees on Veterans’ Affairs of the House of  
15          Representatives and the Senate (in this section, re-  
16          ferred to as ‘the Committees’).

17          “(c) LEADERSHIP.—(1) There is at the head of the  
18          Office an Assistant Secretary appointed by the President,  
19          by and with the advice and consent of the Senate, who  
20          shall ensure that the functions of legislative strategy and  
21          congressional operations are exercised independently, con-  
22          currently, and in mutual restraint, and who shall be re-  
23          sponsible for resolving impasses between the Deputy As-  
24          sistant Secretaries.

1       “(2) The Deputy Assistant Secretary for Legislative  
2 Strategy, a noncareer appointee (as defined in section  
3 3132(a) of title 5), shall be responsible for the formulation  
4 and articulation of each legislative position and policy  
5 communication conveyed to Congress, but may not direct  
6 or control the timing, production, or transmission of con-  
7 gressional materials.

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

15       “(d) POSITION DESIGNATIONS.—(1) The Assistant  
16 Secretary, the Deputy Assistant Secretary for Legislative  
17 Strategy, and any supervisory policy official, who shall be  
18 accountable for the substance, consistency, and attribution  
19 of each legislative position communicated to Congress,  
20 shall be a noncareer appointee (as defined in section  
21 3132(a) of title 5).

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

1       “(e) STAFFING COMPOSITION.—(1) Not fewer than  
2 65 percent of the employees occupying full-time equivalent  
3 positions of the Office shall be career employees in the  
4 competitive service.

5       “(2) A political appointee may perform policy and  
6 strategy functions but shall not replace a core operational  
7 career role.

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

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

13           “(B) employed in a position of a confidential or  
14 policy-determining character under schedule C of  
15 subpart C of part 213 of title 5, Code of Federal  
16 Regulations, or successor regulation.

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

19           “(1) Ensuring prompt acknowledgment of con-  
20 gressional requests, coordinated and complete re-  
21 sponses, availability of subject-matter experts for  
22 briefings, and internal tracking of outstanding in-  
23 quiries.

24           “(2) Documenting the source of each legislative  
25 position and the timing of each congressional pro-

1       duction, such that responsibility for substance and  
2       responsibility for timeliness are separately identifi-  
3       able.

4       “(g) SUPERVISION.—The Office shall operate under  
5       the supervision of the Assistant Secretary. In supervising  
6       the Office, the Assistant Secretary shall receive parallel  
7       reports from each Deputy Assistant Secretary concerning  
8       the performance of the Office, including instances in which  
9       action or inaction of the other Deputy Assistant Secretary  
10      affected accuracy, consistency, or timeliness of engage-  
11      ment with Congress.

12      “(h) CONGRESSIONAL INFORMATION ACCESS AND  
13      TIMELINES.—(1) Upon receipt of a written or electronic  
14      request for information from the Committees, the Assist-  
15      ant Secretary shall—

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

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

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

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

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

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

9           “(3) Information shall be provided in the form re-  
10 quested by the Committees, including underlying records,  
11 datasets, methodologies, contracts, and communications,  
12 and may not be limited to summaries or briefing materials  
13 in lieu of original source documents unless authorized by  
14 the requesting committee.

15           “(4) No official or employee of the Department  
16 may—

17           “(A) withhold, screen, or alter responsive infor-  
18 mation;

19           “(B) delay or condition production on initial  
20 clearance or political review;

21           “(C) require a nondisclosure agreement unless  
22 required by law;

23           “(D) substitute summaries for requested  
24 records; or

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

3           “(5) If the Secretary determines that any information  
4 requested by Congress is classified, the Secretary shall  
5 make arrangements to present such information to the  
6 Chair of the requesting committee using appropriate secu-  
7 rity measures.

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

11          “(1) the Secretary shall provide written notice to the  
12 requesting committee explaining the delay and identifying  
13 corrective actions;

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

17          “(3) amounts available for the salaries and expenses  
18 of the Office may not be obligated or expended during the  
19 period beginning on the day on which the Secretary is not  
20 in substantial compliance with subsection (h) and ending  
21 on the day on which the Secretary enters into compliance,  
22 except for activities necessary to achieve compliance; and

23          “(4) the Inspector General of the Department shall  
24 conduct a review to determine the cause of such non-  
25 compliance, including whether any action or inaction by

1 a senior Department official contributed to the noncompli-  
2 ance, and submit a report to the Committees not later  
3 than 60 days after notification by the Secretary under  
4 paragraph (1).”.

5 (b) REPORT.—Not later than two years after the date  
6 of the enactment of this section, the Comptroller General  
7 shall submit to the Committees a report evaluating the  
8 implementation of this section.

9 (c) CLERICAL AMENDMENTS.—

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

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

“326. Office of Congressional and Legislative Affairs”.

