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

SECTION 1. SHORT TITLE.

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

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

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

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

(2) Identification of efficient procedures, poli-
cies, and systems of the Department that could be
developed to allow employees of the Department re-
sponsible for replying to requests under such section
552 to search and review documents rather than other employees of the Department.

(3) A schedule for carrying out the plan, including key milestones and metrics.

(b) COMPLIANCE ASSESSMENT.—The Secretary shall request the Director of the Office of Government Information Services of the National Archives and Records Administration to conduct an assessment of the compliance by the Department of Veterans Affairs with section 552 of title 5, United States Code.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report on implementing subsections (a) and (b). The report shall include the following:

(A) The plan established under subsection (a).

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

(C) Recommendations with respect to any additional resources or legislative action the Secretary determines necessary for such implementation.
(2) ANNUAL REPORTS.—During the five-year period following the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate annual reports on—

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

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

(3) PUBLICATION.—The Secretary shall make publicly available on the internet website of the Department the reports under paragraphs (1) and (2) by not later than 30 days after the date on which the Secretary submits the reports to the Committees on Veterans’ Affairs of the House of Representatives and the Senate.

(d) BACKLOG OF FOIA REQUESTS DEFINED.—In this section, the term “backlog of FOIA requests” means the number of requests, as reported by the Secretary of Veterans Affairs to the Attorney General in the Annual FOIA Report, made by individuals to the Secretary pursuant to section 552 of title 5, United States Code, for documents or information that the Secretary has not fulfilled or provided a response to the individual.