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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of Veterans Affairs 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

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

A BILL

To direct the Secretary of Veterans Affairs 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 2020”.

1 **SEC. 2. REDUCTION OF BACKLOG OF CERTAIN REQUESTS**
2 **FOR INFORMATION.**

3 (a) REDUCTION OF BACKLOGS.—

4 (1) FOIA.—By not later than three years after
5 the date of the enactment of this Act, the Secretary
6 of Veterans Affairs shall reduce the backlog of
7 FOIA requests by 75 percent.

8 (2) OFFICE OF SPECIAL COUNSEL.—By not
9 later than three years after the date of the enact-
10 ment of this Act, the Secretary shall reduce the
11 backlog of Special Counsel requests by 75 percent.

12 (b) PROACTIVE DISCLOSURES.—On an ongoing basis,
13 the Secretary shall determine the documents, records, and
14 information of the Department of Veterans Affairs that
15 are the types of documents, records, and information of
16 the Department that the Secretary determines are fre-
17 quently requested and provided pursuant to section 552
18 of title 5, United States Code. The Secretary shall regu-
19 larly make such documents, records, and information pub-
20 licly available, including by publishing such documents,
21 records, and information on the internet website of the
22 Department.

23 (c) COMPLIANCE ASSESSMENT.—The Secretary shall
24 request the Director of the Office of Government Informa-
25 tion Services of the National Archives and Records Admin-
26 istration to conduct an assessment of the compliance by

1 the Department of Veterans Affairs with section 552 of
2 title 5, United States Code.

3 (d) REPORTS.—

4 (1) INITIAL REPORT.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary shall submit to the Committees on Veterans'
7 Affairs of the House of Representatives and the Sen-
8 ate a report on implementing subsections (a) and
9 (b). The report shall include the following:

10 (A) A plan for such implementation.

11 (B) An analysis of the root causes of the
12 backlog of FOIA requests and the backlog of
13 Special Counsel requests.

14 (C) A plan to improve and acquire tech-
15 nology, including with respect to searching
16 email and other electronic information, and the
17 timelines for such improvement, to ensure that
18 the information technology of the Department
19 of Veterans Affairs is capable of carrying out
20 such plan.

21 (D) Identification of efficient procedures,
22 policies, and systems of the Department that
23 could be developed to allow employees of the
24 Department responsible for replying to requests
25 under section 552 of title 5, United States

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

3 (E) Identification of the documents and in-
4 formation that will be made publicly available
5 under subsection (b) and identification of the
6 10 most frequently requested types of docu-
7 ments, records, or information.

8 (F) Recommendations with respect to any
9 additional resources or legislative action the
10 Secretary determines necessary for such imple-
11 mentation.

12 (2) ANNUAL REPORTS.—During the three-year
13 period following the date of the enactment of this
14 Act, the Secretary shall submit to the Committees
15 on Veterans' Affairs of the House of Representatives
16 and the Senate annual reports on implementing sub-
17 sections (a) and (b).

18 (3) PUBLICATION.—The Secretary shall make
19 publicly available on the internet website of the De-
20 partment the reports under paragraph (1) and (2)
21 by not later than 30 days after the date on which
22 the Secretary submits the reports to the Committees
23 on Veterans' Affairs of the House of Representatives
24 and the Senate.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “backlog of FOIA requests”
2 means the number of requests, as reported by the
3 Secretary of Veterans Affairs to the Attorney Gen-
4 eral in the Annual FOIA Report for Fiscal Year
5 2019, made by individuals to the Secretary pursuant
6 to section 552 of title 5, United States Code, for
7 documents or information that the Secretary has not
8 fulfilled or provided a response to the individual.

9 (2) The term “backlog of Special Counsel re-
10 quests” means the number of requests, as deter-
11 mined by the Secretary of Veterans Affairs by not
12 later than 90 days after the date of the enactment
13 of this Act, made by the Special Counsel to the Sec-
14 retary pursuant to chapter 12 of part II of title 5,
15 United States Code, for documents or information
16 that the Secretary has not fulfilled or provided a re-
17 sponse to the Office of Special Counsel.