

116TH CONGRESS  
2D SESSION

# H. R. 7163

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2020

Mr. CISNEROS (for himself and Mr. ROSE of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## 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”.

6 **SEC. 2. REDUCTION OF BACKLOG OF CERTAIN REQUESTS**  
7 **FOR INFORMATION.**

8       (a) REDUCTION OF BACKLOGS.—

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

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

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

20          (c) COMPLIANCE ASSESSMENT.—The Secretary shall  
21          request the Director of the Office of Government Informa-  
22          tion Services of the National Archives and Records Admin-  
23          istration to conduct an assessment of the compliance by  
24          the Department of Veterans Affairs with section 552 of  
25          title 5, United States Code.

1 (d) REPORTS.—

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

8 (A) A plan for such implementation.

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

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

19 (D) Identification of efficient procedures,  
20 policies, and systems of the Department that  
21 could be developed to allow employees of the  
22 Department responsible for replying to requests  
23 under section 552 of title 5, United States  
24 Code, to search and review documents rather  
25 than other employees of the Department.

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

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

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

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

23          (e) DEFINITIONS.—In this section:

24                 (1) The term “backlog of FOIA requests”  
25                 means the number of requests, as reported by the

1 Secretary of Veterans Affairs to the Attorney Gen-  
2 eral in the Annual FOIA Report for Fiscal Year  
3 2019, made by individuals to the Secretary pursuant  
4 to section 552 of title 5, United States Code, for  
5 documents or information that the Secretary has not  
6 fulfilled or provided a response to the individual.

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

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