

117TH CONGRESS
1ST SESSION

H. R. 2726

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2021

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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.

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

20 (2) Identification of efficient procedures, poli-
21 cies, and systems of the Department that could be
22 developed to allow employees of the Department re-
23 sponsible for replying to requests under such section
24 552 to search and review documents rather than
25 other employees of the Department.

1 (3) A schedule for carrying out the plan, includ-
2 ing key milestones and metrics.

3 (b) COMPLIANCE ASSESSMENT.—The Secretary shall
4 request the Director of the Office of Government Informa-
5 tion Services of the National Archives and Records Admin-
6 istration to conduct an assessment of the compliance by
7 the Department of Veterans Affairs with section 552 of
8 title 5, United States Code.

9 (c) REPORTS.—

10 (1) INITIAL REPORT.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary shall submit to the Committees on Veterans'
13 Affairs of the House of Representatives and the Sen-
14 ate a report on implementing subsections (a) and
15 (b). The report shall include the following:

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

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

20 (C) Recommendations with respect to any
21 additional resources or legislative action the
22 Secretary determines necessary for such imple-
23 mentation.

24 (2) ANNUAL REPORTS.—During the five-year
25 period following the date of the enactment of this

1 Act, the Secretary shall submit to the Committees
2 on Veterans' Affairs of the House of Representatives
3 and the Senate annual reports on—

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

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

9 (3) PUBLICATION.—The Secretary shall make
10 publicly available on the internet website of the De-
11 partment the reports under paragraphs (1) and (2)
12 by not later than 30 days after the date on which
13 the Secretary submits the reports to the Committees
14 on Veterans' Affairs of the House of Representatives
15 and the Senate.

16 (d) BACKLOG OF FOIA REQUESTS DEFINED.—In
17 this section, the term “backlog of FOIA requests” means
18 the number of requests, as reported by the Secretary of
19 Veterans Affairs to the Attorney General in the Annual
20 FOIA Report, made by individuals to the Secretary pursu-
21 ant to section 552 of title 5, United States Code, for docu-
22 ments

- 1 or information that the Secretary has not fulfilled or pro-
- 2 vided a response to the individual.

Passed the House of Representatives June 15, 2021.

Attest: CHERYL L. JOHNSON,
Clerk.