

117TH CONGRESS
1ST SESSION

S. 2163

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 SENATE OF THE UNITED STATES

JUNE 22, 2021

Ms. HASSAN (for herself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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.

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 2021”.

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

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

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

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

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

25 (b) COMPLIANCE ASSESSMENT.—The Secretary shall
26 request the Director of the Office of Government Informa-

1 tion Services of the National Archives and Records Admin-
 2 istration to conduct an assessment of the compliance by
 3 the Department of Veterans Affairs with section 552 of
 4 title 5, United States Code.

5 (c) REPORTS.—

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

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

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

16 (C) Recommendations with respect to any
 17 additional resources or legislative action the
 18 Secretary determines necessary for such imple-
 19 mentation.

20 (2) ANNUAL REPORTS.—During the five-year
 21 period following the date of the enactment of this
 22 Act, the Secretary shall submit to the Committees
 23 on Veterans’ Affairs of the House of Representatives
 24 and the Senate annual reports on—

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

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

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

13 (d) BACKLOG OF FOIA REQUESTS DEFINED.—In
14 this section, the term “backlog of FOIA requests” means
15 the number of requests, as reported by the Secretary of
16 Veterans Affairs to the Attorney General in the Annual
17 FOIA Report, made by individuals to the Secretary pursu-
18 ant to section 552 of title 5, United States Code, for docu-
19 ments or information that the Secretary has not fulfilled
20 or provided a response to the individual.

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