

ACCESS FOR VETERANS TO RECORDS
ACT OF 2022

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 4816

TO REQUIRE THE ARCHIVIST OF THE UNITED STATES TO
SUBMIT TO CONGRESS A COMPREHENSIVE PLAN FOR
REDUCING THE BACKLOG OF REQUESTS FOR RECORDS FROM
THE NATIONAL PERSONNEL RECORDS CENTER, AND FOR OTHER
PURPOSES



DECEMBER 15, 2022.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

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117TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 117-265

ACCESS FOR VETERANS TO RECORDS ACT OF 2022

DECEMBER 15, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 4816]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 4816) to require the Archivist of the United States to submit to Congress a comprehensive plan for reducing the backlog of requests for records from the National Personnel Records Center, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 4816, the Access for Veterans to Records Act of 2022, requires an assessment and a plan to clear the backlog at the National Personnel Records Center (NPRC) from veterans and their families. The bill also authorizes additional funding for the National Archives and Records Administration (NARA) to reduce the backlog, improve cybersecurity, and other records management improvements.

II. BACKGROUND AND THE NEED FOR LEGISLATION

S. 4816 addresses the backlog at the National Personnel Records Center (NPRC) of half a million record requests from veterans and their families. The NPRC is responsible for providing copies of service records for veterans and their families, often for the purpose of accessing veterans' benefits at Federal agencies or veteran service organizations.

In an average year, NPRC responds to more than 1.2 million requests for copies of records. In response to the novel coronavirus, SARS-CoV-2 (COVID-19), NPRC maintained minimal staff to respond to only emergency reference requests (burials, medical emergencies, and homeless veterans).¹ The requests were not processed as expeditiously as before and prevented the majority of veterans from obtaining copies of service records, increasing obstacles to receive veterans' benefits in a timely manner. For some veterans, particularly older ones, there may not be an alternative method for accessing these military records and, as such, the backlog increased the burden on veterans to apply for and receive their earned benefits.

During the COVID-19 pandemic, NPRC worked with the Department of Veterans Affairs to help process emergency records requests from veterans and created multiple employee shifts within the workday.² Nevertheless, there remains a need to reduce the existing backlog at NPRC and to mitigate the risk of future backlogs.

One of the hurdles is that the majority of NPRC's records remain in hard copy, without yet being digitized. This leaves the NPRC susceptible to future backlogs. A key component of the bill is providing resources to the NPRC to modernize and digitize its records. These modernization efforts are in line with NPRC's plan to modernize its Case Management and Reporting System (CMRS).³

III. LEGISLATIVE HISTORY

Senator Jon Ossoff (D-GA) introduced S. 4816, the Access for Veterans to Records Act of 2022, on September 12, 2022, with Senators Mike Rounds (R-SD), Jeanne Shaheen (D-NH), and Mike Braun (R-IN). The legislation is a modified House companion of Chairwoman Carolyn Maloney (D-NY)'s bill, (H.R. 7337). The bill was referred to the Committee on Homeland Security and Governmental Affairs. Senator Dan Sullivan (R-AK) joined as a cosponsor on September 21, 2022.

The Committee considered S. 4816 at a business meeting on September 28, 2022. During the business meeting, Chairman Peters offered a first degree amendment which was adopted by voice vote. Senator Scott filed, but did not offer an amendment that would have stricken the authorization of appropriations provision and instead require NARA to use existing funds to carry out the bill's requirements. The bill, as amended by the Peters amendment, was

¹ Congressional Research Service, *Modernizing Access to Military Service Records: Frequently Asked Questions* (Aug. 8, 2022) (<https://sgp.fas.org/crs/secretary/R47212.pdf>).

² Federal News Network, *Pandemic-induced backlog sparks new efforts to digitize military records at NARA* (June 7, 2021) (<https://federalnewsnetwork.com/management/2021/06/pandemic-induced-backlog-sparks-new-efforts-to-digitize-military-records-at-nara/>).

³ National Archives and Records Administration, *FY 2023 Congressional Justification*. (Mar. 28, 2022) (<https://www.archives.gov/files/about/plans-reports/performance-budget/2023-nara-congressional-justification.pdf>).

ordered reported favorably by a voice vote with no Senators recorded as voting nay. Senators Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Lankford, Romney, Scott, and Hawley were present.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title as the “Access for Veterans to Records Act of 2022.”

Section 2. Plan to eliminate records backlog at the National Personnel Records Center

This section requires the Archivist of the United States to submit a comprehensive plan to reduce the number of backlogged record requests, including the current count of unresolved record requests that have been pending for more than 20 days, 90 days and one year. The plan must also include, among other requirements, time-frame and metrics to track progress; and strategies to prevent future record request backlogs.

It directs periodic updates until NPRC demonstrates that it is fulfilling 90% of all records requests within 20 days. This section also requires the Secretary of Veterans Affairs to be consulted on the plan.

Section 3. Additional funding

This section authorizes \$60 million to address the backlog of records requests (responding to requests from veterans for military personnel records), improve cybersecurity, and improve digital preservation and access to archival Federal records. It also may be used for the Federal Records Center Program.

Section 4. Additional staffing

This section requires that NPRC maintain the staffing levels necessary to meet the performance goal of responding to 90 percent of requests for separation records within 20 days. This bill still allows NPRC to determine the right mix of in-person and telework to ensure request requirements are met.

Section 5. Additional reporting

This section directs the Inspector General for NARA to report on the agency’s efforts to address the backlog and to submit recommendations for action to reduce the records backlog.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 9, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

SUMMARY ESTIMATES OF LEGISLATION ORDERED REPORTED

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023-2032	Revenues, 2023-2032	Spending Subject to Appropriation, 2023-2027	Pay-As-You-Go Procedures Apply?	Increase On-Budget Deficits Beginning in 2033?	Mandates	Contact
S. 4816	Access for Veterans to Records Act of 2022	Ordered reported	09/28/22	800	0	0	\$60 million	No	No	No	Matthew Pickford

S. 4816 would require the Archivist of the United States to submit a comprehensive plan for reducing the backlog of requests for records from the National Personnel Records Center. The bill would authorize the appropriation of \$60 million for that purpose. CBO estimates that enacting S. 4816 would not affect direct spending or revenues. CBO estimates that implementing the bill would increase discretionary costs by \$60 million over the 2023-2027 period but that spending would be subject to the availability of appropriated funds. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.

