

(A) the parent (natural, adopted, or step-parent) of a beneficiary who is a minor;

(B) the spouse or parent of an incompetent beneficiary;

(C) a person who has been appointed a fiduciary of the beneficiary by a court of competent jurisdiction; or

(D) being appointed to manage an estate where the annual amount of veterans benefits to be managed by the proposed fiduciary does not exceed \$3,600, as adjusted pursuant to section 5312 of this title.

(d) **TEMPORARY FIDUCIARIES.**—When in the opinion of the Secretary, a temporary fiduciary is needed in order to protect the assets of the beneficiary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse, the Secretary may appoint one or more temporary fiduciaries for a period not to exceed 120 days. If a final decision has not been made within 120 days, the Secretary may not continue the appointment of the fiduciary without obtaining a court order for appointment of a guardian, conservator, or other fiduciary under the authority provided in section 5502(b) of this title.

(Added Pub. L. 108-454, title V, §502(a), Dec. 10, 2004, 118 Stat. 3618.)

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 5508. Periodic onsite reviews of institutional fiduciaries

In addition to such other reviews of fiduciaries as the Secretary may otherwise conduct, the Secretary shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under laws administered by the Secretary to another individual pursuant to the appointment of such person or agency as a fiduciary under section 5502(a)(1) of this title in any case in which the fiduciary is serving in that capacity with respect to more than 20 beneficiaries and the total annual amount of such benefits exceeds \$50,000, as adjusted pursuant to section 5312 of this title.

(Added Pub. L. 108-454, title V, §504(a)(1), Dec. 10, 2004, 118 Stat. 3620.)

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 5509. Authority to require fiduciary to receive payments at regional offices of the Department when failing to provide required accounting

(a) **REQUIRED REPORTS AND ACCOUNTINGS.**—The Secretary may require a fiduciary to file a report or accounting pursuant to regulations prescribed by the Secretary.

(b) **ACTIONS UPON FAILURE TO FILE.**—In any case in which a fiduciary fails to submit a report or accounting required by the Secretary under

subsection (a), the Secretary may, after furnishing notice to such fiduciary and the beneficiary entitled to such payment of benefits, require that such fiduciary appear in person at a regional office of the Department serving the area in which the beneficiary resides in order to receive such payments.

(Added Pub. L. 108-454, title V, §504(a)(1), Dec. 10, 2004, 118 Stat. 3621.)

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 5510. Annual report

The Secretary shall include in the Annual Benefits Report of the Veterans Benefits Administration or the Secretary's Annual Performance and Accountability Report information concerning fiduciaries who have been appointed to receive payments for beneficiaries of the Department. As part of such information, the Secretary shall separately set forth the following:

(1) The number of beneficiaries in each category (veteran, surviving spouse, child, adult disabled child, or parent).

(2) The types of benefit being paid (compensation, pension, dependency and indemnity compensation, death pension or benefits payable to a disabled child under chapter 18 of this title).

(3) The total annual amounts and average annual amounts of benefits paid to fiduciaries for each category and type of benefit.

(4) The number of fiduciaries who are the spouse, parent, legal custodian, court-appointed fiduciary, institutional fiduciary, custodian in fact, and supervised direct payees.

(5) The number of cases in which the fiduciary was changed by the Secretary because of a finding that benefits had been misused.

(6) How such cases of misuse of benefits were addressed by the Secretary.

(7) The final disposition of such cases of misuse of benefits, including the number and dollar amount of any benefits reissued to beneficiaries.

(8) The number of fiduciary cases referred to the Office of the Inspector General and the nature of the actions taken by the Inspector General.

(9) The total amount of money recovered by the Government in cases arising from the misuse of benefits by a fiduciary.

(10) Such other information as the Secretary considers appropriate.

(Added Pub. L. 108-454, title V, §505(a), Dec. 10, 2004, 118 Stat. 3621; amended Pub. L. 111-275, title X, §1001(l), Oct. 13, 2010, 124 Stat. 2897.)

AMENDMENTS

2010—Pub. L. 111-275, §1001(l)(1), substituted "following:" for "following: —" in introductory provisions.

Par. (9). Pub. L. 111-275, §1001(l)(2), substituted "Government" for "government".

EFFECTIVE DATE

Section effective Dec. 10, 2004, see section 507(b)(1) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

CHAPTER 57—RECORDS AND INVESTIGATIONS

SUBCHAPTER I—RECORDS

- Sec.
5701. Confidential nature of claims.
5702. Furnishing of records.
5703. Certification of records of District of Columbia.
5704. Transcript of trial records.
5705. Confidentiality of medical quality-assurance records.
5706. Veterans identification card.

SUBCHAPTER II—INVESTIGATIONS

5711. Authority to issue subpoenas.
5712. Validity of affidavits.
5713. Disobedience to subpoena.

SUBCHAPTER III—INFORMATION SECURITY

5721. Purpose.
5722. Policy.
5723. Responsibilities.
5724. Provision of credit protection and other services.
5725. Contracts for data processing or maintenance.
5726. Reports and notice to Congress on data breaches.
5727. Definitions.
5728. Authorization of appropriations.

AMENDMENTS

2015—Pub. L. 114–31, §2(c), July 20, 2015, 129 Stat. 430, added item 5706.

2006—Pub. L. 109–461, title IX, §902(b), Dec. 22, 2006, 120 Stat. 3460, added item for subchapter III and items 5721 to 5728.

1991—Pub. L. 102–54, §14(d)(5)(B), (6)(C), June 13, 1991, 105 Stat. 286, amended table of sections at beginning of chapter as in effect immediately before the enactment of Pub. L. 102–40 by substituting “subpoenas” for “subpenas” in item 3311 and “subpoena” for “subpena” in item 3313.

Pub. L. 102–40, title IV, §402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3301 to 3313 as 5701 to 5713, respectively.

1980—Pub. L. 96–385, title V, §505(b), Oct. 7, 1980, 94 Stat. 1537, added item 3305.

UPDATING DEPENDENT INFORMATION

Pub. L. 115–407, title V, §502, Dec. 31, 2018, 132 Stat. 5376, provided that: “The Secretary of Veterans Affairs shall make such changes to such information technology systems of the Department of Veterans Affairs, including the eBenefits system or successor system, as may be necessary so that whenever the Secretary records in such systems information about a dependent of a person, the person is able to review and revise such information.”

OVERSIGHT OF ELECTRONIC HEALTH RECORD MODERNIZATION PROGRAM

Pub. L. 115–407, title V, §503, Dec. 31, 2018, 132 Stat. 5376, provided that:

“(a) PROGRAM DOCUMENTS.—Not later than 30 days after the date of the enactment of this Act [Dec. 31, 2018], the Secretary of Veterans Affairs shall submit to the appropriate congressional committees the following documents concerning the Electronic Health Record Modernization Program:

- “(1) Integrated Master Plan.
“(2) Integrated Master Schedule.
“(3) Program Management Plan.
“(4) Annual and lifecycle cost estimates, including, at a minimum, cost elements relating to—
“(A) Federal Government labor;
“(B) contractor labor;
“(C) hardware;

- “(D) software; and
“(E) testing and evaluation.
“(5) Cost baseline.
“(6) Risk Management Plan.
“(7) Health IT Strategic Architecture Plan.
“(8) Transition Plan for implementing updated architecture.
“(9) Data Migration Plan.
“(10) System and Data Security Plan.
“(11) Application Implementation Plan.
“(12) System Design Documents.
“(13) Legacy Veterans Information Systems and Technology Architecture Standardization, Security Enhancement, and Consolidation Project Plan.
“(14) Health Data Interoperability Management Plan.

“(15) Community Care Vision and Implementation Plan, including milestones and a detailed description of how complete interoperability with non-Department health care providers will be achieved.

“(b) QUARTERLY UPDATES.—Not later than 30 days after the end of each fiscal quarter during the period beginning with the fiscal quarter in which this Act is enacted and ending on the date on which the Electronic Health Record Modernization Program is completed, the Secretary shall submit to the appropriate congressional committees the most recent updated versions, if any exist, of the following documents:

- “(1) Integrated Master Schedule.
“(2) Program Management Plan, including any written Program Management Review material developed for the Program Management Plan during the fiscal quarter covered by the submission.
“(3) Each document described in subsection (a)(4).
“(4) Performance Baseline Report for the fiscal quarter covered by the submission or for the fiscal quarter ending the fiscal year prior to the submission.
“(5) Budget Reconciliation Report.

“(6) Risk Management Plan and Risk Register.
“(c) CONTRACTS.—Not later than 5 days after awarding a contract, order, or agreement, including any modifications thereto, under the Electronic Health Record Modernization Program, the Secretary shall submit to the appropriate congressional committees a copy of the entire such contract, order, agreement, or modification.

“(d) NOTIFICATION.—

“(1) REQUIREMENT.—Not later than 10 days after an event described in paragraph (2) occurs, the Secretary shall notify the appropriate congressional committees of such occurrence, including a description of the event and an explanation for why such event occurred.

“(2) EVENT DESCRIBED.—An event described in this paragraph is any of the following events regarding the Electronic Health Record Modernization Program:

“(A) The delay of any milestone or deliverable by 30 or more days.

“(B) A request for equitable adjustment, equitable adjustment, [sic] or change order exceeding \$1,000,000 (as such terms are defined in the Federal Acquisition Regulation).

“(C) The submission of any protest, claim, or dispute, and the resolution of any protest, claim, or dispute (as such terms are defined in the Federal Acquisition Regulation).

“(D) A loss of clinical or other data.

“(E) A breach of patient privacy, including any—

“(i) disclosure of protected health information that is not permitted under regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 42 U.S.C. 1320d–2 note); and

“(ii) breach of sensitive personal information (as defined in section 5727 of title 38, United States Code).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—