

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—