

116TH CONGRESS
1ST SESSION

H. R. 4588

To amend title 38, United States Code, to treat digitized records as originals with respect to claims under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2019

Mr. COX of California (for himself, Mrs. LEE of Nevada, Mr. STEUBE, and Mrs. RADEWAGEN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to treat digitized records as originals with respect to claims under the laws administered by the Secretary of Veterans Affairs, 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 “Modernizing VA’s
5 Records Management Program Act”.

1 **SEC. 2. TREATMENT OF DIGITIZED RECORDS AS ORIGI-**
2 **NALS.**

3 (a) IN GENERAL.—Chapter 57 of title 38, United
4 States Code, is amended by inserting after section 5706
5 the following new section:

6 **“§ 5707. Treatment of digitized records as originals**

7 “(a) IN GENERAL.—A photograph, microphotograph,
8 or digitized version of a file, record, report, or other paper
9 or document, pertaining to any claim under any of the
10 laws administered by the Secretary shall have the same
11 effect for purposes of this title as the original physical file,
12 record, report, or other paper or document, if such photo-
13 graph, microphotograph, or digitized version is made in
14 compliance with this section and chapter 33 of title 44.
15 The Secretary may not be required to produce or retain
16 such original physical file, record, report, or other paper
17 or document, including with respect to a record of pro-
18 ceedings specified in section 7252(b) of this title.

19 “(b) QUALITY AND ACCURACY.—The Secretary shall
20 develop and carry out a process to ensure that a photo-
21 graph, microphotograph, or digitized version of a file,
22 record, report, or other paper or document, pertaining to
23 any claim under any of the laws administered by the Sec-
24 retary, meets the following criteria:

25 “(1) The photograph, microphotograph, or
26 digitized version is of sufficient quality to be viewed

1 and read on an electronic screen or other appro-
2 priate equipment.

3 “(2) The photograph, microphotograph, or
4 digitized version is an accurate reproduction of the
5 original file, record, report, or other paper or docu-
6 ment.

7 “(c) RETURN OF ORIGINAL.—After making a photo-
8 graph, microphotograph, or digitized version of a file,
9 record, report, or other paper or document of a claimant
10 that pertains to any claim under any of the laws adminis-
11 tered by the Secretary, and after carrying out the process
12 to ensure the quality and accuracy of such photograph,
13 microphotograph, or digitized version under subsection
14 (b), the Secretary shall return the original such file,
15 record, report, or other paper or document to the claimant
16 (or the counsel or other appropriate custodian of the origi-
17 nal version).

18 “(d) PRESUMPTION.—The Secretary shall resolve any
19 doubt regarding the accuracy of a photograph, micro-
20 photograph, or digitized version of a file, record, report,
21 or other paper or document, pertaining to any claim under
22 any of the laws administered by the Secretary, in favor
23 of the claimant if—

24 “(1) the Secretary did not carry out the process
25 to ensure the quality and accuracy of the photo-

1 graph, microphotograph, or digitized version pursu-
2 ant to subsection (b); or

3 “(2) the claimant presents credible evidence
4 that—

5 “(A) a deficiency or alteration in such a
6 photograph, microphotograph, or digitized
7 version exists; or

8 “(B) such a photograph, microphotograph,
9 or digitized version is missing from the records
10 maintained by the Secretary.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 5706 the following new
14 item:

“5707. Treatment of digitized records as originals.”.

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