

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1405
OFFERED BY MS. TITUS OF NEVADA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. INCLUSION OF NOTICE OF DISAGREEMENT**
2 **FORMS IN NOTICES OF DECISIONS OF BENE-**
3 **FITS DENIALS ISSUED BY SECRETARY OF**
4 **VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Section 5104(b) of title 38,
6 United States Code, is amended—

7 (1) by striking “and (2)” and inserting “(2)”;

8 and

9 (2) by inserting before the period at the end the
10 following: “, and (3) a form that may be used to file
11 a notice of disagreement to the decision”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall apply with respect to decisions made
14 by the Secretary under section 511 of title 38, United
15 States Code, on or after the date of the enactment of this
16 Act.

1 **SEC. 2. PROVISION OF STATUS UNDER LAW BY HONORING**
2 **CERTAIN MEMBERS OF THE RESERVE COM-**
3 **PONENTS AS VETERANS.**

4 (a) VETERAN STATUS.—

5 (1) IN GENERAL.—Chapter 1 of title 38, United
6 States Code, is amended by inserting after section
7 107 the following new section:

8 **“§ 107A. Honoring as veterans certain persons who**
9 **performed service in the reserve compo-**
10 **nents**

11 “Any person who is entitled under chapter 1223 of
12 title 10 to retired pay for nonregular service or, but for
13 age, would be entitled under such chapter to retired pay
14 for nonregular service shall be honored as a veteran but
15 shall not be entitled to any benefit by reason of this sec-
16 tion.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by inserting after the item relating to section 107
20 the following new item:

“107A. Honoring as veterans certain persons who performed service in the re-
serve components.”.

21 (b) CLARIFICATION REGARDING BENEFITS.—No
22 person may receive any benefit under the laws adminis-
23 tered by the Secretary of Veterans Affairs solely by reason

1 of section 107A of title 38, United States Code, as added
2 by subsection (a).

3 **SEC. 3. PROVISION OF ACCESS TO CASE-TRACKING INFOR-**
4 **MATION.**

5 (a) IN GENERAL.—Chapter 59 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 5906. Provision of access to case-tracking informa-**
9 **tion**

10 “(a) IN GENERAL.—(1) In accordance with sub-
11 section (b), the Secretary shall provide a covered employee
12 with access to the case-tracking system to provide a vet-
13 eran with information regarding the status of a claim sub-
14 mitted by such veteran if such employee is acting under
15 written permission or a power of attorney executed by
16 such veteran.

17 “(2) In providing a covered employee with access to
18 the case-tracking system under paragraph (1), the Sec-
19 retary shall ensure—

20 “(A) that such access—

21 “(i) is provided in a manner that does not
22 allow such employee to modify the data con-
23 tained in such system; and

24 “(ii) does not include access to medical
25 records; and

1 “(B) that each time a covered employee ac-
2 cesses such system, the employee must certify that
3 such access is for official purposes only.

4 “(b) PRIVACY CERTIFICATION COURSE.—The Sec-
5 retary may not provide a covered employee with access to
6 the case-tracking system under subsection (a)(1) unless
7 the covered employee has successfully completed a certifi-
8 cation course on privacy issues provided by the Secretary.

9 “(c) TREATMENT OF DISCLOSURE.—The access to
10 information by a covered employee pursuant to subsection
11 (a)(1) shall be deemed to be—

12 “(1) a covered disclosure under section 552a(b)
13 of title 5; and

14 “(2) a permitted disclosure under regulations
15 promulgated under section 264(c) of the Health In-
16 surance Portability and Accountability Act of 1996
17 (42 U.S.C. 1320d–2 note).

18 “(d) DEFINITIONS.—In this section:

19 “(1) The term ‘case-tracking system’ means the
20 system of the Department of Veterans Affairs that
21 provides information regarding the status of a claim
22 submitted by a veteran.

23 “(2) The term ‘covered employee’ means an em-
24 ployee of a State or local governmental agency (in-
25 cluding a veterans service officer) who, in the course

1 of carrying out the responsibilities of such employ-
2 ment, assists veterans with claims for any benefit
3 under the laws administered by the Secretary.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 at the end the following new item:

“5906. Provision of access to case-tracking information.”.

Amend the title so as to read: “A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include a notice of disagreement form in any notice of decision issued for the denial of a benefit sought, and for other purposes.”.

