

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MRS. CAMMACK OF FLORIDA

Add at the end of title LX the following new section:

1 **SEC. 60 ____ . 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.

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

7 “(1) The photograph, microphotograph, or
8 digitized version is of sufficient quality to be viewed
9 and read on an electronic screen or other appro-
10 priate equipment.

11 “(2) The photograph, microphotograph, or
12 digitized version is an accurate reproduction of the
13 original file, record, report, or other paper or docu-
14 ment.

15 “(c) RETURN OF ORIGINAL.—After making a photo-
16 graph, microphotograph, or digitized version of a file,
17 record, report, or other paper or document of a claimant
18 that pertains to any claim under any of the laws adminis-
19 tered by the Secretary, and after carrying out the process
20 to ensure the quality and accuracy of such photograph,
21 microphotograph, or digitized version under subsection
22 (b), the Secretary shall return the original such file,
23 record, report, or other paper or document to the claimant
24 (or the counsel or other appropriate custodian of the origi-
25 nal version).

1 “(d) PRESUMPTION.—The Secretary shall resolve any
2 doubt regarding the accuracy of a photograph, micro-
3 photograph, or digitized version of a file, record, report,
4 or other paper or document, pertaining to any claim under
5 any of the laws administered by the Secretary, in favor
6 of the claimant if—

7 “(1) the Secretary did not carry out the process
8 to ensure the quality and accuracy of the photo-
9 graph, microphotograph, or digitized version pursu-
10 ant to subsection (b); or

11 “(2) the claimant presents credible evidence
12 that—

13 “(A) a deficiency or alteration in such a
14 photograph, microphotograph, or digitized
15 version exists; or

16 “(B) such a photograph, microphotograph,
17 or digitized version is missing from the records
18 maintained by the Secretary.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 5706 the following new
22 item:

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

