

visions of subchapter III of chapter 35 of title 44, the Inspector General of the Department is responsible for the following:

- (1) Conducting an annual audit of the Department information security program.
- (2) Submitting an independent annual report to the Office of Management and Budget on the status of the Department information security program, based on the results of the annual audit.
- (3) Conducting investigations of complaints and referrals of violations as considered appropriate by the Inspector General.

(Added Pub. L. 109-461, title IX, §902(a), Dec. 22, 2006, 120 Stat. 3451; amended Pub. L. 111-275, title X, §1001(m)(1), Oct. 13, 2010, 124 Stat. 2897.)

Editorial Notes

AMENDMENTS

2010—Subsec. (g)(2). Pub. L. 111-275 inserted “the” before “Department”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

§ 5724. Provision of credit protection and other services

(a) INDEPENDENT RISK ANALYSIS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall ensure that, as soon as possible after the data breach, a non-Department entity or the Office of Inspector General of the Department conducts an independent risk analysis of the data breach to determine the level of risk associated with the data breach for the potential misuse of any sensitive personal information involved in the data breach.

(2) If the Secretary determines, based on the findings of a risk analysis conducted under paragraph (1), that a reasonable risk exists for the potential misuse of sensitive personal information involved in a data breach, the Secretary shall provide credit protection services in accordance with the regulations prescribed by the Secretary under this section.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006, the Secretary shall prescribe interim regulations for the provision of the following in accordance with subsection (a)(2):

- (1) Notification.
- (2) Data mining.
- (3) Fraud alerts.
- (4) Data breach analysis.

- (5) Credit monitoring.
- (6) Identity theft insurance.
- (7) Credit protection services.

(c) REPORT.—(1) For each data breach with respect to sensitive personal information processed or maintained by the Secretary, the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the findings of any independent risk analysis conducted under subsection (a)(1), any determination of the Secretary under subsection (a)(2), and a description of any services provided pursuant to subsection (b).

(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, Marine Corps, or Space Force or a civilian officer or employee of the Department of Defense, the Secretary shall submit the report required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

(Added Pub. L. 109-461, title IX, §902(a), Dec. 22, 2006, 120 Stat. 3455; amended Pub. L. 116-283, div. A, title IX, §926(h), Jan. 1, 2021, 134 Stat. 3831.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006, referred to in subsec. (b), is the date of enactment of Pub. L. 109-461, which was approved Dec. 22, 2006.

AMENDMENTS

2021—Subsec. (c)(2). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

§ 5725. Contracts for data processing or maintenance

(a) CONTRACT REQUIREMENTS.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that—

(1) the contractor shall not, directly or through an affiliate of the contractor, disclose such information to any other person unless the disclosure is lawful and is expressly permitted under the contract;

(2) the contractor, or any subcontractor for a subcontract of the contract, shall promptly notify the Secretary of any data breach that occurs with respect to such information.

(b) LIQUIDATED DAMAGES.—Each contract subject to the requirements of subsection (a) shall provide for liquidated damages to be paid by the contractor to the Secretary in the event of a data breach with respect to any sensitive personal information processed or maintained by the contractor or any subcontractor under that contract.

(c) PROVISION OF CREDIT PROTECTION SERVICES.—Any amount collected by the Secretary