

Subsec. (g)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Subsec. (g)(2)(A)(i). Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

Subsec. (g)(2)(A)(ii). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, §2(c)(6), substituted "section 527" for "section 219".

Subsec. (g)(2)(B), (3), (4). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (g)(4)(A)(i). Pub. L. 102-40, §402(d)(1), substituted "5302" for "3102".

Subsec. (h). Pub. L. 102-83, §5(c)(1), substituted "3720(a)(5)" for "1820(a)(5)" in par. (2)(A) and "3720" for "1820" in par. (2)(C).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (i)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1989—Subsec. (b)(1). Pub. L. 101-94 substituted "section 3009 or 4009" for "section 4009".

1980—Subsec. (a). Pub. L. 96-466, §606(a), substituted "members of the Armed Forces" for "personnel of the armed services".

Subsec. (b)(6). Pub. L. 96-466, §606(b), added par. (6).

Subsec. (c). Pub. L. 96-466, §606(c), designated existing provisions as pars. (1) and (3) with minor changes in language, and in par. (1) as so designated, substituted reference to the amount of any payment made by the Veterans' Administration to any person receiving benefits under a program administered by the Veterans' Administration for reference to the amount of pension, compensation, or dependency and indemnity compensation of any beneficiary, and added par. (2).

Subsec. (f). Pub. L. 96-466, §606(d), substituted "name or address, or both, of any present or former member of the Armed Forces, or a dependent of a present or former member of the Armed Forces" for "names or addresses, or both, of any present or former members of the Armed Forces, and/or their dependents" and "written request that such name or address" for "written request that such names or addresses".

Subsecs. (g) to (i). Pub. L. 96-466, §606(e), added subsecs. (g) to (i). Former subsec. (g) redesignated (j).

Subsec. (j). Pub. L. 96-466, §606(e), (f), redesignated former subsec. (g) as (j) and substituted "Except as provided in subsection (i)(1) of this section, any" for "Any".

1976—Subsec. (a). Pub. L. 94-321, §1(a)(1), (2), designated introductory par. as subsec. (a) and as so designated, substituted "provided in this section." for "follows:".

Subsec. (b). Pub. L. 94-321, §1(a)(2), added subsec. (b). Pars. (1) to (5), formerly set out following introductory par., became part of such subsec. (b).

Subsec. (b)(1). Pub. L. 94-581, §210(b)(1), substituted "claimant or duly authorized agent or representative of a claimant as to matters concerning the claimant alone" for "claimant or his duly authorized agent or representative as to matters concerning himself alone".

Subsec. (c). Pub. L. 94-321, §1(a)(3), redesignated par. (6) as subsec. (c).

Subsec. (d). Pub. L. 94-581, §210(b)(2), substituted "as a matter of discretion" for "in his discretion".

Pub. L. 94-321, §1(a)(3), redesignated par. (7) as subsec. (d).

Subsec. (e). Pub. L. 94-581, §210(b)(3), substituted "in the Administrator's judgment" for "in his judgment".

Pub. L. 94-321, §1(a)(3), (4), redesignated par. (8) as subsec. (e) and substituted "Except as otherwise specifically provided in this section with respect to certain information, the" for "The".

Subsec. (f). Pub. L. 94-321, §1(a)(3), (5), redesignated par. (9) as subsec. (f) and inserted provision relating to the release of information pursuant to this subsection to criminal or civil law enforcement governmental

agencies and increased the penalty for misuse of such information to the status of a misdemeanor, with a fine of not more than \$5,000 for the first offense and not more than \$20,000 for any subsequent offense.

Subsec. (g). Pub. L. 94-321, §1(a)(5), added subsec. (g).

1972—Pub. L. 92-540 in introductory provision inserted reference to the names and addresses of present or former personnel of the armed forces, and their dependents, in the possession of the Veterans' Administration, and added par. (9).

1969—Par. (1). Pub. L. 91-24 substituted "the claimant and to an independent" for "the claimant. And to an independent".

1962—Par. (1). Pub. L. 87-671 inserted provisions authorizing disclosure to an independent medical expert or experts for an advisory opinion pursuant to section 4009 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-55 applicable to all claims for which the Secretary of Veterans Affairs provides notice of a decision under section 5104 of this title on or after the later of 540 days after Aug. 23, 2017, or 30 days after the date on which the Secretary submits to Congress a certification of certain capabilities of the Department of Veterans Affairs to carry out the new appeals system established by Pub. L. 115-55 and to address appeals of decisions on legacy claims, with provision for early applicability of the new appeals system to certain claims, see section 2(x) of Pub. L. 115-55, set out as a note under section 101 of this title, and bracketed note thereunder.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-94, title III, §302(c), Aug. 16, 1989, 103 Stat. 628, provided that: "The amendments made by subsections (a) and (b) [amending this section and section 4092 [now 7292] of this title] shall take effect as if included in the Veterans' Judicial Review Act [div. A of Pub. L. 100-687]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1976 AMENDMENTS

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

Pub. L. 94-321, §1(b), June 29, 1976, 90 Stat. 714, provided that: "The amendments made by subsection (a) of this section with respect to subsection (f) (as redesignated by subsection (a)(3) of this section) of section 3301 [now 5701] of title 38, United States Code (except for the increase in criminal penalties for a violation of the second sentence of such subsection (f)), shall be effective with respect to names or addresses released on and after October 24, 1972."

EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-671, §4, Sept. 19, 1962, 76 Stat. 557, provided that: "The amendments made by this Act [enacting section 4009 [now 7109] of this title and amending this section] shall be effective January 1, 1963."

REGULATIONS

Pub. L. 109-461, title II, §204(c), Dec. 22, 2006, 120 Stat. 3411, provided that: "The Secretary of Veterans Affairs shall prescribe regulations under subsection (k) of section 5701 of title 38, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act [Dec. 22, 2006]."

§ 5702. Furnishing of records

(a) Any person desiring a copy of any record, paper, and so forth, in the custody of the Sec-

retary that may be disclosed under section 5701 of this title must submit to the Secretary an application in writing, including an electronic request submitted through the website or online tool established under subsection (b), for such copy. The application shall state specifically—

(1) the particular record, paper, and so forth, a copy of which is desired and whether certified or uncertified;

(2) the purpose for which such copy is desired to be used; and

(3) the format in which such copy is desired, including whether in printed form or by downloadable file.

(b)(1) The Secretary shall establish and maintain a secure website or online tool for a claimant or a duly recognized agent or representative of that claimant to submit an electronic request for such records.

(2) The Secretary, upon receipt of a valid request made through the website or online tool established under paragraph (1), shall provide to the requestor—

(A) not later than 10 days after receipt, confirmation of such receipt; and

(B) not later than 120 days after receipt, such records requested in the form selected by the requestor.

(c) The Secretary may establish a schedule of fees for copies and certification of such records.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1236, §3302; renumbered §5702 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, §4(a)(2)(A)(xii), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405; Pub. L. 103-446, title XII, §1201(e)(16), Nov. 2, 1994, 108 Stat. 4686; Pub. L. 118-21, §2(a),(b), Nov. 13, 2023, 137 Stat. 109.)

Editorial Notes

AMENDMENTS

2023—Subsec. (a). Pub. L. 118-21, §2(b)(1), substituted “in writing, including an electronic request submitted through the website or online tool established under subsection (b),” for “in writing” in introductory provisions.

Subsec. (a)(3). Pub. L. 118-21, §2(b)(2)-(4), added par. (3).

Subsecs. (b), (c). Pub. L. 118-21, §2(a), added subsec. (b) and redesignated former subsec. (b) as (c).

1994—Pub. L. 103-446, §1201(e)(16)(A), (B), inserted “(a)” before “Any person desiring” and substituted “custody of the Secretary that may be disclosed under section 5701 of this title must submit to the Secretary an application in writing for such copy. The application shall state” for “custody of the Secretary, which may be disclosed under section 5701 of this title, must make written application therefore to the Secretary, stating”.

Subsec. (b). Pub. L. 103-446, §1201(e)(16)(C), which directed amendment of subsec. (c) by substituting “may establish” for “is authorized to fix”, was executed to subsec. (b) to reflect the probable intent of Congress, because the language sought to be amended appears in subsec. (b) and this section does not contain a subsec. (c).

1991—Pub. L. 102-40, §402(b)(1), renumbered section 3302 of this title as this section.

Pub. L. 102-83, §4(a)(2)(A)(xii), which directed amendment of subsec. (a) of this section by substituting “Secretary” for “Veterans’ Administration” in two places, was executed to the undesignated first par., to reflect the probable intent of Congress.

Pub. L. 102-40, §402(d)(1), substituted “5701” for “3301” in undesignated first par.

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Statutory Notes and Related Subsidiaries

DEADLINE; ESTABLISHMENT OF WEBSITE OR ONLINE TOOL

Pub. L. 118-21, §2(c), Nov. 13, 2023, 137 Stat. 109, provided that: “Not later than one year after the date of the enactment of this Act [Nov. 13, 2023], the Secretary of Veterans Affairs shall establish the website or online tool required under section 5702(b)(1) of title 38, United States Code, as added by this Act, and, to the extent practicable, the Secretary shall utilize existing online resources of the Department of Veterans Affairs for the purposes of such establishment.”

§ 5703. Certification of records of District of Columbia

When a copy of any public record of the District of Columbia is required by the Secretary to be used in determining the eligibility of any person for benefits under laws administered by the Secretary, the official custodian of such public record shall without charge provide the applicant for such benefits or any person (including any veterans’ organization) acting on the veteran’s behalf or the authorized representative of the Secretary with a certified copy of such record.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1237, §3303; Pub. L. 99-576, title VII, §701(78), Oct. 28, 1986, 100 Stat. 3298; renumbered §5703, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(1), (2)(A)(xiii), Aug. 6, 1991, 105 Stat. 403.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3303 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Veterans’ Administration” in two places and “administered by the Secretary” for “administered by the Veterans’ Administration”.

1986—Pub. L. 99-576 substituted “the veteran’s” for “his”.

§ 5704. Transcript of trial records

The Secretary may purchase transcripts of the record, including all evidence, of trial of litigated cases.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1237, §3304; renumbered §5704, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3304 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator”.

§ 5705. Confidentiality of medical quality-assurance records

(a) Records and documents created by the Department as part of a medical quality-assurance