

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