

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 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 specifically—

- (1) the particular record, paper, and so forth, a copy of which is desired and whether certified or uncertified; and
- (2) the purpose for which such copy is desired to be used.

(b) 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.)

Editorial Notes

AMENDMENTS

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 "Sec-

retary" 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".

§ 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 program (other than reports submitted pursuant to section 7311(g)¹ of this title) are confidential and privileged and may not be disclosed to any person or entity except as provided in subsection (b) of this section.

(b)(1) Subject to paragraph (2) of this subsection, a record or document described in sub-

¹ See References in Text note below.

section (a) of this section shall, upon request, be disclosed as follows:

(A) To a Federal agency or private organization, if such record or document is needed by such agency or organization to perform licensing or accreditation functions related to Department health-care facilities or to perform monitoring, required by statute, of Department health-care facilities.

(B) To a Federal executive agency or provider of health-care services, if such record or document is required by such agency or provider for participation by the Department in a health-care program with such agency or provider.

(C) To a criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or document be provided for a purpose authorized by law.

(D) To health-care personnel, to the extent necessary to meet a medical emergency affecting the health or safety of any individual.

(2) The name of and other identifying information regarding any individual patient or employee of the Department, or any other individual associated with the Department for purposes of a medical quality-assurance program, contained in a record or document described in subsection (a) of this section shall be deleted from any record or document before any disclosure made under this subsection if disclosure of such name and identifying information would constitute a clearly unwarranted invasion of personal privacy.

(3) No person or entity to whom a record or document has been disclosed under this subsection shall make further disclosure of such record or document except for a purpose provided in this subsection.

(4) Nothing in this section shall be construed as authority to withhold any record or document from a committee of either House of Congress or any joint committee of Congress, if such record or document pertains to any matter within the jurisdiction of such committee or joint committee.

(5) Nothing in this section shall be construed as limiting the use of records and documents described in subsection (a) of this section within the Department (including contractors and consultants of the Department).

(6) Nothing in this section shall be construed as authorizing or requiring withholding from any person or entity the disclosure of statistical information regarding Department health-care programs (including such information as aggregate morbidity and mortality rates associated with specific activities at individual Department health-care facilities) that does not implicitly or explicitly identify individual patients or employees of the Department, or individuals who participated in the conduct of a medical quality-assurance review.

(c) For the purpose of this section, the term "medical quality-assurance program" means—

(1) with respect to any activity carried out before October 7, 1980, a Department system-

atic health-care review activity carried out by or for the Department for the purpose of improving the quality of medical care or improving the utilization of health-care resources in Department health-care facilities; and

(2) with respect to any activity carried out on or after October 7, 1980, a Department systematic health-care review activity designated by the Secretary to be carried out by or for the Department for either such purpose.

(d)(1) The Secretary shall prescribe regulations to carry out this section. In prescribing such regulations, the Secretary shall specify those activities carried out before October 7, 1980, which the Secretary determines meet the definition of medical quality-assurance program in subsection (c)(1) of this section and those activities which the Secretary has designated under subsection (c)(2) of this section. The Secretary shall, to the extent appropriate, incorporate into such regulations the provisions of the administrative guidelines and procedures governing such programs in existence on October 7, 1980.

(2) An activity may not be considered as having been designated as a medical quality-assurance program for the purposes of subsection (c)(2) of this section unless the designation has been specified in such regulations.

(e) Any person who, knowing that a document or record is a document or record described in subsection (a) of this section, willfully discloses such record or document except as provided for in subsection (b) of this section shall be fined not more than \$5,000 in the case of a first offense and not more than \$20,000 in the case of a subsequent offense.

(Added Pub. L. 96-385, title V, §505(a), Oct. 7, 1980, 94 Stat. 1535, §3305; amended Pub. L. 99-166, title II, §201, Dec. 3, 1985, 99 Stat. 949; renumbered §5705 and amended Pub. L. 102-40, title IV, §§402(b)(1), 403(b)(2), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-54, §14(d)(4), June 13, 1991, 105 Stat. 285; Pub. L. 102-83, §4(a)(2)(F), (3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

Editorial Notes

REFERENCES IN TEXT

Section 7311(g) of this title, referred to in subsec. (a), was repealed by Pub. L. 103-446, title XII, §1201(g)(5), Nov. 2, 1994, 108 Stat. 4687.

AMENDMENTS

1991—Pub. L. 102-40, §402(b)(1), renumbered section 3305 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Pub. L. 102-40, §403(b)(2), substituted "section 7311(g)" for "section 4152(b)".

Subsec. (b)(1)(A), (B). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing.

Subsec. (b)(2). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Pub. L. 102-83, §4(a)(2)(F)(i), substituted "patient or employee of the Department" for "Veterans' Administration patient or employee".

Subsec. (b)(5). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

Subsec. (b)(6). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

Pub. L. 102-83, §4(a)(2)(F)(ii), substituted "patients or employees of the Department," for "Veterans' Administration patients or employees".

Subsec. (c)(1). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing.

Pub. L. 102-54, §14(d)(4)(A), amended subsec. (c)(1) as in effect immediately before the enactment of Pub. L. 102-40 by substituting "October 7, 1980" for "the date of the enactment of this section".

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

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

Pub. L. 102-54, §14(d)(4)(A), amended subsec. (c)(2) as in effect immediately before the enactment of Pub. L. 102-40 by substituting "October 7, 1980" for "the date of the enactment of this section".

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

Pub. L. 102-54, §14(d)(4)(B)(i)-(iii), amended subsec. (d)(1) as in effect immediately before the enactment of Pub. L. 102-40 by substituting "The" for "Not later than 180 days after the date of the enactment of this section, the" in first sentence, substituting "October 7, 1980," for "such enactment date" in second sentence, and striking out "existing" after "provisions of the" and inserting "in existence on October 7, 1980" after "such programs" in last sentence.

Subsec. (d)(2). Pub. L. 102-54, §14(d)(4)(B)(iv), amended subsec. (d)(2) as in effect immediately before the enactment of Pub. L. 102-40 by substituting "An activity may not be considered" for "After the date on which such regulations are first prescribed, no activity shall be considered".

1985—Subsec. (a). Pub. L. 99-166, §201(1), inserted "(other than reports submitted pursuant to section 4152(b) of this title)" after "program".

Subsec. (b)(6). Pub. L. 99-166, §201(2), added par. (6).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 7, 1980, see section 601(d) of Pub. L. 96-385, set out as an Effective Date of 1980 Amendment note under section 1114 of this title.

§ 5706. Veterans identification card

(a) IN GENERAL.—The Secretary of Veterans Affairs shall issue an identification card described in subsection (b) to each veteran who—

(1) requests such card;

(2) presents a copy of Department of Defense form DD-214 or other official document from the official military personnel file of the veteran that describes the service of the veteran; and

(3) pays the fee under subsection (c)(1).

(b) IDENTIFICATION CARD.—An identification card described in this subsection is a card issued to a veteran that—

(1) displays a photograph of the veteran;

(2) displays the name of the veteran;

(3) explains that such card is not proof of any benefits to which the veteran is entitled to;

(4) contains an identification number that is not a social security number; and

(5) serves as proof that such veteran—

(A) served in the Armed Forces; and

(B) has a Department of Defense form DD-214 or other official document in the official military personnel file of the veteran that describes the service of the veteran.

(c) COSTS OF CARD.—(1) The Secretary shall charge a fee to each veteran who receives an identification card issued under this section, including a replacement identification card.

(2)(A) The fee charged under paragraph (1) shall equal such amount as the Secretary determines is necessary to issue an identification card under this section.

(B) In determining the amount of the fee under subparagraph (A), the Secretary shall ensure that the total amount of fees collected under paragraph (1) equals an amount necessary to carry out this section, including costs related to any additional equipment or personnel required to carry out this section.

(C) The Secretary shall review and reassess the determination under subparagraph (A) during each five-year period in which the Secretary issues an identification card under this section.

(3) Amounts collected under this subsection shall be deposited in an account of the Department available to carry out this section. Amounts so deposited shall be—

(A) merged with amounts in such account;

(B) available in such amounts as may be provided in appropriation Acts; and

(C) subject to the same conditions and limitations as amounts otherwise in such account.

(d) EFFECT OF CARD ON BENEFITS.—(1) An identification card issued under this section shall not serve as proof of any benefits that the veteran may be entitled to under this title.

(2) A veteran who is issued an identification card under this section shall not be entitled to any benefits under this title by reason of possessing such card.

(e) ADMINISTRATIVE MEASURES.—(1) The Secretary shall ensure that any information collected or used with respect to an identification card issued under this section is appropriately secured.

(2) The Secretary may determine any appropriate procedures with respect to issuing a replacement identification card.

(3) In carrying out this section, the Secretary shall coordinate with the National Personnel Records Center.

(4) The Secretary may conduct such outreach to advertise the identification card under this section as the Secretary considers appropriate.

(f) CONSTRUCTION.—This section shall not be construed to affect identification cards otherwise provided by the Secretary to veterans enrolled in the health care system established under section 1705(a) of this title.

(Added Pub. L. 114-31, §2(b), July 20, 2015, 129 Stat. 428.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 114-31, §2(d), July 20, 2015, 129 Stat. 430, provided that: "The amendments made by this Act [enacting this section] shall take effect on the date that is 60 days after the date of the enactment of this Act [July 20, 2015]."

VETERANS IDENTIFICATION CARD; FINDINGS

Pub. L. 114-31, §2(a), July 20, 2015, 129 Stat. 428, provided that:

"Congress makes the following findings: