

in case of veteran who on Aug. 19, 1968, was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest.

Prior sections 357 to 363 were renumbered sections 1157 to 1163 of this title, respectively.

Prior sections 401 and 402 were renumbered sections 1301 and 1302 of this title, respectively.

Prior section 403, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1127; Pub. L. 91-96, §2, Oct. 27, 1969, 83 Stat. 144, defined Reserve Officer Training Corps annual training duty and authorized travel to and from such duty as active military service for the purposes of chapter 11 of this title and former section 722 of this title, prior to repeal by Pub. L. 97-306, title I, §113(b)(1), (d), Oct. 14, 1982, 96 Stat. 1432, 1433, effective Oct. 1, 1982, with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after Sept. 30, 1982, and Oct. 1, 1983, with respect to deaths and disabilities incurred or aggravated before Oct. 1, 1982.

Prior sections 404, 410 to 418, and 421 to 423 were renumbered sections 1304, 1310 to 1318, and 1321 to 1323 of this title, respectively.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-275, §501(a), inserted “career or” before “noncareer”.

Subsec. (d)(10). Pub. L. 104-275, §501(d), substituted “(42 U.S.C. 289a-2) with respect to the inclusion of women in clinical research and on” for “(relating to the inclusion of women and minorities in clinical research) and of”.

ASSESSMENT OF USE BY WOMEN VETERANS OF DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES

Pub. L. 104-262, title III, §323, Oct. 9, 1996, 110 Stat. 3196, provided that:

“(a) REPORTS TO UNDER SECRETARY FOR HEALTH.—The Center for Women Veterans of the Department of Veterans Affairs (established under section 509 of Public Law 103-446 [enacting this section and section 317 of this title] and repealing former section 317 of this title), in consultation with the Advisory Committee on Women Veterans, shall assess the use by women veterans of health services through the Department of Veterans Affairs, including counseling for sexual trauma and mental health services. The Center shall submit to the Under Secretary for Health of the Department of Veterans Affairs a report not later than April 1, 1997, and April 1 of each of the two following years, on—

“(1) the extent to which women veterans described in paragraphs (1) and (2) of section 1710(a) of title 38, United States Code, fail to seek, or face barriers in seeking, health services through the Department, and the reasons therefor; and

“(2) recommendations, if indicated, for encouraging greater use of such services, including (if appropriate) public service announcements and other outreach efforts.

“(b) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than July 1, 1997, and July 1 of each of the two following years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

“(1) the most recent report of the Center for Women Veterans under subsection (a);

“(2) the views of the Under Secretary for Health on such report's findings and recommendations; and

“(3) a description of the steps being taken by the Secretary to remedy any problems described in the report.”

§ 319. Office of Employment Discrimination Complaint Adjudication

(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

(2) The Director shall be a career appointee in the Senior Executive Service.

(3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.

(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

(2) No person may make any ex parte communication to the Director or to any employee of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of the General Counsel.

(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department.

(Added Pub. L. 105-114, title I, §102(a)(1), Nov. 21, 1997, 111 Stat. 2280.)

EFFECTIVE DATE

Section 102(c) of Pub. L. 105-114 provided that: “Section 319 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act [Nov. 21, 1997].”

REPORTS ON IMPLEMENTATION

Section 102(b) of Pub. L. 105-114 provided that: “The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary of Veterans Affairs and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.”

§ 320. Department of Veterans Affairs-Department of Defense Joint Executive Committee

(a) JOINT EXECUTIVE COMMITTEE.—(1) There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee (hereinafter in this section referred to as the “Committee”).

(2) The Committee is composed of—

(A) the Deputy Secretary of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate; and
 (B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

(b) ADMINISTRATIVE MATTERS.—(1) The Deputy Secretary of Veterans Affairs and the Under Secretary of Defense shall determine the size and structure of the Committee, as well as the administrative and procedural guidelines for the operation of the Committee.

(2) The two Departments shall supply appropriate staff and resources to provide administrative support and services. Support for such purposes shall be provided at a level sufficient for the efficient operation of the Committee, including a subordinate Health Executive Committee, a subordinate Benefits Executive Committee, and such other committees or working groups as considered necessary by the Deputy Secretary and Under Secretary.

(c) RECOMMENDATIONS.—(1) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing efforts between and within the two Departments under section 8111 of this title and shall oversee implementation of those efforts.

(2) The Committee shall submit to the two Secretaries and to Congress an annual report containing such recommendations as the Committee considers appropriate.

(d) FUNCTIONS.—In order to enable the Committee to make recommendations in its annual report under subsection (c)(2), the Committee shall do the following:

(1) Review existing policies, procedures, and practices relating to the coordination and sharing of resources between the two Departments.

(2) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of services and resources of the two Departments, with the goal of improving the quality, efficiency and effectiveness of the delivery of benefits and services to veterans, service members, military retirees, and their families through an enhanced Department of Veterans Affairs and Department of Defense partnership.

(3) Identify and assess further opportunities for the coordination and collaboration between the Departments that, in the judgment of the Committee, would not adversely affect the range of services, the quality of care, or the established priorities for benefits provided by either Department.

(4) Review the plans of both Departments for the acquisition of additional resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for the coordination and sharing of resources.

(5) Review the implementation of activities designed to promote the coordination and sharing of resources between the Departments.

(Added Pub. L. 108-136, div. A, title V, § 583(a)(1), Nov. 24, 2003, 117 Stat. 1490.)

EFFECTIVE DATE

Pub. L. 108-136, div. A, title V, § 583(d)(2), Nov. 24, 2003, 117 Stat. 1492, provided that: "If this Act is enacted on or after October 1, 2003, the amendments made by this section [enacting this section and amending section 8111 of this title] shall take effect on the date of the enactment of this Act [Nov. 24, 2003]."

JOINT PROGRAM FOR DEVELOPMENT AND EVALUATION OF INTEGRATED HEALING CARE PRACTICES FOR MEMBERS OF THE ARMED FORCES AND VETERANS

Pub. L. 108-136, div. A, title VII, § 727, Nov. 24, 2003, 117 Stat. 1537, provided that:

"(a) PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs may conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans. Any such program shall be carried out through the Department of Veterans Affairs-Department of Defense Joint Executive Committee established under section 320 of title 38, United States Code.

"(b) SOURCE OF DOD FUNDS.—Amounts authorized to be appropriated by this Act [see Tables for classification] for the Defense Health Program may be used for the program under subsection (a)."

CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER I—GENERAL AUTHORITIES

- Sec. 501. Rules and regulations.
- 502. Judicial review of rules and regulations.
- 503. Administrative error; equitable relief.
- 505. Opinions of Attorney General.
- 510. Authority to reorganize offices.
- 511. Decisions of the Secretary; finality.
- 512. Delegation of authority; assignment of functions and duties.
- 513. Contracts and personal services.
- 515. Administrative settlement of tort claims.
- 516. Equal employment responsibilities.

SUBCHAPTER II—SPECIFIED FUNCTIONS

- 521. Assistance to certain rehabilitation activities.
- 522. Studies of rehabilitation of disabled persons.
- 523. Coordination and promotion of other programs affecting veterans and their dependents.
- 525. Publication of laws relating to veterans.
- 527. Evaluation and data collection.
- 529. Annual report to Congress.
- 530. Annual report on program and expenditures for domestic response to weapons of mass destruction.
- 531. Requirement relating to naming of Department property.

SUBCHAPTER III—ADVISORY COMMITTEES

- 541. Advisory Committee on Former Prisoners of War.
- 542. Advisory Committee on Women Veterans.
- 543. Advisory Committee on Prosthetics and Special-Disabilities Programs.
- 544. Advisory Committee on Minority Veterans.
- 545. Advisory Committee on the Readjustment of Veterans.

AMENDMENTS

1998—Pub. L. 105-368, title IX, § 906(b), title X, § 1001(a)(2), Nov. 11, 1998, 112 Stat. 3362, 3363, added items 530 and 531.

1997—Pub. L. 105-114, title I, § 101(a)(2), Nov. 21, 1997, 111 Stat. 2279, added item 516.