(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.

(Added Pub. L. 111–81, §3(a), Oct. 22, 2009, 123 Stat. 2137.)

COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSION IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION

Pub. L. 111–81, §4, Oct. 22, 2009, 123 Stat. 2138, provided that:

''(a) REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

''(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

''(A) An assessment of the review conducted under subsection (a).

''(B) The basis for such assessment.

''(C) Such additional information as the Comptroller General determines appropriate.

''(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.''

§118. Submission of reports to Congress in electronic form

(a) IN GENERAL.—Whenever the Secretary or any other official of the Department is required by law to submit to Congress (or any committee of either chamber of Congress) a report, the Secretary or other official shall submit to Congress (or such committee) a copy of the report in an electronic format.

(b) TREATMENT.—The submission of a copy of a report in accordance with this section shall be treated as meeting any requirement of law to submit such report to Congress (or any committee of either chamber of Congress).

(c) REPORT DEFINED.—For purposes of this section, the term ''report'' includes any certification, notification, or other communication in writing.

(Added Pub. L. 111–163, title X, §1003(a), May 5, 2010, 124 Stat. 1182.)

CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS

Sec.
301. Department.
302. Seal.
303. Secretary of Veterans Affairs.
304. Deputy Secretary of Veterans Affairs.
305. Under Secretary for Health.
306. Under Secretary for Benefits.
307. Under Secretary for Memorial Affairs.
308. Assistant Secretaries; Deputy Assistant Secretaries.
309. Chief Financial Officer.
310. Chief Information Officer.
311. General Counsel.
312. Inspector General.
312A. Director of Construction and Facilities Management.
313. Availability of appropriations.
314. Central Office.
315. Regional offices.
316. Colocation of regional offices and medical centers.
317. Center for Minority Veterans.
318. Center for Women Veterans.
319. Office of Employment Discrimination Complaint Adjudication.
320. Department of Veterans Affairs-Department of Defense Joint Executive Committee.
321. Office of Survivors Assistance.
322. Office of National Veterans Sports Programs and Special Events.

PRIOR PROVISIONS

Prior chapter 3, consisted of sections 201 to 203, 210 to 224, 230, 231, 233 to 236, and 240 to 246, prior to repeal by Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 378.

Section 201, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1114, established Veterans' Administration as an independent agency in executive branch of Government. See section 301 of this title.

Section 202, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1114, related to seal of Veterans' Administration and authentication of records of Veterans' Administration. See section 302 of this title.

Section 203, added Pub. L. 94–424, §2(a), Sept. 28, 1976, 90 Stat. 1332; amended Pub. L. 97–258, §2(j), Sept. 13, 1982, 96 Stat. 1062; Pub. L. 98–160, title VII, §702(1), Nov. 21, 1983, 97 Stat. 1009, related to availability of appropriations. See section 313 of this title.

Section 210, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1114; Pub. L. 88–426, title III, §305(15), Aug. 14, 1964, 78 Stat. 424; Pub. L. 89–361, §1(a), (b), Mar. 7, 1966, 80 Stat. 29; Pub. L. 89–785, title III, §301, Nov. 7, 1966, 80 Stat. 1376; Pub. L. 92–328, title II, §201, June 30, 1972, 86 Stat. 396; Pub. L. 95–202, title III, §301, Nov. 23, 1977, 91 Stat. 1440; Pub. L. 96–22, title V, §502(a), June 13, 1979, 93 Stat. 64; Pub. L. 97–66, title VI, §601(a)(1), Oct. 17, 1981, 95 Stat. 1033; Pub. L. 97–452, §2(e)(1), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 99–166, title IV, §403(a), Dec. 3, 1985, 99 Stat. 957; Pub. L. 99–576, title V, §501, title VII, §701(9), Oct. 28, 1986, 100 Stat. 3285, 3291; Pub. L. 100–527, §15(a), Oct. 5, 1988, 102 Stat. 2644; Pub. L. 102–40, title III, §303, May 7, 1991, 105 Stat. 208, related to appointment and general authority of Administrator and Deputy Administrator. See sections 303, 304, 501, 503, 510, and 711 of this title.

Section 211, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89–214, §1(b), Sept. 29, 1965, 79 Stat. 886; Pub. L. 89–358, §4(h), Mar. 3, 1966, 80 Stat. 24; Pub. L. 91–376, §8(a), Aug. 12, 1970, 84 Stat. 790; Pub. L. 100–687, div. A, title I, §101(a), Nov. 18, 1988, 102 Stat. 4105, related to decisions of Administrator and opinions of Attorney General. See sections 505 and 511 of this title.

Section 212, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89–361, §2, Mar. 7, 1966, 80 Stat. 30; Pub. L. 99–576, title VII, §701(10), Oct. 28, 1986, 100 Stat. 3291, related to delegation of authority and assignment of duties. See section 512 of this title.

Section 213, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89–785, title III, §302, Nov. 7, 1966, 80 Stat. 1376;

Pub. L. 91–24, § 2(c), June 11, 1969, 83 Stat. 33; Pub. L. 99–576, title VII, § 701(11), Oct. 28, 1986, 100 Stat. 3291, related to contracts and acceptance of personal services. See section 513 of this title.

Section 214, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1115, required an annual report to Congress by Administrator. See section 529 of this title.

Section 215, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 99–576, title VII, § 701(10), Oct. 28, 1986, 100 Stat. 3291, related to publication of laws relating to veterans. See section 525 of this title.

Section 216, added Pub. L. 100–322, title I, § 132(a), May 20, 1988, 102 Stat. 506; amended Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239, related to assistance to certain rehabilitation activities. See section 521 of this title.

Another prior section 216, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 87–572, Aug. 6, 1962, 76 Stat. 307; Pub. L. 88–433, § 1(a)–(c), Aug. 14, 1964, 78 Stat. 441, 442; Pub. L. 89–705, § 1, Nov. 2, 1966, 80 Stat. 1099, which directed Administrator to conduct research in field of prosthetic appliances, prosthesis, orthopedic appliances, and sensory devices, was repealed by Pub. L. 94–581, title II, § 205(c)(1), Oct. 21, 1976, 90 Stat. 2859. See section 7303 of this title.

Section 217, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 99–576, title VII, § 701(10), Oct. 28, 1986, 100 Stat. 3291, related to studies of rehabilitation of disabled persons. See section 522 of this title.

Section 218, added Pub. L. 93–43, § 4(a), June 18, 1973, 87 Stat. 79; amended Pub. L. 98–528, title I, § 101(a)(1), Oct. 19, 1984, 98 Stat. 2686; Pub. L. 99–576, title II, § 211, Oct. 28, 1986, 100 Stat. 3257, related to security and law enforcement on property under jurisdiction of Veterans' Administration. See section 901 et seq. of this title.

Section 219, added Pub. L. 93–508, title II, § 213(a), Dec. 3, 1974, 88 Stat. 1586; amended Pub. L. 99–576, title VII, § 701(12), Oct. 28, 1986, 100 Stat. 3291, related to evaluation of programs and collection of data. See section 527 of this title.

Section 220, added Pub. L. 93–508, title II, § 213(a), Dec. 3, 1974, 88 Stat. 1587; amended Pub. L. 96–466, title VII, § 701(a), (b)(1), Oct. 17, 1980, 94 Stat. 2215; Pub. L. 98–528, title I, § 106(a), (b)(1), Oct. 19, 1984, 98 Stat. 2690, related to coordination and promotion of other programs affecting veterans and their dependents. See section 523 of this title.

Section 221, added Pub. L. 97–37, § 2(a), Aug. 14, 1981, 95 Stat. 935, established Advisory Committee on Former Prisoners of War. See section 541 of this title.

Section 222, added Pub. L. 98–160, title III, § 301(a), Nov. 21, 1983, 97 Stat. 1003, established Advisory Committee on Women Veterans. See section 542 of this title.

Section 223, added Pub. L. 100–687, div. A, title I, § 102(a)(1), Nov. 18, 1988, 102 Stat. 4106, related to rulemaking procedures and judicial review. See sections 501 and 502 of this title.

Section 224, added Pub. L. 100–322, title II, § 203(b)(1), May 20, 1988, 102 Stat. 509, § 223; renumbered § 224, Pub. L. 101–94, title III, § 302(d)(1), Aug. 16, 1989, 103 Stat. 628, related to administrative settlement of tort claims. See section 515 of this title.

Section 230, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 86–103, July 23, 1959, 73 Stat. 224; Pub. L. 87–815, § 5, Oct. 15, 1962, 76 Stat. 927; Pub. L. 91–338, July 16, 1970, 84 Stat. 437; Pub. L. 93–82, title IV, § 401, Aug. 2, 1973, 87 Stat. 196; Pub. L. 95–520, § 2, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96–22, title V, § 503(a), June 13, 1979, 93 Stat. 65; Pub. L. 96–385, title V, § 501, Oct. 7, 1980, 94 Stat. 1533; Pub. L. 97–295, § 4(6), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 99–108, § 1, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99–166, title IV, § 402, Dec. 3, 1985, 99 Stat. 957; Pub. L. 99–576, title VII, § 701(13), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 100–689, title V, § 501(a), Nov. 18, 1988, 102 Stat. 4179; Pub. L. 101–237, title VI, § 603(a), Dec. 18, 1989, 103 Stat. 2095, related to Central Office and regional offices. See sections 314 to 316 of this title.

Section 231, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1116, related to placement of employees in military installations. See section 701 of this title.

Section 232, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1116, which authorized Administrator to contract for services of translators without regard to certain provisions of law, was repealed by Pub. L. 91–24, § 2(a), June 11, 1969, 83 Stat. 33.

Section 233, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 87–574, § 1(1), Aug. 6, 1962, 76 Stat. 308; Pub. L. 89–785, title III, § 303(a), (b), Nov. 7, 1966, 80 Stat. 1376, 1377; Pub. L. 99–576, title VII, §§ 701(14), 702(2), Oct. 28, 1986, 100 Stat. 3291, 3301, related to providing employee's apparel, transportation of employee children, recreational facilities, educational information, reimbursement for personal property, and emergency transportation. See section 703 of this title.

Section 234, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1117; Pub. L. 93–82, title IV, § 402(a), (c), Aug. 2, 1973, 87 Stat. 196, related to telephone service for medical officers and facility directors. See section 705 of this title.

Section 235, added Pub. L. 86–116, § 1, July 28, 1959, 73 Stat. 265; amended Pub. L. 87–815, § 6, Oct. 15, 1962, 76 Stat. 927; Pub. L. 89–300, § 1(c), Oct. 28, 1965, 79 Stat. 1110; Pub. L. 96–22, title V, § 503(b), (c)(1), June 13, 1979, 93 Stat. 65; Pub. L. 96–465, title II, § 2206(g), Oct. 17, 1980, 94 Stat. 2163; Pub. L. 99–576, title VII, §§ 701(15), 702(3), Oct. 28, 1986, 100 Stat. 3291, 3301, related to benefits to employees at overseas offices who are United States citizens. See section 707 of this title.

Section 236, added Pub. L. 89–300, § 1(a), Oct. 28, 1965, 79 Stat. 1110; amended Pub. L. 99–576, title VII, § 701(16), Oct. 28, 1986, 100 Stat. 3292, related to administrative settlement of tort claims arising in foreign countries. See section 515 of this title.

Section 240, added Pub. L. 91–219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 84; amended Pub. L. 92–540, title IV, § 410(a), Oct. 24, 1972, 86 Stat. 1092, described purpose and defined terms for veterans outreach services program.

Section 241, added Pub. L. 91–219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 84; amended Pub. L. 92–540, title IV, § 410(b), Oct. 24, 1972, 86 Stat. 1092; Pub. L. 93–508, title II, § 214(1), (2), Dec. 3, 1974, 88 Stat. 1587; Pub. L. 99–576, title VII, §§ 701(17), 702(4), Oct. 28, 1986, 100 Stat. 3292, 3301, related to outreach services.

Section 242, added Pub. L. 91–219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85; amended Pub. L. 93–508, title II, § 214(3), Dec. 3, 1974, 88 Stat. 1587; Pub. L. 99–576, title VII, § 701(18), Oct. 28, 1986, 100 Stat. 3292, related to veterans assistance offices.

Section 243, added Pub. L. 93–508, title II, § 214(4), Dec. 3, 1974, 88 Stat. 1587; amended Pub. L. 97–295, § 4(7), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 97–306, title II, § 201(a), Oct. 14, 1982, 96 Stat. 1433, related to outstationing of counseling and outreach personnel.

Section 244, added Pub. L. 91–219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85, § 243; renumbered § 244 and amended Pub. L. 93–508, title II, § 214(4), (5), Dec. 3, 1974, 88 Stat. 1587, 1588; Pub. L. 96–466, title V, § 501, Oct. 17, 1980, 94 Stat. 2202; Pub. L. 99–576, title VII, § 701(19), Oct. 28, 1986, 100 Stat. 3292, related to utilization of other agencies.

Section 245, added Pub. L. 91–219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85, § 244; renumbered § 245, Pub. L. 93–508, title II, § 214(4), Dec. 3, 1974, 88 Stat. 1587, related to an annual report to Congress on the effectiveness of outreach programs.

Section 246, added Pub. L. 95–202, title III, § 310(b)(1), Nov. 23, 1977, 91 Stat. 1446; amended Pub. L. 95–336, § 6(b), Aug. 4, 1978, 92 Stat. 453; Pub. L. 97–295, § 4(8), Oct. 12, 1982, 96 Stat. 1305, related to veterans cost-of-instruction payments to institutions of higher learning.

AMENDMENTS

2008—Pub. L. 110–389, title II, § 222(b), title VII, § 703(b), Oct. 10, 2008, 122 Stat. 4156, 4184, added items 321 and 322.

2006—Pub. L. 109–461, title VIII, § 811(b), Dec. 22, 2006, 120 Stat. 3447, added item 312A.

2003—Pub. L. 108–136, div. A, title V, § 583(a)(2), Nov. 24, 2003, 117 Stat. 1491, added item 320.

1998—Pub. L. 105–368, title IV, § 403(c)(1)(B), Nov. 11, 1998, 112 Stat. 3338, substituted "Under Secretary for

Memorial Affairs'' for ''Director of the National Cemetery System'' in item 307.

1997—Pub. L. 105–114, title I, §102(a)(2), Nov. 21, 1997, 111 Stat. 2281, added item 319.

1996—Pub. L. 104–106, div. E, title LVI, §5608(b), Feb. 10, 1996, 110 Stat. 702, substituted ''Chief Information Officer'' for ''Chief Information Resources Officer'' in item 310.

1994—Pub. L. 103–446, title V, §509(b), Nov. 2, 1994, 108 Stat. 4668, substituted ''Center for Minority Veterans'' for ''Chief Minority Affairs Officer'' in item 317 and added item 318.

1992—Pub. L. 102–405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984, substituted ''Under Secretary for Health'' for ''Chief Medical Director'' in item 305 and ''Under Secretary for Benefits'' for ''Chief Benefits Director'' in item 306.

1991—Pub. L. 102–218, §1(b), Dec. 11, 1991, 105 Stat. 1672, added item 317.

§301. Department

(a) The Department of Veterans Affairs is an executive department of the United States.

(b) The purpose of the Department is to administer the laws providing benefits and other services to veterans and the dependents and the beneficiaries of veterans.

(c) The Department is composed of the following:

(1) The Office of the Secretary.

(2) The Veterans Health Administration.

(3) The Veterans Benefits Administration.

(4) The National Cemetery Administration.

(5) The Board of Veterans' Appeals.

(6) The Veterans' Canteen Service.

(7) The Board of Contract Appeals.

(8) Such other offices and agencies as are established or designated by law or by the President or the Secretary.

(9) Any office, agency, or activity under the control or supervision of any element named in paragraphs (1) through (8).

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 378; amended Pub. L. 105–368, title IV, §403(a)(2), Nov. 11, 1998, 112 Stat. 3338.)

PRIOR PROVISIONS

Prior section 301 was renumbered section 1101 of this title.

Provisions similar to those in subsec. (a) of this section were contained in section 2 of Pub. L. 100–527, known as the Department of Veterans Affairs Act.

Provisions similar to those in subsec. (b) of this section were contained in section 201 of this title prior to repeal by Pub. L. 102–83, §2(a).

AMENDMENTS

1998—Subsec. (c)(4). Pub. L. 105–368 substituted ''Administration'' for ''System''.

ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of Veterans Affairs are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13247, Dec. 18, 2001, 66 F.R. 66271, listed in a table under section 3345 of Title 5, Government Organization and Employees.

DEPARTMENT OF VETERANS AFFAIRS FRANCHISE FUND

Pub. L. 104–204, title I, Sept. 26, 1996, 110 Stat. 2880, as amended by Pub. L. 109–114, title II, §208, Nov. 30, 2005, 119 Stat. 2389, provided in part that: ''There is hereby established in the Treasury a Department of Veterans Affairs franchise fund, to be available without fiscal year limitation for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment and other assets pertaining to the services to be provided by the franchise fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the franchise fund: *Provided further*, That the franchise fund may be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That the franchise fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Departmental financial management, ADP, and other support systems: *Provided further*, That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury.''

RENAMING OF VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

Pub. L. 102–40, §2, May 7, 1991, 105 Stat. 187, provided that:

''(a) RENAMING.—The establishment in the Department of Veterans Affairs known as the Veterans Health Services and Research Administration is hereby redesignated as the Veterans Health Administration.

''(b) REFERENCES.—Any reference to the Veterans Health Services and Research Administration (or to the Department of Medicine and Surgery of the Veterans' Administration) in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Veterans Health Administration.''

DEPARTMENT OF VETERANS AFFAIRS ACT

Pub. L. 100–527, §§1–12, 14, 16, 18, Oct. 25, 1988, 102 Stat. 2635–2642, 2644, 2645, 2648, as amended by Pub. L. 101–94, title IV, §401, Aug. 16, 1989, 103 Stat. 628; Pub. L. 101–576, title II, §205(c)(2), Nov. 15, 1990, 104 Stat. 2845; Pub. L. 102–83, §3, Aug. 6, 1991, 105 Stat. 402, provided that:

''SECTION 1. SHORT TITLE.

''This Act [see Tables for classification] may be cited as the 'Department of Veterans Affairs Act'.

''SEC. 2. ESTABLISHMENT OF VETERANS' ADMINISTRATION AS AN EXECUTIVE DEPARTMENT.

''The Veterans' Administration is hereby redesignated as the Department of Veterans Affairs and shall be an executive department in the executive branch of the Government.

''[SECS. 3 to 5. Repealed. Pub. L. 102–83, §3(3), Aug. 6, 1991, 105 Stat. 402.]

''SEC. 6. VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION.

''The establishment within the Veterans' Administration known as the Department of Medicine and Surgery is hereby redesignated as the Veterans Health Services and Research Administration of the Department of Veterans Affairs.

''SEC. 7. VETERANS BENEFITS ADMINISTRATION.

''The establishment within the Veterans' Administration known as the Department of Veterans' Benefits is

hereby redesignated as the Veterans Benefits Administration of the Department of Veterans Affairs.

''SEC. 8. OFFICE OF THE GENERAL COUNSEL.

''[(a) Repealed. Pub. L. 102–83, §3(3), Aug. 6, 1991, 105 Stat. 402.]

''(b) CONTINUATION OF SERVICE OF GENERAL COUNSEL.—The individual serving on the effective date of this Act [Mar. 15, 1989] as the General Counsel of the Veterans' Administration may act as the General Counsel of the Department of Veterans Affairs until a person is appointed under this Act to that office.

''SEC. 9. OFFICE OF THE INSPECTOR GENERAL.

''(a) REDESIGNATION.—The Office of Inspector General of the Veterans' Administration, established in accordance with the Inspector General Act of 1978 [Pub. L. 95–452, set out in the Appendix to Title 5, Government Organization and Employees], is hereby redesignated as the Office of Inspector General of the Department of Veterans Affairs.

''[(b) Repealed. Pub. L. 102–83, §3(3), Aug. 6, 1991, 105 Stat. 402.]

''SEC. 10. REFERENCES.

''Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Veterans' Administration—

''(1) to the Administrator of Veterans' Affairs shall be deemed to refer to the Secretary of Veterans Affairs;

''(2) to the Veterans' Administration shall be deemed to refer to the Department of Veterans Affairs;

''(3) to the Deputy Administrator of Veterans' Affairs shall be deemed to refer to the Deputy Secretary of Veterans Affairs;

''(4) to the Chief Medical Director of the Veterans' Administration shall be deemed to refer to the Chief Medical Director [now Under Secretary for Health] of the Department of Veterans Affairs;

''(5) to the Department of Medicine and Surgery of the Veterans' Administration shall be deemed to refer to the Veterans Health Services and Research Administration of the Department of Veterans Affairs;

''(6) to the Chief Benefits Director of the Veterans' Administration shall be deemed to refer to the Chief Benefits Director [now Under Secretary for Benefits] of the Department of Veterans Affairs;

''(7) to the Department of Veterans' Benefits of the Veterans' Administration shall be deemed to refer to the Veterans Benefits Administration of the Department of Veterans Affairs;

''(8) to the Chief Memorial Affairs Director of the Veterans' Administration shall be deemed to refer to the Director of the National Cemetery System [now Under Secretary of Veterans Affairs for Memorial Affairs] of the Department of Veterans Affairs; and

''(9) to the Department of Memorial Affairs of the Veterans' Administration shall be deemed to refer to the National Cemetery System [now National Cemetery Administration] of the Department of Veterans Affairs.

''SEC. 11. SAVINGS PROVISIONS.

''(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

''(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of Veterans' Affairs, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Veterans' Administration; and

''(2) which are in effect on the effective date of this Act [Mar. 15, 1989];

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, by a court of competent jurisdiction, or by operation of law.

''(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending before the Veterans' Administration at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

''(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

''(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Veterans' Administration, or by or against any individual in the official capacity of such individual as an officer of the Veterans' Administration, shall abate by reason of the enactment of this Act.

''(e) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Veterans' Administration shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department of Veterans Affairs.

''(f) COMPENSATION FOR CONTINUED SERVICE.—Any person—

''(1) who acts as Secretary or Deputy Secretary of the Department of Veterans Affairs under section 3(e);

''(2) who continues to serve as Chief Medical Director [now Under Secretary for Health] or Chief Benefits Director [now Under Secretary for Benefits] of such department under section 3(f) or (g), respectively;

''(3) who acts as the Director of the National Cemetery System [now Under Secretary of Veterans Affairs for Memorial Affairs] under section 3(h); or

''(4) who acts as General Counsel of the Department of Veterans Affairs under section 8(b);

after the effective date of this Act and before the first appointment of a person to such position after such date shall continue to be compensated for so serving or acting at the rate at which such person was compensated before the effective date of this Act.

''[SEC. 12. Repealed. Pub. L. 102–83, §3(3), Aug. 6, 1991, 105 Stat. 402.]

''SEC. 14. ADDITIONAL CONFORMING AMENDMENTS.

''After consultation with the appropriate committees of the Congress, the Secretary of Veterans Affairs shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to title 38, United States Code, and to other provisions of law, which reflect the changes made by this Act. Such legislation shall be submitted not later than 6 months after the date of enactment of this Act [Oct. 25, 1988].

''[SEC. 16. Repealed. Pub. L. 102–83, §3(3), Aug. 6, 1991, 105 Stat. 402.]

''SEC. 18. EFFECTIVE DATE.

''(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on March 15, 1989.

''(b) APPOINTMENT OF SECRETARY.—Notwithstanding any other provision of law or of this Act, the President may, any time after January 21, 1989, appoint an individual to serve as Secretary of the Department of Veterans Affairs.''

§ 302. Seal

(a) The Secretary of Veterans Affairs shall cause a seal of office to be made for the Department of such device as the President shall approve. Judicial notice shall be taken of the seal.

(b) Copies of any public document, record, or paper belonging to or in the files of the Department, when authenticated by the seal and certified by the Secretary (or by an officer or employee of the Department to whom authority has been delegated in writing by the Secretary), shall be evidence equal with the original thereof.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 379.)

PRIOR PROVISIONS

Prior section 302 was renumbered section 1102 of this title.

Provisions similar to those in this section were contained in section 202 of this title prior to repeal by Pub. L. 102–83, § 2(a).

§ 303. Secretary of Veterans Affairs

There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 379.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 210(a), (b)(1) of this title and in second and third sentences of section 2 of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, §§ 2(a), 3(1).

NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS

Pub. L. 109–461, title X, § 1001, Dec. 22, 2006, 120 Stat. 3464, provided that: ''To the extent that the Secretary of Veterans Affairs is required or directed, under any provision of law, to provide written notice to any committee of Congress other than the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives on the transfer of appropriations from one account to any other account, the Secretary shall also transmit such notice to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.''

NATIONAL CENTER ON WAR-RELATED ILLNESSES AND POST-DEPLOYMENT HEALTH ISSUES

Pub. L. 105–368, title I, § 103, Nov. 11, 1998, 112 Stat. 3322, provided that:

''(a) ASSESSMENT.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences, or another appropriate independent organization, under which such entity shall assist in developing a plan for the establishment of a national center or national centers for the study of war-related illnesses and post-deployment health issues. The purposes of such a center may include—

''(1) carrying out and promoting research regarding the etiologies, diagnosis, treatment, and prevention of war-related illnesses and post-deployment health issues; and

''(2) promoting the development of appropriate health policies, including monitoring, medical recordkeeping, risk communication, and use of new technologies.

''(b) RECOMMENDATIONS AND REPORT.—With respect to such a center, an agreement under this section shall provide for the Academy (or other entity) to—

''(1) make recommendations regarding: (A) design of an organizational structure or structures, operational scope, staffing and resource needs, establishment of appropriate databases, the advantages of single or multiple sites, mechanisms for implementing recommendations on policy, and relationship to academic or scientific entities; (B) the role or roles that relevant Federal departments and agencies should have in the establishment and operation of any such center or centers; and (C) such other matters as it considers appropriate; and

''(2) report to the Secretary, the Secretaries of Defense and Health and Human Services, and the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 1 year after the date of the enactment of this Act [Nov. 11, 1998], on its recommendations.

''(c) REPORT ON ESTABLISHMENT OF NATIONAL CENTER.—Not later than 60 days after receiving the report under subsection (b), the Secretaries specified in subsection (b)(2) shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Natoinal [sic] Security of the House of Representatives a joint report on the findings and recommendations contained in that report. Such report may set forth an operational plan for carrying out any recommendation in that report to establish a national center or centers for the study of war-related illnesses. No action to carry out such plan may be taken after the submission of such report until the end of a 90-day period following the date of the submission.''

SPECIFICATION IN BUDGET SUBMISSIONS OF FUNDS FOR CERTAIN VETERANS BENEFITS

Pub. L. 100–687, div. B, title XIV, § 1404, Nov. 18, 1988, 102 Stat. 4131, as amended by Pub. L. 102–83, §§ 5(c)(2), 6(k)(3), Aug. 6, 1991, 105 Stat. 406, 409, provided that:

''(a) BUDGET INFORMATION.—In the documentation providing detailed information on the budgets for the Department of Veterans Affairs and the Department of Labor that the Secretary of Veterans Affairs and the Secretary of Labor, respectively, submit to the Congress in conjunction with the President's budget submission for each fiscal year pursuant to section 1105 of title 31, United States Code, the Secretary of Veterans Affairs and the Secretary of Labor shall identify, to the maximum extent feasible, the estimated amount in each of the appropriation requests for Department of Veterans Affairs accounts and Department of Labor accounts, respectively, that is to be obligated for the furnishing of each of the following services or benefits only to, or with respect to, veterans who performed active military, naval, or air service in combat with the enemy or in a theatre of combat operations during a period of war or other hostilities:

''(1) Employment services and other employment benefits under programs administered by the Secretary of Labor.

''(2) Compensation under chapter 11 of title 38, United States Code.

''(3) Dependency and Indemnity Compensation under chapter 13 of such title.

''(4) Pension under chapter 15 of such title.

''(5) Inpatient hospital care under chapter 17 of such title.

''(6) Outpatient medical care under chapter 17 of such title.

''(7) Nursing home care under chapter 17 of such title.

''(8) Domiciliary care under chapter 17 of such title.

''(9) Readjustment counseling services under section 1712A of such title.

''(10) Insurance under chapter 19 of such title.

''(11) Specially adapted housing for disabled veterans under chapter 21 of such title.

''(12) Burial benefits under chapter 23 of such title.

''(13) Educational assistance under chapters 30, 32, and 34 of such title and chapter 106 of title 10, United States Code.

''(14) Vocational rehabilitation services under chapter 31 of title 38, United States Code.

''(15) Survivors' and dependents' educational assistance under chapter 35 of such title.

''(16) Home loan benefits under chapter 37 of such title.

''(17) Automobiles and adaptive equipment under chapter 39 of such title.

''(b) REPORT ON FEASIBILITY.—If the Secretary of Veterans Affairs or the Secretary of Labor determines that, with respect to any services or benefits referred to in subsection (a), it is not feasible to identify an estimated dollar amount to be obligated for furnishing such services or benefits only to veterans described in that subsection for any fiscal year, the Secretary of Veterans Affairs and the Secretary of Labor shall, with respect to an appropriation request for such fiscal year relating to such services or benefits, report to the Committees on Veterans' Affairs of the Senate and the House of Representatives the reasons for the infeasibility. The report shall be submitted contemporaneously with the budget submission for such fiscal year. The report shall specify (1) the information, systems, equipment, or personnel that would be required in order for it to be feasible for the Secretary of Veterans Affairs or the Secretary of Labor to identify such amount, and (2) the actions to be taken in order to ensure that it will be feasible to make such an estimate in connection with the submission of the budget request for the next fiscal year.''

INFORMATION AND TRAINING CONCERNING AIDS PREVENTION

Pub. L. 100–322, title I, § 123, May 20, 1988, 102 Stat. 504, as amended by Pub. L. 102–83, § 6(j)(2), Aug. 6, 1991, 105 Stat. 409; Pub. L. 102–531, title III, § 312(c), Oct. 27, 1992, 106 Stat. 3504, provided that:

''(a) INFORMATION PROGRAM.—The Secretary of Veterans Affairs shall establish and carry out an information program relating to the acquired immune deficiency syndrome (hereinafter in this section referred to as 'AIDS'). The information program shall be for employees and consultants of the Department of Veterans Affairs, for other persons providing services in Department of Veterans Affairs facilities to beneficiaries of programs administered by the Department of Veterans Affairs, and for such beneficiaries.

''(b) REQUIRED ELEMENTS OF INFORMATION PROGRAM.—In conducting the program under subsection (a), the Secretary shall—

''(1) develop, in consultation with the Surgeon General of the United States and the Director of the Centers for Disease Control and Prevention, publications and other materials containing information on AIDS, including information on the prevention of infection with the human immunodeficiency virus;

''(2) provide for periodic dissemination of publications (including the Surgeon General's Report on AIDS) and other materials containing such information;

''(3) make publications and other suitable materials containing such information readily available in Department of Veterans Affairs health-care facilities and such other Department of Veterans Affairs facilities as the Secretary considers appropriate; and

''(4) disseminate information (including the Surgeon General's Report on AIDS) on the risk of transmission of the human immunodeficiency virus, and information on preventing the transmission of such virus, to Department of Veterans Affairs substance abuse treatment personnel, to each person being furnished treatment by the Department of Veterans Affairs for drug abuse, and to each person receiving care or services from the Department of Veterans Affairs whom the Secretary believes to be at high risk for AIDS.

''(c) TRAINING IN AIDS PREVENTION.—The Secretary shall establish and carry out a program that provides for education, training, and other activities (including continuing education and infection control programs) regarding AIDS and the human immunodeficiency virus designed to improve the effectiveness and safety of all health-care personnel and all health-care support personnel involved in the furnishing of care under programs administered by the Department of Veterans Affairs.''

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of Veterans Affairs, see Parts 1, 2, and 27 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

§ 304. Deputy Secretary of Veterans Affairs

There is in the Department a Deputy Secretary of Veterans Affairs, who is appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe. Unless the President designates another officer of the Government, the Deputy Secretary shall be Acting Secretary of Veterans Affairs during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 379.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 210(d) of this title and in section 3(a) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, §§ 2(a), 3(3).

ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of Veterans Affairs are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13247, Dec. 18, 2001, 66 F.R. 66271, listed in a table under section 3345 of Title 5, Government Organization and Employees.

§ 305. Under Secretary for Health

(a)(1) There is in the Department an Under Secretary for Health, who is appointed by the President, by and with the advice and consent of the Senate.

(2) The Under Secretary for Health shall be appointed without regard to political affiliation or activity and solely—

(A) on the basis of demonstrated ability in the medical profession, in health-care administration and policy formulation, or in health-care fiscal management; and

(B) on the basis of substantial experience in connection with the programs of the Veterans Health Administration or programs of similar content and scope.

(b) The Under Secretary for Health is the head of, and is directly responsible to the Secretary for the operation of, the Veterans Health Administration.

(c)(1) Whenever a vacancy in the position of Under Secretary for Health occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

(A) Three persons representing clinical care and medical research and education activities affected by the Veterans Health Administration.

(B) Two persons representing veterans served by the Veterans Health Administration.

(C) Two persons who have experience in the management of veterans health services and research programs, or programs of similar content and scope.

(D) The Deputy Secretary of Veterans Affairs.

(E) The Chairman of the Special Medical Advisory Group established under section 7312 of this title.

(F) One person who has held the position of Under Secretary for Health (including service as Chief Medical Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the commission.

(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Health. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

(Added and amended Pub. L. 102–83, §§ 2(a), 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 379, 404; Pub. L. 102–405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 103–446, title XII, § 1201(c)(1), (e)(2), Nov. 2, 1994, 108 Stat. 4683, 4685; Pub. L. 108–422, title V, § 503, Nov. 30, 2004, 118 Stat. 2396; Pub. L. 109–461, title II, § 210(a), Dec. 22, 2006, 120 Stat. 3418.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3(b) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, § 3(3).

AMENDMENTS

2006—Subsecs. (c), (d). Pub. L. 109–461 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: ''The Under Secretary for Health shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Under Secretary for Health before the completion of the term for which the Under Secretary for Health was appointed, the President shall communicate the reasons for the removal to Congress.''

2004—Subsec. (a)(2). Pub. L. 108–422, § 503(1), struck out ''shall be a doctor of medicine and'' after ''The Under Secretary for Health'' in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 108–422, § 503(2), substituted ''or in health-care'' for ''and in health-care''.

1994—Subsec. (a)(1). Pub. L. 103–446, § 1201(c)(1)(A), substituted ''an Under Secretary'' for ''a Under Secretary''.

Subsec. (d)(2)(F). Pub. L. 103–446, § 1201(c)(1)(B), (e)(2), substituted ''Chief Medical Director of the Veterans' Administration)'' for ''Under Secretary for Health of the Department)'' and ''commission'' for ''Commission''.

1992—Pub. L. 102–405 substituted ''Under Secretary for Health'' for ''Chief Medical Director'' wherever appearing.

1991—Subsec. (d)(2)(F). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

CHANGE OF NAME

Pub. L. 102–405, title III, § 302(a), Oct. 9, 1992, 106 Stat. 1984, provided that: ''The position of Chief Medical Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Health of the Department of Veterans Affairs.''

Pub. L. 102–405, title III, § 302(e), Oct. 9, 1992, 106 Stat. 1985, provided that: ''Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Department of Veterans Affairs—

''(1) to the Chief Medical Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Health of the Department of Veterans Affairs; and

''(2) to the Chief Benefits Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Benefits of the Department of Veterans Affairs.''

§ 306. Under Secretary for Benefits

(a) There is in the Department an Under Secretary for Benefits, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary for Benefits shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

(1) fiscal management; and

(2) the administration of programs within the Veterans Benefits Administration or programs of similar content and scope.

(b) The Under Secretary for Benefits is the head of, and is directly responsible to the Secretary for the operations of, the Veterans Benefits Administration.

(c)(1) Whenever a vacancy in the position of Under Secretary for Benefits occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

(A) Three persons representing education and training, real estate, mortgage finance, and related industries, and survivor benefits activities affected by the Veterans Benefits Administration.

(B) Two persons representing veterans served by the Veterans Benefits Administration.

(C) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.

(D) The Deputy Secretary of Veterans Affairs.

(E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.

(F) One person who has held the position of Under Secretary for Benefits (including service as Chief Benefits Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the commission.

(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Benefits. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

(Added and amended Pub. L. 102–83, §§2(a), 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 380, 404; Pub. L. 102–405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 103–446, title XII, §1201(c)(2), (e)(2), Nov. 2, 1994, 108 Stat. 4683, 4685; Pub. L. 109–461, title II, §210(b), Dec. 22, 2006, 120 Stat. 3418.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3(c) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, §3(3).

AMENDMENTS

2006—Subsecs. (c), (d). Pub. L. 109–461 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: ''The Under Secretary for Benefits shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Under Secretary for Benefits before the completion of the term for which the Under Secretary for Benefits was appointed, the President shall communicate the reasons for the removal to Congress.''

1994—Subsec. (a). Pub. L. 103–446, §1201(c)(2)(A), substituted ''an Under Secretary'' for ''a Under Secretary''.

Subsec. (d)(2)(F). Pub. L. 103–446, §1201(c)(2)(B), (e)(2), substituted ''Chief Benefits Director of the Veterans' Administration)'' for ''Under Secretary for Benefits of the Department)'' and ''commission'' for ''Commission''.

1992—Pub. L. 102–405 substituted ''Under Secretary for Benefits'' for ''Chief Benefits Director'' wherever appearing.

1991—Subsec. (d)(2)(F). Pub. L. 102–83, §4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

CHANGE OF NAME

Pub. L. 102–405, title III, §302(b), Oct. 9, 1992, 106 Stat. 1984, provided that: ''The position of Chief Benefits Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Benefits of the Department of Veterans Affairs.''

§ 307. Under Secretary for Memorial Affairs

There is in the Department an Under Secretary for Memorial Affairs, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary is the head of the National Cemetery Administration as established in section 2400 of this title and shall perform such functions as may be assigned by the Secretary.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 381; amended Pub. L. 105–368, title IV, §403(a)(3), (c)(1)(A), Nov. 11, 1998, 112 Stat. 3338.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3(d) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, §3(3).

AMENDMENTS

1998—Pub. L. 105–368, §403(c)(1)(A), substituted ''Under Secretary for Memorial Affairs'' for ''Director of the National Cemetery System'' in section catchline.

Pub. L. 105–368, §403(a)(3), in first sentence, substituted ''an Under Secretary for Memorial Affairs'' for ''a Director of the National Cemetery System'' and, in second sentence, substituted ''The Under Secretary is the head of the National Cemetery Administration'' for ''The Director is the head of the National Cemetery System''.

§ 308. Assistant Secretaries; Deputy Assistant Secretaries

(a)(1) There shall be in the Department not more than seven Assistant Secretaries.

(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

(A) The Assistant Secretary for Management.

(B) The Assistant Secretary for Human Resources and Administration.

(C) The Assistant Secretary for Public and Intergovernmental Affairs.

(D) The Assistant Secretary for Operations, Security, and Preparedness.

(b) The Secretary shall assign to the Assistant Secretaries responsibility for the administration of such functions and duties as the Secretary considers appropriate, including the following functions:

(1) Budgetary and financial functions.

(2) Personnel management and labor relations functions.

(3) Planning, studies, and evaluations.

(4) Management, productivity, and logistic support functions.

(5) Information management functions as required by section 3506 of title 44.

(6) Capital facilities and real property program functions.

(7) Equal opportunity functions.

(8) Functions regarding the investigation of complaints of employment discrimination within the Department.

(9) Functions regarding intergovernmental, public, and consumer information and affairs.

(10) Procurement functions.

(11) Operations, preparedness, security, and law enforcement functions.

(c) Whenever the President nominates an individual for appointment as an Assistant Secretary, the President shall include in the communication to the Senate of the nomination a statement of the particular functions of the Department specified in subsection (b), and any other functions of the Department, the individual will exercise upon taking office.

(d)(1) There shall be in the Department such number of Deputy Assistant Secretaries, not exceeding 19, as the Secretary may determine. Each Deputy Assistant Secretary shall be appointed by the Secretary and shall perform such functions as the Secretary prescribes.

(2) At least two-thirds of the number of positions established and filled under paragraph (1) shall be filled by individuals who have at least five years of continuous service in the Federal civil service in the executive branch immediately preceding their appointment as a Deputy Assistant Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—

(A) of a confidential, policy-determining, policy-making, or policy-advocating character;

(B) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or

(C) to which such individual was appointed by the President.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 381; amended Pub. L. 107–287, § 5(a)–(c), Nov. 7, 2002, 116 Stat. 2030; Pub. L. 112–166, § 2(m), Aug. 10, 2012, 126 Stat. 1287.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 4(a), (b), (e) and 5 of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, § 3(3).

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–166 designated existing provisions as par. (1), struck out at end of par. (1) ''Each Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.'', and added pars. (2) and (3).

2002—Subsec. (a). Pub. L. 107–287, § 5(a), substituted ''seven'' for ''six'' in first sentence.

Subsec. (b)(11). Pub. L. 107–287, § 5(b), added par. (11).

Subsec. (d)(1). Pub. L. 107–287, § 5(c), substituted ''19'' for ''18''.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112–166, set out as a note under section 113 of Title 6, Domestic Security.

§ 309. Chief Financial Officer

The Secretary shall designate the Assistant Secretary whose functions include budgetary and financial functions as the Chief Financial Officer of the Department. The Chief Financial Officer shall advise the Secretary on financial management of the Department and shall exercise the authority and carry out the functions specified in section 902 of title 31.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 382.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 4(c) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, § 3(3).

§ 310. Chief Information Officer

(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and subtitle III of title 40.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 382; amended Pub. L. 104–106, div. E, title LVI, § 5604, Feb. 10, 1996, 110 Stat. 700; Pub. L. 105–85, div. A, title X, § 1073(h)(3), Nov. 18, 1997, 111 Stat. 1907; Pub. L. 107–217, § 3(j)(2), Aug. 21, 2002, 116 Stat. 1300.)

PRIOR PROVISIONS

Prior section 310 was renumbered section 1110 of this title.

Provisions similar to those in this section were contained in section 4(d) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, § 3(3).

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–217 substituted ''subtitle III of title 40'' for ''division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)''.

1997—Subsec. (b). Pub. L. 105–85 substituted ''division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)'' for ''the Information Technology Management Reform Act of 1996''.

1996—Pub. L. 104–106 substituted ''Chief Information Officer'' for ''Chief Information Resources Officer'' in section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d), relating to designation, powers, and duties of the Chief Information Resources Officer.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 702.

§ 311. General Counsel

There is in the Department the Office of the General Counsel. There is at the head of the office a General Counsel, who is appointed by the President, by and with the advice and consent of the Senate. The General Counsel is the chief legal officer of the Department and provides legal assistance to the Secretary concerning the programs and policies of the Department.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 383.)

PRIOR PROVISIONS

Prior section 311 was renumbered section 1111 of this title.

Provisions similar to those in this section were contained in section 8(a) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, § 3(3).

§ 312. Inspector General

(a) There is in the Department an Inspector General, who is appointed by the President, by

and with the advice and consent of the Senate, as provided in the Inspector General Act of 1978 (5 U.S.C. App.). The Inspector General performs the functions, has the responsibilities, and exercises the powers specified in that Act.

(b)(1) The Secretary shall provide for not less than 40 full-time positions in the Office of Inspector General in addition to the number of such positions in that office on March 15, 1989.

(2) The President shall include in the budget transmitted to the Congress for each fiscal year pursuant to section 1105 of title 31 an estimate of the amount for the Office of Inspector General that is sufficient to provide for a number of full-time positions in that office that is not less than the number of full-time positions in that office on March 15, 1989, plus 40.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 383; amended Pub. L. 103–446, title XII, § 1201(e)(3), (g)(1), Nov. 2, 1994, 108 Stat. 4685, 4687.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (a), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Prior section 312 was renumbered section 1112 of this title.

Provisions similar to those in this section were contained in section 9(b) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, § 3(3).

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–446, § 1201(e)(3), substituted ''(5 U.S.C. App.)'' for ''(5 U.S.C. App. 3)''.

Subsec. (b)(3). Pub. L. 103–446, § 1201(g)(1), struck out par. (3) which read as follows: ''The Secretary shall provide the number of additional full-time positions in the Office of Inspector General required by paragraph (1) not later than September 30, 1991.''

§ 312A. Director of Construction and Facilities Management

(a) IN GENERAL.—(1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.

(2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132(a)(8) of title 5.

(3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).

(4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

(b) QUALIFICATIONS.—Each individual appointed as Director of Construction and Facilities Management shall be an individual who—

(1) holds an undergraduate or master's degree in architectural design or engineering; and

(2) has substantive professional experience in the area of construction project management.

(c) RESPONSIBILITIES.—(1) The Director of Construction and Facilities Management shall—

(A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and

(B) perform such other functions as the Secretary shall prescribe.

(2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:

(A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.

(B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.

(C) Management of the short-term and long-term leasing of real property by the Department.

(D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

(E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.

(Added Pub. L. 109–461, title VIII, § 811(a), Dec. 22, 2006, 120 Stat. 3446.)

§ 313. Availability of appropriations

(a) Funds appropriated to the Department may remain available until expended.

(b) Funds appropriated to the Department may not be used for a settlement of more than $1,000,000 on a construction contract unless—

(1) the settlement is audited by an entity outside the Department for reasonableness and appropriateness of expenditures; and

(2) the settlement is provided for specifically in an appropriation law.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 383.)

PRIOR PROVISIONS

Prior section 313 was renumbered section 1113 of this title.

Provisions similar to those in this section were contained in section 203 of this title prior to repeal by Pub. L. 102–83, § 2(a).

§ 314. Central Office

The Central Office of the Department shall be in the District of Columbia.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 383.)

PRIOR PROVISIONS

Prior section 314 was renumbered section 1114 of this title.

Provisions similar to those in this section were contained in section 230(a) of this title prior to repeal by Pub. L. 102–83, § 2(a).

§ 315. Regional offices

(a) The Secretary may establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as the Secretary considers necessary.

(b) The Secretary may maintain a regional office in the Republic of the Philippines until December 31, 2014.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 384; amended Pub. L. 102–291, § 1(a), May 20, 1992, 106 Stat. 178; Pub. L. 103–210, § 2(c), Dec. 20, 1993, 107 Stat. 2497; Pub. L. 103–446, title V, § 502, Nov. 2, 1994, 108 Stat. 4663; Pub. L. 106–117, title VIII, § 802, Nov. 30, 1999, 113 Stat. 1586; Pub. L. 108–183, title II, § 213, Dec. 16, 2003, 117 Stat. 2658; Pub. L. 111–117, div. E, title II, § 228, Dec. 16, 2009, 123 Stat. 3307; Pub. L. 111–275, title VIII, § 807(a), Oct. 13, 2010, 124 Stat. 2893; Pub. L. 112–74, div. H, title II, § 234, Dec. 23, 2011, 125 Stat. 1160; Pub. L. 112–191, title II, § 202, Oct. 5, 2012, 126 Stat. 1439; Pub. L. 113–59, § 7, Dec. 20, 2013, 127 Stat. 662.)

PRIOR PROVISIONS

Prior section 315 was renumbered section 1115 of this title.

Provisions similar to those in this section were contained in section 230(a), (b) of this title prior to repeal by Pub. L. 102–83, § 2(a).

AMENDMENTS

2013—Subsec. (b). Pub. L. 113–59 substituted ''December 31, 2014'' for ''December 31, 2013''.

2012—Subsec. (b). Pub. L. 112–191 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (b). Pub. L. 112–74 substituted ''December 31, 2012'' for ''December 31, 2011''.

2010—Subsec. (b). Pub. L. 111–275 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (b). Pub. L. 111–117 substituted ''December 31, 2010'' for ''December 31, 2009''.

2003—Subsec. (b). Pub. L. 108–183 substituted ''December 31, 2009'' for ''December 31, 2003''.

1999—Subsec. (b). Pub. L. 106–117 substituted ''December 31, 2003'' for ''December 31, 1999''.

1994—Subsec. (b). Pub. L. 103–446 substituted ''December 31, 1999'' for ''December 31, 1994''.

1993—Subsec. (b). Pub. L. 103–210 substituted ''December 31, 1994'' for ''March 31, 1994''.

1992—Subsec. (b). Pub. L. 102–291 substituted ''March 31, 1994'' for ''September 30, 1991''.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102–291, § 1(b), May 20, 1992, 106 Stat. 178, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as of September 30, 1991.''

EFFECT OF AMENDMENT

Pub. L. 112–191, title II, § 202, Oct. 5, 2012, 126 Stat. 1439, provided that this section shall be carried out as amended by section 202 of Pub. L. 112–191 notwithstanding the date described in section 151 of Pub. L. 112–175 (126 Stat. 1323).

RATIFICATION OF MAINTENANCE OF OFFICE DURING LAPSED PERIOD

Pub. L. 102–291, § 1(c), May 20, 1992, 106 Stat. 178, provided that: ''Any action of the Secretary of Veterans Affairs in maintaining a Department of Veterans Affairs Regional Office in the Republic of the Philippines under section 315(b) of title 38, United States Code, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act [May 20, 1992] is hereby ratified with respect to that period.''

§ 316. Colocation of regional offices and medical centers

(a) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the colocation of at least three regional offices with medical centers of the Department—

(1) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

(2) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such colocation.

(b)(1) In carrying out this section and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) or (2) of subsection (a).

(2) Such real property shall be used as the site of a facility—

(A) constructed and owned by the lessee of such real property; and

(B) leased under subsection (c)(1) to the Department for such use and such other activities as the Secretary determines are appropriate.

(c)(1) The Secretary may enter into a lease for the use of any facility described in subsection (b)(2) for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

(2) Each agreement for such a lease shall provide—

(A) that the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

(B) that the ownership of the facility shall vest in the United States at the end of such lease.

(d)(1) The Secretary may sublease any space in such a facility to another party at a rate not less than—

(A) the rental rate paid by the Secretary for such space under subsection (c); plus

(B) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

(2) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

(e) The Secretary shall use the receipts of any payment for the lease of real property under subsection (b) for the payment of the lease of a facility under subsection (c).

(f)(1) Subject to paragraph (3)(A), the Secretary shall, not later than April 18, 1990, issue an invitation for offers with respect to three colocations to be carried out under this section. The invitation shall include, with respect to each such colocation, at least the following:

(A) Identification of the site to be developed.

(B) Minimum office space requirements for regional office activities.

(C) Design criteria of the facility to be constructed.

(D) A plan for meeting the security and parking needs for the facility and its occupants and visitors.

(E) A statement of current and projected rents and other costs for regional office activities.

(F) The estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility.

(G) A plan for securing appropriate licenses, easements, and rights-of-way.

(H) A list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

(2) Subject to paragraph (3)(B), the Secretary shall—

(A) not later than one year after the date on which the invitation is issued under paragraph (1), enter into an agreement to carry out one colocation under this subsection; and

(B) within 180 days after entering into the agreement referred to in subparagraph (A), enter into agreements to carry out two additional colocations,

unless the Secretary determines that it is not economically feasible for the Department to undertake them, taking into consideration all of the tangible and intangible benefits associated with such colocations.

(3) The Secretary shall—

(A) at least 10 days before the issuance or other publication of the invitation referred to in paragraph (1), submit a copy of the invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

(B) at least 30 days before entering into an agreement under paragraph (2), submit a copy to the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under paragraph (1).

(g) The authority to enter into an agreement under this section shall expire on September 30, 1992.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 384.)

PRIOR PROVISIONS

Prior section 316 was renumbered section 1116 of this title.

§ 317. Center for Minority Veterans

(a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.

(b) The Director shall be a career or noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

(d) The Director shall perform the following functions with respect to veterans who are minorities:

(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.

(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.

(3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.

(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

(6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.

(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.

(9) Publicize the results of medical research which are of particular significance to veterans who are minorities.

(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.

(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable

the Director to carry out the functions of the Center in a timely manner.

(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

(1) detailed information on the budget for the Center;

(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

(g) In this section—

(1) The term ''veterans who are minorities'' means veterans who are minority group members.

(2) The term ''minority group member'' has the meaning given such term in section 544(d) of this title.

(Added Pub. L. 103–446, title V, §509(a), Nov. 2, 1994, 108 Stat. 4665; amended Pub. L. 104–275, title V, §501(a)–(c), Oct. 9, 1996, 110 Stat. 3340.)

PRIOR PROVISIONS

Prior section 317, added Pub. L. 102–218, §1(a), Dec. 11, 1991, 105 Stat. 1671; amended Pub. L. 103–446, title XII, §1201(e)(4), Nov. 2, 1994, 108 Stat. 4685, related to Chief Minority Affairs Officer, prior to repeal by Pub. L. 103–446, §509(a).

AMENDMENTS

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

Subsec. (d)(10) to (12). Pub. L. 104–275, §501(b), added pars. (10) and (11) and redesignated former par. (10) as (12).

Subsec. (g). Pub. L. 104–275, §501(c), added subsec. (g).

§318. Center for Women Veterans

(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

(b) The Director shall be a career or noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

(d) The Director shall perform the following functions with respect to veterans who are women:

(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

(9) Publicize the results of medical research which are of particular significance to veterans who are women.

(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on particular health conditions affecting women's health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

(1) detailed information on the budget for the Center;

(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

(Added Pub. L. 103–446, title V, §509(a), Nov. 2, 1994, 108 Stat. 4666; amended Pub. L. 104–275, title V, §501(a), (d), Oct. 9, 1996, 110 Stat. 3340, 3341.)

PRIOR PROVISIONS

Prior sections 321, 322, and 331 to 335 were renumbered sections 1121, 1122, and 1131 to 1135 of this title, respectively.

Prior section 336, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1123, set forth the conditions under which wartime rates were payable to any veteran otherwise entitled to compensation under subchapter IV of chapter 11 of this title, prior to repeal by Pub. L. 92–328, title I, § 108(c), title III, § 301(b), June 30, 1972, 86 Stat. 396, 398, effective July 1, 1973.

Prior sections 337, 341, and 342 were renumbered sections 1137, 1141, and 1142 of this title, respectively.

Prior section 343, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, prescribed conditions under which wartime rates of compensation were payable, prior to repeal by Pub. L. 93–295, title II, § 206(b), title IV, § 401, May 31, 1974, 88 Stat. 183, 184, effective May 1, 1974.

Prior sections 351 to 355 were renumbered sections 1151 to 1155 of this title, respectively.

Prior section 356, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1125, provided for a minimum rating for veterans with arrested tuberculosis, prior to repeal by Pub. L. 90–493, § 4, Aug. 19, 1968, 82 Stat. 809, but repeal not applicable 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

Pub. L. 105–114, title I, § 102(c), Nov. 21, 1997, 111 Stat. 2281, 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

Pub. L. 105–114, title I, § 102(b), Nov. 21, 1997, 111 Stat. 2281, 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).''

§ 321. Office of Survivors Assistance

(a) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Survivors Assistance (in this section referred to as the ''Office'') to serve as a resource regarding all benefits and services furnished by the Department—

(1) to survivors and dependents of deceased veterans; and

(2) to survivors and dependents of deceased members of the Armed Forces.

(b) ADVISORY DUTIES.—The Office shall serve as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting the survivors and dependents described in subsection (a).

(c) GUIDANCE FROM STAKEHOLDERS.—In establishing the Office, the Secretary shall seek guidance from interested stakeholders.

(d) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.

(e) INCLUSION OF INFORMATION ON OFFICE IN ANNUAL REPORT ON DEPARTMENT ACTIVITIES.—The Secretary shall include in each annual Performance and Accountability report submitted by the Secretary to Congress a description of the activities of the Office during the fiscal year covered by such report.

(Added Pub. L. 110–389, title II, § 222(a), Oct. 10, 2008, 122 Stat. 4156.)

§ 322. Office of National Veterans Sports Programs and Special Events

(a) ESTABLISHMENT.—There is in the Department an Office of National Veterans Sports Programs and Special Events. There is at the head of the Office a Director, who shall report to an appropriate official of the Veterans Benefits Administration, as determined by the Secretary, or to the Deputy Secretary or Secretary.

(b) RESPONSIBILITIES OF DIRECTOR.—Subject to the direction of the Secretary, the Director—

(1) shall establish and carry out qualifying programs and events;

(2) may provide for sponsorship by the Department of qualifying programs and events;

(3) may provide for, facilitate, and encourage participation by disabled veterans in qualifying programs and events;

(4) shall, to the extent feasible, cooperate with entities with significant experience in managing large-scale adaptive sports programs;

(5) shall seek sponsorships and donations from the private sector to defray costs of carrying out the responsibilities of the Director to the maximum extent feasible; and

(6) may carry out such other responsibilities as the Secretary determines are appropriate.

(c) QUALIFYING PROGRAM OR EVENT.—For purposes of this section, a qualifying program or event is a sports program or other event in which disabled veterans and disabled members of the Armed Forces participate and that is approved by the Secretary as being consistent with the goals and missions of the Department.

(d) MONTHLY ASSISTANCE ALLOWANCE.—(1) Subject to the availability of appropriations for such purpose, the Secretary may provide a monthly assistance allowance to a veteran with a disability invited by the United States Olympic Committee to compete for a slot on, or selected for, the Paralympic Team for any month in which the veteran is training or competing in any event sanctioned by the United States Olympic Committee or who is residing at a United States Olympic Committee training center.

(2) The amount of the monthly assistance payable to a veteran under paragraph (1) shall be equal to the monthly amount of subsistence allowance that would be payable to the veteran under chapter 31 of this title if the veteran were eligible for and entitled to rehabilitation under such chapter.

(3) In providing assistance under this subsection, the Secretary shall give priority to veterans with service-connected disabilities.

(4) There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2010 through 2015.

(e) APPLICABILITY TO COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.—The provisions of this subsection shall apply in the same manner and to the same degree as to the United States Olympic Committee to the Paralympic sport entities the Secretary considers appropriate to represent the interests of each of the following:

(1) American Samoa.

(2) Guam.

(3) Puerto Rico.

(4) The Northern Mariana Islands.

(5) The United States Virgin Islands.

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on disabled sports and special events supported by the Department as of the date of the enactment of this section.

(Added Pub. L. 110–389, title VII, § 703(a), Oct. 10, 2008, 122 Stat. 4183; amended Pub. L. 113–37, § 2(a), Sept. 30, 2013, 127 Stat. 523; Pub. L. 113–59, § 4, Dec. 20, 2013, 127 Stat. 659.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (f), is the date of enactment of Pub. L. 110–389, which was approved Oct. 10, 2008.

AMENDMENTS

2013—Subsec. (b)(4). Pub. L. 113–59, § 4(b), substituted ''cooperate with entities with significant experience in managing large-scale adaptive sports programs;'' for ''cooperate with the United States Olympic Committee and its partners to promote the participation of disabled veterans and disabled members of the Armed Forces in sporting events sponsored by the United States Olympic Committee and its partners;''.

Pub. L. 113–37, § 2(a)(2), substituted ''United States Olympic Committee'' for ''United States Paralympics, Inc.,'' in two places.

Subsec. (d)(1). Pub. L. 113–37, § 2(a)(2), substituted ''United States Olympic Committee'' for ''United States Paralympics, Inc.,'' wherever appearing.

Subsec. (d)(4). Pub. L. 113–59, § 4(a), substituted ''through 2015.'' for ''through 2013 and $500,000 for the period beginning October 1, 2013, and ending December 31, 2013.''

Pub. L. 113–37, § 2(a)(1), inserted ''and $500,000 for the period beginning October 1, 2013, and ending December 31, 2013'' before period at end.

Subsecs. (e), (f). Pub. L. 113–59, § 4(c), added subsec. (e) and redesignated former subsec. (e) as (f).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113–37, § 4, Sept. 30, 2013, 127 Stat. 525, provided that:

''(a) EFFECTIVE DATE.—This Act [see Short Title of 2013 Amendment note set out under section 101 of this title] shall take effect on October 1, 2013, except that Section [sic] 2(a) [amending this section] shall take effect on September 30, 2013.

''(b) RATIFICATION.—If this Act is not enacted on or before September 30, 2013, any actions undertaken by the Department of Veterans Affairs under the authorities extended by this Act during the period beginning on such date and ending on the date of the enactment of this Act [Sept. 30, 2013] shall be deemed ratified.''

FINDINGS AND PURPOSE

Pub. L. 110–389, title VII, § 701, Oct. 10, 2008, 122 Stat. 4180, provided that:

''(a) FINDINGS.—Congress makes the following findings:

''(1) In 1998, Congress enacted the Olympic and Amateur Sports Act Amendments of 1998 (33 [36] U.S.C. 101 note) [see Short Title of 1998 Amendment note set out under section 101 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations], which amended chapter 2205 of title 36, United States Code, and included a statement that the purpose of the Act was 'to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes'.

''(2) The United States Olympic Committee manages and administers the Paralympic Program for physically disabled athletes.

''(3) The Department of Veterans Affairs provides health care to veterans and administers recreational activities for patients including the Golden Age Games, the National Veterans Wheelchair Games, and the Winter Sports Clinic.

''(4) In 2005, the United States Olympic Committee entered into a memorandum of understanding with the Secretary of Veterans Affairs to increase interest in and access to Paralympic sports programs for veterans with physical disabilities by coordinating the activities of the United States Olympic Committee with the Department of Veterans Affairs.

''(5) The Paralympic Program has a significant positive effect on the quality of life of disabled veterans and disabled members of the Armed Forces who participate in the program, including helping to improve the mobility, vitality, and physical, psychological, and social well-being of such participants and reducing the incidence of secondary medical conditions in those participants.

''(6) Because of Operation Iraqi Freedom and Operation Enduring Freedom, the number of disabled veterans and disabled members of the Armed Forces has increased substantially and it is therefore desirable to supplement the rehabilitation and recreation programs of the Department of Veterans Affairs through sports for disabled veterans and members of the Armed Forces.

''(b) PURPOSE.—The purposes of this title [enacting this section, section 521A of this title, and provisions set out as notes under section 521A of this title] are as follows:

''(1) To promote the lifelong health of disabled veterans and disabled members of the Armed Forces through regular participation in physical activity and sports.

''(2) To enhance the recreation activities provided by the Department of Veterans Affairs by promoting disabled sports from the local level through elite levels and by creating partnerships among organizations specializing in supporting, training, and promoting programs for disabled veterans.

''(3) To provide training and support to national and local organizations to provide Paralympic sports training to disabled veterans and disabled members of the Armed Forces in their own communities.

''(4) To provide support to the United States Paralympics, Inc., to increase the participation of disabled veterans and disabled members of the Armed Forces in sports.''

CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

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502. Judicial review of rules and regulations.
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541. Advisory Committee on Former Prisoners of War.
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AMENDMENTS

2013—Pub. L. 113–59, § 5(h)(2), Dec. 20, 2013, 127 Stat. 662, which directed amendment of this analysis by striking item 521A and adding item ''512A'', was executed by striking item 521A ''Assistance for United States Olympic Committee'' and adding item 512A in the position for item 521A, to reflect the probable intent of Congress.

Pub. L. 113–37, § 2(b)(3), Sept. 30, 2013, 127 Stat. 524, added item 521A and struck out former item 521A ''Assistance for United States Paralympics, Inc.''

2012—Pub. L. 112–154, title VII, §§ 707(b), 709(b)(2), Aug. 6, 2012, 126 Stat. 1207, 1208, added item 517 and substituted ''Authority to advertise in national media; VetStar Award Program'' for ''Authority to advertise in national media'' in item 532.

2008—Pub. L. 110–389, title II, § 214(b), title VII, § 702(b), title VIII, § 809(b), Oct. 10, 2008, 122 Stat. 4154, 4183, 4190, added items 521A, 532, and 546.

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.

1996—Pub. L. 104–262, title III, § 333(a)(2), Oct. 9, 1996, 110 Stat. 3200, added item 545.

1994—Pub. L. 103–446, title V, § 510(b), Nov. 2, 1994, 108 Stat. 4670, added item 544.

1992—Pub. L. 102–405, title I, § 105(b)(2), Oct. 9, 1992, 106 Stat. 1976, added item 543.

SUBCHAPTER I—GENERAL AUTHORITIES

§ 501. Rules and regulations

(a) The Secretary has authority to prescribe all rules and regulations which are necessary or

[1] So in original. Probably should be ''521A.'' See 2013 Amendment note below.