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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY

-HEAD-

CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY

-MISC1-

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AMENDMENTS

- 2008 - Pub. L. 110-389, title II, Sec. 214(b), title VII, Sec. 702(b), title VIII, Sec. 809(b), Oct. 10, 2008, 122 Stat. 4154, 4183, 4190, added items 521A, 532, and 546.
1998 - Pub. L. 105-368, title IX, Sec. 906(b), title X, Sec. 1001(a)(2), Nov. 11, 1998, 112 Stat. 3362, 3363, added items 530 and 531.
1997 - Pub. L. 105-114, title I, Sec. 101(a)(2), Nov. 21, 1997, 111 Stat. 2279, added item 516.
1996 - Pub. L. 104-262, title III, Sec. 333(a)(2), Oct. 9, 1996, 110 Stat. 3200, added item 545.
1994 - Pub. L. 103-446, title V, Sec. 510(b), Nov. 2, 1994, 108

Stat. 4670, added item 544.
1992 - Pub. L. 102-405, title I, Sec. 105(b)(2), Oct. 9, 1992,
106 Stat. 1976, added item 543.

-End-

-CITE-

38 USC SUBCHAPTER I - GENERAL AUTHORITIES 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
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SUBCHAPTER I - GENERAL AUTHORITIES

-End-

-CITE-

38 USC Sec. 501 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 501. Rules and regulations

-STATUTE-

(a) The Secretary has authority to prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by the Department and are consistent with those laws, including -

- (1) regulations with respect to the nature and extent of proof and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws;
- (2) the forms of application by claimants under such laws;
- (3) the methods of making investigations and medical examinations; and
- (4) the manner and form of adjudications and awards.

(b) Any rule, regulation, guideline, or other published interpretation or order (and any amendment thereto) issued pursuant to the authority granted by this section or any other provision of this title shall contain citations to the particular section or sections of statutory law or other legal authority upon which such issuance is based. The citation to the authority shall appear immediately following each substantive provision of the issuance.

(c) In applying section 552(a)(1) of title 5 to the Department, the Secretary shall ensure that subparagraphs (C), (D), and (E) of that section are complied with, particularly with respect to opinions and interpretations of the General Counsel.

(d) The provisions of section 553 of title 5 shall apply, without regard to subsection (a)(2) of that section, to matters relating to

loans, grants, or benefits under a law administered by the Secretary.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 386.)

-MISC1-

PRIOR PROVISIONS

Prior section 501 was renumbered section 1501 of this title.

Provisions similar to those in this section were contained in sections 210(c)(1) and 223(a), (b) of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-End-

-CITE-

38 USC Sec. 502

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART I - GENERAL PROVISIONS

CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 502. Judicial review of rules and regulations

-STATUTE-

An action of the Secretary to which section 552(a)(1) or 553 of title 5 (or both) refers is subject to judicial review. Such review shall be in accordance with chapter 7 of title 5 and may be sought only in the United States Court of Appeals for the Federal Circuit. However, if such review is sought in connection with an appeal brought under the provisions of chapter 72 of this title, the provisions of that chapter shall apply rather than the provisions of chapter 7 of title 5.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 386; amended Pub. L. 110-389, title I, Sec. 102, Oct. 10, 2008, 122 Stat. 4148.)

-MISC1-

PRIOR PROVISIONS

Prior section 502 was renumbered section 1502 of this title.

Provisions similar to those in this section were contained in section 223(c) of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

AMENDMENTS

2008 - Pub. L. 110-389 struck out "(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)" after "refers".

-End-

-CITE-

38 USC Sec. 503

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 503. Administrative error; equitable relief

-STATUTE-

(a) If the Secretary determines that benefits administered by the Department have not been provided by reason of administrative error on the part of the Federal Government or any of its employees, the Secretary may provide such relief on account of such error as the Secretary determines equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

(b) If the Secretary determines that a veteran, surviving spouse, child of a veteran, or other person has suffered loss as a consequence of reliance upon a determination by the Department of eligibility or entitlement to benefits, without knowledge that it was erroneously made, the Secretary may provide such relief on account of such error as the Secretary determines is equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

(c) Not later than April 1 of each year, the Secretary shall submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief under this section during the preceding calendar year. No report shall be required under this subsection after December 31, 2014.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 386; amended Pub. L. 106-419, title IV, Sec. 403(c)(1), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 109-233, title IV, Sec. 403, June 15, 2006, 120 Stat. 411; Pub. L. 111-275, title VIII, Sec. 808, Oct. 13, 2010, 124 Stat. 2893.)

-MISC1-

PRIOR PROVISIONS

Prior sections 503 and 504 were renumbered sections 1503 and 1504 of this title, respectively.

Provisions similar to those in this section were contained in section 210(c)(2), (3) of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

AMENDMENTS

2010 - Subsec. (c). Pub. L. 111-275 substituted "December 31, 2014" for "December 31, 2009".

2006 - Subsec. (c). Pub. L. 109-233 substituted "December 31, 2009" for "December 31, 2004".

2000 - Subsec. (c). Pub. L. 106-419 inserted at end "No report shall be required under this subsection after December 31, 2004."

-End-

-CITE-

38 USC Sec. 505

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 505. Opinions of Attorney General

-STATUTE-

The Secretary may require the opinion of the Attorney General on any question of law arising in the administration of the Department.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 387.)

-MISC1-

PRIOR PROVISIONS

Prior sections 505 to 508 were renumbered sections 1505 to 1508 of this title, respectively.

Provisions similar to those in this section were contained in section 211(b) of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-End-

-CITE-

38 USC Sec. 510

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 510. Authority to reorganize offices

-STATUTE-

(a) Except to the extent inconsistent with law, the Secretary may

-
- (1) consolidate, eliminate, abolish, or redistribute the functions of the Administrations, offices, facilities, or activities in the Department;
- (2) create new Administrations, offices, facilities, or activities in the Department; and
- (3) fix the functions of any such Administration, office, facility, or activity and the duties and powers of their respective executive heads.

(b) The Secretary may not in any fiscal year implement an administrative reorganization described in subsection (c) unless the Secretary first submits to the appropriate committees of the Congress a report containing a detailed plan and justification for the administrative reorganization. No action to carry out such reorganization may be taken after the submission of such report until the end of a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session. For purposes of the preceding sentence, continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of any period of continuity of session any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

(c) An administrative reorganization described in this subsection is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility -

(1) by 15 percent or more; or

(2) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.

(d)(1) Not less than 30 days before the date on which the implementation of any administrative reorganization described in paragraph (2) of a unit in the Central Office is to begin, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a notification regarding the reorganization.

(2) Paragraph (1) applies to an administrative reorganization of any unit of the Central Office that is the duty station for 30 or more employees if the reorganization involves a reduction in any fiscal year in the number of full-time equivalent employees with permanent duty station in such unit by 50 percent or more.

(e) For purposes of this section, the term "administrative reorganization" does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.

(f) For purposes of this section:

(1) The term "covered field office or facility" means a Department office or facility outside the Central Office that is the permanent duty station for 25 or more employees or that is a free-standing outpatient clinic.

(2) The term "detailed plan and justification" means, with respect to an administrative reorganization, a written report that, at a minimum, includes the following:

(A) Specification of the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished.

(B) Identification of any existing or planned office or facility at which the number of employees is to be increased and specification of the number and responsibilities of the additional employees at each such office or facility.

(C) A description of the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subsection (b).

(D) An explanation of the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Department.

(E) A description of the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Department not directly affected by the reorganization).

(F) Estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 387; amended Pub. L. 104-262, title III, Sec. 304, Oct. 9, 1996, 110 Stat. 3194.)

-MISC1-

PRIOR PROVISIONS

Prior section 510, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1135, provided monthly pension for persons who served in military or naval forces of Confederate States of America, prior to repeal by Pub. L. 94-169, title I, Sec. 101(2)(F), Dec. 23, 1975, 89 Stat. 1014, effective Jan. 1, 1976.

Provisions similar to those in this section were contained in section 210(b)(1), (2) of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

AMENDMENTS

1996 - Subsec. (b). Pub. L. 104-262 substituted "a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session" for "a 90-day period of continuous session of Congress following the date of the submission of the report" in second sentence and "any period of continuity of session" for "such 90-day period" in third sentence.

AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO CARRY OUT SPECIFIED ADMINISTRATIVE REORGANIZATION

Pub. L. 102-54, Sec. 12, June 13, 1991, 105 Stat. 273, provided that:

"(a) Authority for Administrative Reorganization. - The Secretary of Veterans Affairs may carry out the administrative reorganization described in subsection (b) without regard to section 210(b)(2) of title 38 [38 U.S.C. 510(b)-(f)], United States Code.

"(b) Specified Reorganization. - Subsection (a) applies to the organizational realignment of management responsibility for the Department of Veterans Affairs Data Processing Centers, together with the corresponding organizational realignment of associated Information Resources Management operational components and functions within the Department of Veterans Affairs central office, as such realignment was described in the detailed plan and justification submitted by the Secretary of Veterans Affairs in [sic] January 4, 1991, letters to the Chairmen of the Committees on Veterans' Affairs of the Senate and the House of Representatives."

INAPPLICABILITY OF RESTRICTIONS

Pub. L. 101-312, June 25, 1990, 104 Stat. 271, provided: "That (a) the Secretary of Veterans Affairs may proceed with the administrative reorganization described in subsection (b) of this Act without regard to section 210(b) [see 303, 510, 711] of title 38, United States Code.

"(b) The administrative reorganization referred to in subsection (a) is the reorganization of the regional field offices of the Veterans Health Services and Research Administration of the Department of Veterans Affairs as that reorganization and related activity are described in (1) letters dated January 22, 1990, and the detailed plan and justification enclosed therewith, submitted by the Secretary to the Committees on Veterans' Affairs of the Senate and the House of Representatives pursuant to such section 210(b) [see 303, 510, 711], and (2) letters dated April 17, 1990, submitted in supplementation thereof by the Secretary to such Committees."

Section 15(b) of Pub. L. 100-527 provided that: "Section 210(b) [see 303, 510, 711] of title 38, United States Code (as amended by subsection (a)), shall not apply to a reorganization of a unit of the Central Office of the Department of Veterans' Affairs if the reorganization -

"(1) is necessary in order to carry out the provisions of or amendments made by this Act [see Tables for classification]; and

"(2) is initiated within 6 months after the effective date of this Act [Mar. 15, 1989]."

-End-

-CITE-

38 USC Sec. 511

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART I - GENERAL PROVISIONS

CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 511. Decisions of the Secretary; finality

-STATUTE-

(a) The Secretary shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to veterans or the dependents or survivors of veterans. Subject to subsection (b), the decision of the Secretary as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

(b) The second sentence of subsection (a) does not apply to -

(1) matters subject to section 502 of this title;

(2) matters covered by sections 1975 and 1984 of this title;

(3) matters arising under chapter 37 of this title; and

(4) matters covered by chapter 72 of this title.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 388.)

-MISC1-

PRIOR PROVISIONS

Prior section 511 was renumbered section 1511 of this title. Provisions similar to those in this section were contained in section 211(a) of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-CROSS-

FEDERAL RULES OF CIVIL PROCEDURE

Writ of mandamus abolished in United States district courts, but relief available by appropriate action or motion, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

-End-

-CITE-

38 USC Sec. 512

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 512. Delegation of authority; assignment of functions and duties

-STATUTE-

(a) Except as otherwise provided by law, the Secretary may assign functions and duties, and delegate, or authorize successive redelegation of, authority to act and to render decisions, with respect to all laws administered by the Department, to such officers and employees as the Secretary may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Secretary.

(b) There shall be included on the technical and administrative staff of the Secretary such staff officers, experts, inspectors, and assistants (including legal assistants) as the Secretary may prescribe.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 389.)

-MISC1-

PRIOR PROVISIONS

Prior section 512 was renumbered section 1512 of this title. Provisions similar to those in this section were contained in section 212 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-End-

-CITE-

38 USC Sec. 513

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 513. Contracts and personal services

-STATUTE-

The Secretary may, for purposes of all laws administered by the Department, accept uncompensated services, and enter into contracts or agreements with private or public agencies or persons (including contracts for services of translators without regard to any other law), for such necessary services (including personal services) as the Secretary may consider practicable. The Secretary may also enter into contracts or agreements with private concerns or public agencies for the hiring of passenger motor vehicles or aircraft for official travel whenever, in the Secretary's judgment, such arrangements are in the interest of efficiency or economy.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 389.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 213 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-End-

-CITE-

38 USC Sec. 515

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 515. Administrative settlement of tort claims

-STATUTE-

(a)(1) Notwithstanding the limitations contained in section 2672 of title 28, the Secretary may settle a claim for money damages against the United States cognizable under section 1346(b) or 2672 of title 28 or section 7316 of this title to the extent the authority to do so is delegated to the Secretary by the Attorney General. Such delegation may not exceed the authority delegated by the Attorney General to United States attorneys to settle claims for money damages against the United States.

(2) For purposes of this subsection, the term "settle", with

respect to a claim, means consider, ascertain, adjust, determine, and dispose of the claim, whether by full or partial allowance or by disallowance.

(b) The Secretary may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, when such claims arise in foreign countries in connection with Department operations abroad. A claim may not be allowed under this subsection unless it is presented in writing to the Secretary within two years after the claim accrues.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 389.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 224 and 236 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-End-

-CITE-

38 USC Sec. 516

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER I - GENERAL AUTHORITIES

-HEAD-

Sec. 516. Equal employment responsibilities

-STATUTE-

(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

(b) The Secretary shall provide -

(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

(d) The Secretary shall, when appropriate, impose disciplinary

measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

(e)(1)(A) Not later than 45 days after the end of each calendar quarter, the Assistant Secretary for Human Resources and Administration shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report summarizing the employment discrimination complaints filed against the individuals referred to in paragraph (2) during such quarter.

(B) Subparagraph (A) shall apply in the case of complaints filed against individuals on the basis of such individuals' personal conduct and shall not apply in the case of complaints filed solely on the basis of such individuals' positions as officials of the Department.

(2) Paragraph (1) applies to the following officers and employees of the Department:

(A) The Secretary.

(B) The Deputy Secretary of Veterans Affairs.

(C) The Under Secretary for Health and the Under Secretary for Benefits.

(D) Each Assistant Secretary of Veterans Affairs and each Deputy Assistant Secretary of Veterans Affairs.

(E) The Under Secretary of Veterans Affairs for Memorial Affairs.

(F) The General Counsel of the Department.

(G) The Chairman of the Board of Veterans' Appeals.

(H) The Chairman of the Board of Contract Appeals of the Department.

(I) The director and the chief of staff of each medical center of the Department.

(J) The director of each Veterans Integrated Services Network.

(K) The director of each regional office of the Department.

(L) Each program director of the Central Office of the Department.

(3) Each report under this subsection -

(A) may not disclose information which identifies the individuals filing, or the individuals who are the subject of, the complaints concerned or the facilities at which the discrimination identified in such complaints is alleged to have occurred;

(B) shall summarize such complaints by type and by equal employment opportunity field office area in which filed; and

(C) shall include copies of such complaints, with the information described in subparagraph (A) redacted.

(4) Not later than April 1 each year, the Assistant Secretary shall submit to the committees referred to in paragraph (1)(A) a report on the complaints covered by paragraph (1) during the preceding year, including the number of such complaints filed during that year and the status and resolution of the investigation of such complaints.

(f) The Secretary shall ensure that an employee of the Department who seeks counseling relating to employment discrimination may elect to receive such counseling from an employee of the Department who carries out equal employment opportunity counseling functions on a full-time basis rather than from an employee of the Department who carries out such functions on a part-time basis.

(g) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well

as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

(h) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.

-SOURCE-

(Added Pub. L. 105-114, title I, Sec. 101(a)(1), Nov. 21, 1997, 111 Stat. 2278; amended Pub. L. 105-368, title IV, Sec. 403(d)(2), Nov. 11, 1998, 112 Stat. 3339; Pub. L. 108-170, title IV, Sec. 405(a), Dec. 6, 2003, 117 Stat. 2063.)

-MISC1-

AMENDMENTS

2003 - Subsec. (e)(1)(A). Pub. L. 108-170 substituted "45 days" for "30 days".

1998 - Subsec. (e)(2)(E). Pub. L. 105-368 substituted "Under Secretary of Veterans Affairs for Memorial Affairs" for "Director of the National Cemetery System".

EFFECTIVE DATE

Section 101(c) of Pub. L. 105-114 provided that: "Section 516 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]. Subsection (e) of that section shall take effect with respect to the first quarter of calendar year 1998."

REPORTS ON IMPLEMENTATION AND OPERATION OF EQUAL EMPLOYMENT OPPORTUNITY SYSTEM

Section 101(b) of Pub. L. 105-114 provided that:

"(1) The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. 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.

"(2) The first report under paragraph (1) shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

"(3) The subsequent reports under paragraph (1) shall set forth, for each equal employment opportunity field office of the Department and for the Department as a whole, the following:

"(A) Any information to supplement the information submitted in the report under paragraph (2) that the Secretary considers appropriate.

"(B) The number of requests for counseling relating to employment discrimination received during the one-year period ending on the date of the report concerned.

"(C) The number of employment discrimination complaints received during such period.

"(D) The status of each complaint described in subparagraph (C), including whether or not the complaint was resolved and, if resolved, whether the employee concerned sought review of the resolution by the Equal Employment Opportunity Commission or by

Federal court.

"(E) The number of employment discrimination complaints that were settled during such period, including -

"(i) the type of such complaints; and

"(ii) the terms of settlement (including any settlement amount) of each such complaint."

ASSESSMENT AND REVIEW OF EMPLOYMENT DISCRIMINATION COMPLAINT RESOLUTION SYSTEM

Section 103 of Pub. L. 105-114 provided that:

"(a) Agreement for Assessment and Review. - (1) The Secretary of Veterans Affairs shall seek to enter into an agreement with a qualified private entity under which agreement the entity shall carry out the assessment described in subsection (b) and the review described in subsection (c).

"(2) The Secretary shall include in the agreement provisions necessary to ensure that the entity carries out its responsibilities under the agreement (including the exercise of its judgments concerning the assessment and review) in a manner free of influence from any source, including the officials and employees of the Department of Veterans Affairs.

"(3) The Secretary may not enter into the agreement until 15 days after the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the entity with which the Secretary proposes to enter into the agreement.

"(b) Initial Assessment of System. - (1) Under the agreement under subsection (a), the entity shall conduct an assessment of the employment discrimination complaint resolution system administered within the Department of Veterans Affairs, including the extent to which the system meets the objectives set forth in section 516(a) of title 38, United States Code, as added by section 101. The assessment shall include a comprehensive description of the system as of the time of the assessment.

"(2) Under the agreement, the entity shall submit the assessment to the committees referred to in subsection (a)(3) and to the Secretary not later than June 1, 1998.

"(c) Review of Administration of System. - (1) Under the agreement under subsection (a), the entity shall monitor and review the administration by the Secretary of the employment discrimination complaint resolution system administered within the Department.

"(2) Under the agreement, the entity shall submit to the committees referred to in subsection (a)(3) and to the Secretary a report on the results of the review under paragraph (1) not later than June 1, 1999. The report shall include an assessment of the administration of the system, including the extent to which the system meets the objectives referred to in subsection (b)(1), and the effectiveness of the following:

"(A) Programs to train and maintain a cadre of individuals who are competent to investigate claims relating to employment discrimination.

"(B) Programs to train and maintain a cadre of individuals who are competent to provide counseling to individuals who submit such claims.

"(C) Programs to provide education and training to Department employees regarding their rights and obligations under the equal employment opportunity laws.

"(D) Programs to oversee the administration of the system.

"(E) Programs to evaluate the effectiveness of the system in meeting its objectives.

"(F) Other programs, procedures, or activities of the Department relating to the equal employment opportunity laws, including any alternative dispute resolution procedures and informal dispute resolution and settlement procedures.

"(G) Any disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment opportunity laws in preventing or deterring violations of such laws by other employees of the Department."

-End-

-CITE-

38 USC SUBCHAPTER II - SPECIFIED FUNCTIONS

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART I - GENERAL PROVISIONS

CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

SUBCHAPTER II - SPECIFIED FUNCTIONS

-End-

-CITE-

38 USC Sec. 521

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART I - GENERAL PROVISIONS

CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 521. Assistance to certain rehabilitation activities

-STATUTE-

(a) The Secretary may assist any organization named in or approved under section 5902 of this title in providing recreational activities which would further the rehabilitation of disabled veterans. Such assistance may be provided only if -

(1) the activities are available to disabled veterans on a national basis; and

(2) a significant percentage of the individuals participating in the activities are eligible for rehabilitative services under chapter 17 of this title.

(b) The Secretary may accept from any appropriate source contributions of funds and of other assistance to support the Secretary's provision of assistance for such activities.

(c)(1) Subject to paragraph (2), the Secretary may authorize the use, for purposes approved by the Secretary in connection with the activity involved, of the seal and other official symbols of the Department and the name "Department of Veterans Affairs" by -

(A) any organization which provides an activity described in subsection (a) with assistance from the Secretary; and

(B) any individual or entity from which the Secretary accepts a

significant contribution under subsection (b) or an offer of such a contribution.

(2) The use of such seal or name of any official symbol of the Department in an advertisement may be authorized by the Secretary under this subsection only if -

- (A) the Secretary has approved the advertisement; and
- (B) the advertisement contains a clear statement that no product, project, or commercial line of endeavor referred to in the advertisement is endorsed by the Department of Veterans Affairs.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 390.)

-MISC1-

PRIOR PROVISIONS

Prior section 521 was renumbered section 1521 of this title. Provisions similar to those in this section were contained in section 216 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-End-

-CITE-

38 USC Sec. 521A

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 521A. Assistance for United States Paralympics, Inc.

-STATUTE-

(a) Authorization to Provide Assistance. - The Secretary may award grants to the United States Paralympics, Inc., to plan, develop, manage, and implement an integrated adaptive sports program for disabled veterans and disabled members of the Armed Forces.

(b) Oversight by Secretary. - As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall permit the Secretary to conduct such oversight of the use of grant funds as the Secretary determines is appropriate. The United States Paralympics, Inc., shall be responsible for the use of grant funds provided under this section.

(c) Application Requirement. - (1) Before the Secretary may award a grant to the United States Paralympics, Inc., under this section, the United States Paralympics, Inc., shall submit to the Secretary an application that describes the activities to be carried out with the grant, including information on specific measurable goals and objectives to be achieved using grant funds.

(2) The application shall include -

- (A) a detailed description of all partnerships referred to in paragraph (3) at the national and local levels that will be participating in such activities and the amount of grant funds

that the United States Paralympics, Inc., proposes to make available for each of such partnerships; and

(B) for any fiscal year for which a grant is sought, the amount of private donations received by the United States Paralympics, Inc., expected to be expended to support operations during that fiscal year.

(3) Partnerships referred to in this paragraph are agreements between the United States Paralympics, Inc., and organizations with significant experience in the training and support of disabled athletes and the promotion of disabled sports at the local and national levels. Such organizations may include Disabled Sports USA, Blaze Sports, Paralyzed Veterans of America, and Disabled American Veterans. The agreements shall detail the scope of activities and funding to be provided by the United States Paralympics, Inc., to the partner.

(d) Use of Funds. - (1) The United States Paralympics, Inc., with the assistance and cooperation of the Secretary and the heads of other appropriate Federal and State departments and agencies and partnerships referred to in subsection (c)(3), shall use a grant under this section to reimburse grantees with which the United States Paralympics, Inc., has entered into a partnership under subsection (c) for the direct costs of recruiting, supporting, equipping, encouraging, scheduling, facilitating, supervising, and implementing the participation of disabled veterans and disabled members of the Armed Forces in the activities described in paragraph (3) by supporting a program described in paragraph (2).

(2) A program described in this paragraph is a sports program that -

(A) promotes basic physical activity, games, recreation, training, and competition;

(B) is approved by the Secretary; and

(C)(i) provides services and activities described in paragraph (3) for disabled veterans and disabled members of the Armed Forces; and

(ii) may also provide services and activities described in paragraph (3) for individuals with disabilities who are not veterans or members of the Armed Forces, or both; except that funds made available to carry out this section may not be used to support those individuals with disabilities who are not veterans or members of the Armed Forces.

(3) Activities described in this paragraph are -

(A) instruction, participation, and competition in Paralympic sports;

(B) training and technical assistance to program administrators, coaches, recreational therapists, instructors, Department employees, and other appropriate individuals; and

(C) coordination, Paralympic classification of athletes, athlete assessment, sport-specific training techniques, program development (including programs at the local level), sports equipment, supplies, program evaluation, and other activities related to the implementation and operation of the program.

(4) A grant made under this section may include, at the discretion of the Secretary, an amount for the administrative expenses of the United States Paralympics, Inc., but not to exceed five percent of the amount of the grant.

(5) Funds made available by the United States Paralympics, Inc., to a grantee under subsection (c) may include an amount for administrative expenses, but not to exceed ten percent of the

amount of such funds.

(e) Outreach Requirement. - As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall agree to conduct a joint outreach campaign with the Secretary of Veterans Affairs to inform all eligible veterans and separating members of the Armed Forces with physical disabilities about the existence of the integrated adaptive sports program, as appropriate, and shall provide for, facilitate, and encourage participation of such veterans and separating members of the Armed Forces in programs under this section to the extent possible.

(f) Coordination. - The Secretary shall ensure access to and use of appropriate Department sports, recreation, and fitness facilities by disabled veterans and disabled members of the Armed Forces participating in the integrated adaptive sports program to the maximum extent possible. The Secretary shall ensure that such access does not adversely affect any other assistance provided to veterans.

(g) Authorization of Appropriations. - There is authorized to be appropriated \$8,000,000 for each of fiscal years 2010 through 2013 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available without fiscal year limitation.

(h) Separate Accounting. - The Department shall have a separate line item in budget proposals of the Department for funds to be appropriated to carry out this section. Funds appropriated to carry out this section shall not be commingled with any other funds appropriated to the Department.

(i) Limitation on Use of Funds. - Except as provided in paragraphs (4) and (5) of subsection (d), funds appropriated to carry out this section may not be used to support or provide services to individuals who are not disabled veterans or disabled members of the Armed Forces.

(j) Annual Report to Secretary. - (1) As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall agree that by not later than 60 days after the last day of a fiscal year for which a grant is provided under this section, the United States Paralympics, Inc., shall submit to the Secretary a report setting forth in detail the use of the grant funds during that fiscal year, including the number of veterans who participated in the integrated adaptive sports program, including any programs carried out through a partnership under subsection (c)(3), and the administrative expenses of the integrated adaptive sports program.

(2) A report under this subsection may be audited by the Secretary.

(3) For any fiscal year after fiscal year 2010, the eligibility of the United States Paralympics, Inc., to receive a grant under this section shall be contingent upon the submission of the report under paragraph (1) for the preceding fiscal year.

(k) Annual Report to Congress. - For any fiscal year during which the Secretary provides assistance under this section, the Secretary shall submit to Congress a report on the use of funds provided under this section.

(l) Termination. - The Secretary may only provide assistance under this section during fiscal years 2010 through 2013.

-SOURCE-

(Added Pub. L. 110-389, title VII, Sec. 702(a), Oct. 10, 2008, 122 Stat. 4181.)

-MISC1-

DEADLINE FOR MEMORANDUM OF UNDERSTANDING

Pub. L. 110-389, title VII, Sec. 702(c), Oct. 10, 2008, 122 Stat. 4183, provided that: "The Secretary of Veterans Affairs may not award a grant under section 521A of title 38, United States Code, as added by subsection (a), until the United States Paralympics, Inc., and the Secretary have entered into a memorandum of understanding or cooperative agreement regarding implementation of the integrated adaptive sports program under that section. To the extent feasible, such memorandum or agreement shall be concluded not later than 240 days after the date of the enactment of this Act [Oct. 10, 2008]."

ASSISTANCE AT SPORTING EVENTS

Pub. L. 110-389, title VII, Sec. 703(c), Oct. 10, 2008, 122 Stat. 4185, provided that: "The Secretary of Veterans Affairs shall direct the Under Secretary for Health of the Department of Veterans Affairs -

"(1) to make available, to the extent determined appropriate by the Secretary, recreational therapists, physical therapists, and other medical staff to facilitate participation of veterans in sporting events conducted under the auspices of the United States Paralympics, Inc.; and

"(2) to allow such personnel to provide support to the programs of the United States Paralympics, Inc., without requiring the use of personal leave."

-End-

-CITE-

38 USC Sec. 522

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 522. Studies of rehabilitation of disabled persons

-STATUTE-

(a) The Secretary may conduct studies and investigations, and prepare reports, relative to the rehabilitation of disabled persons, the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped, and how their potentialities can best be developed and their services best used in gainful and suitable employment including the rehabilitation programs of foreign nations.

(b) In carrying out this section, the Secretary (1) may cooperate with such public and private agencies as the Secretary considers advisable; and (2) may employ consultants who shall receive a reasonable per diem, as prescribed by the Secretary, for each day actually employed, plus necessary travel and other expenses.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 390.)

-MISC1-

PRIOR PROVISIONS

Prior section 522 was renumbered section 1522 of this title.
Provisions similar to those in this section were contained in
section 217 of this title prior to repeal by Pub. L. 102-83, Sec.
2(a).

-End-

-CITE-

38 USC Sec. 523

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 523. Coordination and promotion of other programs affecting
veterans and their dependents

-STATUTE-

(a) The Secretary shall seek to achieve (1) the maximum feasible
effectiveness, coordination, and interrelationship of services
among all programs and activities affecting veterans and their
dependents carried out by and under all other departments,
agencies, and instrumentalities of the executive branch, and (2)
the maximum feasible coordination of such programs with programs
carried out under this title. The Secretary shall actively promote
the effective implementation, enforcement, and application of all
provisions of law and regulations providing for special
consideration, emphasis, or preference for veterans.

(b) The Secretary shall seek to achieve the effective
coordination of the provision, under laws administered by the
Department, of benefits and services (and information about such
benefits and services) with appropriate programs (and information
about such programs) conducted by State and local governmental
agencies and by private entities at the State and local level. In
carrying out this subsection, the Secretary shall place special
emphasis on veterans who are 65 years of age or older.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 390.)

-MISC1-

PRIOR PROVISIONS

Prior sections 523 and 524 were renumbered sections 1523 and 1524
of this title, respectively.

Provisions similar to those in this section were contained in
section 220 of this title prior to repeal by Pub. L. 102-83, Sec.
2(a).

PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE

Pub. L. 111-163, title V, Sec. 506, May 5, 2010, 124 Stat. 1160,
provided that:

"(a) Pilot Program Required. - The Secretary of Veterans Affairs
shall carry out a pilot program to assess the feasibility and

advisability of using community-based organizations and local and State government entities -

"(1) to increase the coordination of community, local, State, and Federal providers of health care and benefits for veterans to assist veterans who are transitioning from military service to civilian life in such transition;

"(2) to increase the availability of high quality medical and mental health services to veterans transitioning from military service to civilian life;

"(3) to provide assistance to families of veterans who are transitioning from military service to civilian life to help such families adjust to such transition; and

"(4) to provide outreach to veterans and their families to inform them about the availability of benefits and connect them with appropriate care and benefit programs.

"(b) Duration of Program. - The pilot program shall be carried out during the 2-year period beginning on the date that is 180 days after the date of the enactment of this Act [May 5, 2010].

"(c) Program Locations. -

"(1) In general. - The pilot program shall be carried out at five locations selected by the Secretary for purposes of the pilot program.

"(2) Considerations. - In selecting locations for the pilot program, the Secretary shall consider the advisability of selecting locations in -

"(A) rural areas;

"(B) areas with populations that have a high proportion of minority group representation;

"(C) areas with populations that have a high proportion of individuals who have limited access to health care; and

"(D) areas that are not in close proximity to an active duty military installation.

"(d) Grants. - The Secretary shall carry out the pilot program through the award of grants to community-based organizations and local and State government entities.

"(e) Selection of Grant Recipients. -

"(1) In general. - A community-based organization or local or State government entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

"(2) Elements. - Each application submitted under paragraph (1) shall include the following:

"(A) A description of the consultations, if any, with the Department of Veterans Affairs in the development of the proposal under the application.

"(B) A plan to coordinate activities under the pilot program, to the greatest extent possible, with the local, State, and Federal providers of services for veterans to reduce duplication of services and to enhance the effect of such services.

"(f) Use of Grant Funds. - The Secretary shall prescribe appropriate uses of grant funds received under the pilot program.

"(g) Report on Program. -

"(1) In general. - Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

"(2) Elements. - The report required by paragraph (1) shall include the following:

"(A) The findings and conclusions of the Secretary with respect to the pilot program.

"(B) An assessment of the benefits to veterans of the pilot

program.

"(C) The recommendations of the Secretary as to the advisability of continuing the pilot program."

-End-

-CITE-

38 USC Sec. 525

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 525. Publication of laws relating to veterans

-STATUTE-

(a) The Secretary may compile and publish all Federal laws relating to veterans' relief, including laws administered by the Department as well as by other agencies of the Government. Such compilation and publication shall be in such form as the Secretary considers advisable for the purpose of making currently available in convenient form for the use of the Department and full-time representatives of the several service organizations an annotated, indexed, and cross-referenced statement of the laws providing veterans' relief.

(b) The Secretary may maintain such compilation on a current basis either by the publication, from time to time, of supplementary documents or by complete revision of the compilation.

(c) The distribution of the compilation to the representatives of the several service organizations shall be as determined by the Secretary.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 391.)

-MISC1-

PRIOR PROVISIONS

Prior section 525 was renumbered section 1525 of this title.

Provisions similar to those in this section were contained in section 215 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

-End-

-CITE-

38 USC Sec. 527

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 527. Evaluation and data collection

-STATUTE-

(a) The Secretary, pursuant to general standards which the Secretary shall prescribe in regulations, shall measure and evaluate on a continuing basis the effect of all programs authorized under this title, in order to determine their effectiveness in achieving stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services. Such information as the Secretary may consider necessary for purposes of such evaluations shall be made available to the Secretary, upon request, by all departments, agencies, and instrumentalities of the executive branch.

(b) In carrying out this section, the Secretary shall collect, collate, and analyze on a continuing basis full statistical data regarding participation (including the duration thereof), provision of services, categories of beneficiaries, planning and construction of facilities, acquisition of real property, proposed excessing of land, accretion and attrition of personnel, and categorized expenditures attributable thereto, under all programs carried out under this title.

(c) The Secretary shall make available to the public, and on a regular basis provide to the appropriate committees of the Congress, copies of all completed evaluative research studies and summaries of evaluations of program impact and effectiveness carried out, and tabulations and analyses of all data collected, under this section.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 391.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 219 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

PERSIAN GULF WAR VETERANS' HEALTH STATUS

Pub. L. 102-585, title VII, Nov. 4, 1992, 106 Stat. 4975, as amended by Pub. L. 103-446, title I, Sec. 108, Nov. 2, 1994, 108 Stat. 4653; Pub. L. 105-368, title I, Secs. 104, 106, Nov. 11, 1998, 112 Stat. 3323, 3325; Pub. L. 111-163, title V, Sec. 502, May 5, 2010, 124 Stat. 1157, provided that:

"SEC. 701. SHORT TITLE.

"This title may be cited as the 'Persian Gulf War Veterans' Health Status Act'.

"SEC. 702. PERSIAN GULF WAR VETERANS HEALTH REGISTRY.

"(a) Establishment of Registry. - The Secretary of Veterans Affairs shall establish and maintain a special record to be known as the 'Persian Gulf War Veterans Health Registry' (in this section referred to as the 'Registry').

"(b) Contents of Registry. - Except as provided in subsection (c), the Registry shall include the following information:

"(1) A list containing the name of each individual who served as a member of the Armed Forces in the Persian Gulf theater of operations during the Persian Gulf War and who -

"(A) applies for care or services from the Department of Veterans Affairs under chapter 17 of title 38, United States Code;

"(B) files a claim for compensation under chapter 11 of such title on the basis of any disability which may be associated with such service;

"(C) dies and is survived by a spouse, child, or parent who files a claim for dependency and indemnity compensation under chapter 13 of such title on the basis of such service;

"(D) requests from the Department a health examination under section 703; or

"(E) receives from the Department of Defense a health examination similar to the health examination referred to in subparagraph (D) and requests inclusion in the Registry.

"(2) Relevant medical data relating to the health status of, and other information that the Secretary considers relevant and appropriate with respect to, each individual described in paragraph (1) who -

"(A) grants to the Secretary permission to include such information in the Registry; or

"(B) at the time the individual is listed in the Registry, is deceased.

"(c) Individuals Submitting Claims or Making Requests Before Date of Enactment. - If in the case of an individual described in subsection (b)(1) the application, claim, or request referred to in such subsection was submitted, filed, or made, before the date of the enactment of this Act [Nov. 4, 1992], the Secretary shall, to the extent feasible, include in the Registry such individual's name and the data and information, if any, described in subsection (b)(2) relating to the individual.

"(d) Department of Defense Information. - The Secretary of Defense shall furnish to the Secretary of Veterans Affairs such information maintained by the Department of Defense as the Secretary of Veterans Affairs considers necessary to establish and maintain the Registry.

"(e) Relation to Department of Defense Registry. - The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall ensure that information is collected and maintained in the Registry in a manner that permits effective and efficient cross-reference between the Registry and the registry established under section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1411; 10 U.S.C. 1074 note), as amended by section 704.

"(f) Ongoing Outreach to Individuals Listed in Registry. - The Secretary of Veterans Affairs shall, from time to time, notify individuals listed in the Registry of significant developments in research on the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

"SEC. 703. HEALTH EXAMINATIONS AND COUNSELING FOR VETERANS ELIGIBLE FOR INCLUSION IN CERTAIN HEALTH-RELATED REGISTRIES.

"(a) In General. - (1) The Secretary of Veterans Affairs -

"(A) shall, upon the request of a veteran described in subsection (b)(1), provide the veteran with a health examination (including any appropriate diagnostic tests) and consultation and counseling with respect to the results of the examination and the tests; and

"(B) may, upon the request of a veteran described in subsection (b)(2), provide the veteran with such an examination (including diagnostic tests) and such consultation and counseling.

"(2) The Secretary shall carry out appropriate outreach

activities with respect to the provision of any health examinations (including any diagnostic tests) and consultation and counseling services under paragraph (1).

"(b) Covered Veterans. - (1) In accordance with subsection (a)(1)(A), the Secretary shall provide an examination (including diagnostic tests), consultation, and counseling under that subsection to any veteran who is eligible for listing or inclusion in the Persian Gulf War Veterans Health Registry established by section 702.

"(2) In accordance with subsection (a)(1)(B), the Secretary may provide an examination (including diagnostic tests), consultation, and counseling under that subsection to any veteran who is eligible for listing or inclusion in any other similar health-related registry administered by the Secretary.

"SEC. 704. EXPANSION OF COVERAGE OF PERSIAN GULF REGISTRY.

"[Amended section 734 of Pub. L. 102-190, set out as a note under section 1074 of Title 10, Armed Forces.]

"SEC. 705. STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT OF PERSIAN GULF REGISTRY AND PERSIAN GULF WAR VETERANS HEALTH REGISTRY.

"(a) Study. - The Director of the Office of Technology Assessment shall, in a manner consistent with the Technology Assessment Act of 1972 (2 U.S.C. 472(d) [2 U.S.C. 471 et seq.]), assess -

"(1) the potential utility of each of the Persian Gulf Registry and the Persian Gulf War Veterans Health Registry for scientific study and assessment of the intermediate and long-term health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War;

"(2) the extent to which each registry meets the requirements of the provisions of law under which the registry is established;

"(3) the extent to which data contained in each registry -

"(A) are maintained in a manner that ensures permanent preservation and facilitates the effective, efficient retrieval of information that is potentially relevant to the scientific study of the intermediate and long-term health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War; and

"(B) would be useful for scientific study regarding such health consequences;

"(4) the adequacy of any plans to update each of the registries;

"(5) the extent to which the Department of Defense or the Department of Veterans Affairs, as the case may be, is assembling and maintaining information on the Persian Gulf theater of operations (including information on troop locations and atmospheric and weather conditions) in a manner that facilitates the usefulness of, maintenance of, and retrieval of information from, the applicable registry; and

"(6) the adequacy and compatibility of protocols for the health examinations and counseling provided under section 703 and health examinations provided by the Department of Defense to members of the Armed Forces for the purpose of assessing the health status of members of the Armed Forces who served in the Persian Gulf theater of operations during the Persian Gulf War.

"(b) Access to Information. - The Secretary of Veterans Affairs and the Secretary of Defense shall provide the Director with access to such records and information under the jurisdiction of each such secretary as the Director determines necessary to permit the Director to carry out the study required under this section.

"(c) Reports. - The Director shall -

"(1) not later than 270 days after the date of the enactment of this Act [Nov. 4, 1992], submit to Congress a report on the results of the assessment carried out under this section of the Persian Gulf Registry and health-examination protocols; and

"(2) not later than 15 months after such date, submit to Congress a report on the results of the assessment carried out under this section of the Persian Gulf War Veterans Health Registry.

"(d) Definitions. - For the purposes of this section:

"(1) The term 'Persian Gulf Registry' means the registry established under section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1411; 10 U.S.C. 1074 note), as amended by section 704.

"(2) The term 'Persian Gulf War Veterans Health Registry' means the Persian Gulf War Veterans Health Registry established under section 702.

"SEC. 706. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES FOR REVIEW OF HEALTH CONSEQUENCES OF SERVICE DURING THE PERSIAN GULF WAR.

"(a) Agreement. - (1) The Secretary of Veterans Affairs and Secretary of Defense jointly shall seek to enter into an agreement with the National Academy of Sciences for the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the Academy to review existing scientific, medical, and other information on the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

"(2) The agreement shall require MFUA to provide members of veterans organizations and members of the scientific community (including the Director of the Office of Technology Assessment) with the opportunity to comment on the method or methods MFUA proposes to use in conducting the review.

"(3) The agreement shall permit MFUA, in conducting the review, to examine and evaluate medical records of individuals who are included in the registries referred to in section 705(d) for purposes that MFUA considers appropriate, including the purpose of identifying illnesses of those individuals.

"(4) The Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into the agreement under this section not later than 180 days after the date of the enactment of this Act [Nov. 4, 1992].

"(b) Report. - (1) The agreement under this section shall require the National Academy of Sciences to submit to the committees and secretaries referred to in paragraph (2) a report on the results of the review carried out under the agreement. Such report shall contain the following:

"(A) An assessment of the effectiveness of actions taken by the Secretary of Veterans Affairs and the Secretary of Defense to collect and maintain information that is potentially useful for assessing the health consequences of the military service referred to in subsection (a).

"(B) Recommendations on means of improving the collection and maintenance of such information.

"(C) Recommendations on whether there is sound scientific basis for an epidemiological study or studies on the health consequences of such service, and if the recommendation is that there is sound scientific basis for such a study or studies, the nature of the study or studies.

"(2) The committees and secretaries referred to in paragraph (1) are the following:

"(A) The Committees on Veterans' Affairs of the Senate and

House of Representatives.

"(B) The Committees on Armed Services of the Senate and House of Representatives.

"(C) The Secretary of Veterans Affairs.

"(D) The Secretary of Defense.

"(c) Funding. - (1) The Secretary of Veterans Affairs and the Secretary of Defense shall make available up to a total of \$500,000 in fiscal year 1993, from funds available to the Department of Veterans Affairs and the Department of Defense in that fiscal year, to carry out the review. Any amounts provided by the two departments shall be provided in equal amounts.

"(2) If the Secretary of Veterans Affairs and the Secretary of Defense enter into an agreement under subsection (a) with the National Academy of Sciences -

"(A) the Secretary of Veterans Affairs shall make available \$250,000 in each of fiscal years 1994 through 2003, from amounts available to the Department of Veterans Affairs in each such fiscal year, to the National Academy of Sciences for the general purposes of conducting epidemiological research with respect to military and veterans populations; and

"(B) the Secretary of Defense shall make available \$250,000 in each of fiscal years 1994 through 2003, from amounts available to the Department of Defense in each such fiscal year, to the National Academy of Sciences for the purposes of carrying out the research referred to in subparagraph (A).

"(d) Research Review and Development of Medical Education Curriculum. - (1) In order to further understand the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War and of new research findings with implications for improving the provision of care for veterans of such service, the Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences under which the Institute of Medicine of the Academy would -

"(A) develop a curriculum pertaining to the care and treatment of veterans of such service who have ill-defined or undiagnosed illnesses for use in the continuing medical education of both general and specialty physicians who provide care for such veterans; and

"(B) on an ongoing basis, periodically review and provide recommendations regarding the research plans and research strategies of the Departments relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

"(2) Recommendations to be provided under paragraph (1)(B) include any recommendations that the Academy considers appropriate for additional scientific studies (including studies related to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of any aspects of such military service. In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

"(3) Not later than 9 months after the Institute of Medicine provides the Secretaries the curriculum developed under paragraph (1)(A), the Secretaries shall provide for the conduct of continuing education programs using that curriculum. Those programs shall include instruction which seeks to emphasize use of appropriate protocols of diagnosis, referral, and treatment of such veterans.

"SEC. 707. COORDINATION OF HEALTH-RELATED GOVERNMENT ACTIVITIES ON THE PERSIAN GULF WAR.

"(a) Designation of Coordinating Organization. - The President shall designate, and may redesignate from time to time, the head of an appropriate department or agency of the Federal Government to coordinate all activities undertaken or funded by the Executive Branch of the Federal Government on the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

"(b) Public Advisory Committee. - Not later than January 1, 1999, the head of the department or agency designated under subsection (a) shall establish an advisory committee consisting of members of the general public, including Persian Gulf War veterans and representatives of such veterans, to provide advice to the head of that department or agency on proposed research studies, research plans, or research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Persian Gulf War. The department or agency head shall consult with such advisory committee on a regular basis.

"(c) Reports. - (1) Not later than July 1, 2010, and July 1 of each of the five following years, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on -

"(A) the status and results of all such research activities undertaken by the executive branch during the previous year; and

"(B) research priorities identified during that year.

"(2)(A) Not later than 120 days after submission of the epidemiological research study conducted by the Department of Veterans Affairs entitled 'VA National Survey of Persian Gulf Veterans - Phase III', the head of the department or agency designated under subsection (a) shall submit to the congressional committees specified in paragraph (1) a report on the findings under that study and any other pertinent medical literature.

"(B) With respect to any findings of that study and any other pertinent medical literature which identify scientific evidence of a greater relative risk of illness or illnesses in family members of veterans who served in the Persian Gulf War theater of operations than in family members of veterans who did not so serve, the head of the department or agency designated under subsection (a) shall seek to ensure that appropriate research studies are designed to follow up on such findings.

"(d) Public Availability of Research Findings. - The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the executive branch relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War (including information pertinent to improving provision of care for veterans of such service) are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

"(e) Outreach. - The head of the department or agency designated under subsection (a) shall ensure that the appropriate departments consult and coordinate in carrying out an ongoing program to provide information to those who served in the Southwest Asia theater of operations during the Persian Gulf War relating to: (1) the health risks, if any, resulting from any risk factors associated with such service; and (2) any services or benefits available with respect to such health risks.

"SEC. 708. DEFINITION.

"For the purposes of this title, the term 'Persian Gulf War' has the meaning given such term in section 101(33) of title 38, United States Code."

SERVICES FOR HOMELESS VETERANS

Pub. L. 102-405, title I, Sec. 107, Oct. 9, 1992, 106 Stat. 1976, as amended by Pub. L. 103-446, title X, Sec. 1002, Nov. 2, 1994, 108 Stat. 4679, required Secretary of Veterans' Affairs and directors of each medical center or benefits office to assess needs of homeless veterans and programs which have been developed to assist homeless veterans, and to replicate programs which have successfully rehabilitated homeless veterans, prior to repeal by Pub. L. 105-114, title II, Sec. 202(c)(2), Nov. 21, 1997, 111 Stat. 2287.

-End-

-CITE-

38 USC Sec. 529

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 529. Annual report to Congress

-STATUTE-

The Secretary shall submit annually, at the close of each fiscal year, a report in writing to Congress. Each such report shall -

- (1) give an account of all moneys received and disbursed by the Department for such fiscal year;
- (2) describe the work done during such fiscal year; and
- (3) state the activities of the Department for such fiscal year.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 391.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 214 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

Prior section 531, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1137; Pub. L. 90-77, title I, Sec. 105, Aug. 31, 1967, 81 Stat. 179, provided for a monthly pension to widows of Mexican War veterans, prior to repeal by Pub. L. 94-169, title I, Sec. 101(2)(F), Dec. 23, 1975, 89 Stat. 1014, effective Jan. 1, 1976.

Prior sections 532 to 537 were renumbered sections 1532 to 1537 of this title, respectively.

-End-

-CITE-

38 USC Sec. 530

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 530. Annual report on program and expenditures for domestic response to weapons of mass destruction

-STATUTE-

(a) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, to be submitted each year at the time that the President submits the budget for the next fiscal year under section 1105 of title 31, on the activities of the Department relating to preparation for, and participation in, a domestic medical response to an attack involving weapons of mass destruction.

(b) Each report under subsection (a) shall include the following:

(1) A statement of the amounts of funds and the level of personnel resources (stated in terms of full-time equivalent employees) expected to be used by the Department during the next fiscal year in preparation for a domestic medical response to an attack involving weapons of mass destruction, including the anticipated source of those funds and any anticipated shortfalls in funds or personnel resources to achieve the tasks assigned the Department by the President in connection with preparation for such a response.

(2) A detailed statement of the funds expended and personnel resources (stated in terms of full-time equivalent employees) used during the fiscal year preceding the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of those funds and a description of how those funds were expended.

(3) A detailed statement of the funds expended and expected to be expended, and the personnel resources (stated in terms of full-time equivalent employees) used and expected to be used, during the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of funds expended and a description of how those funds were expended.

(c) This section shall expire on January 1, 2009.

-SOURCE-

(Added Pub. L. 105-368, title IX, Sec. 906(a), Nov. 11, 1998, 112 Stat. 3361.)

-End-

-CITE-

38 USC Sec. 531

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 531. Requirement relating to naming of Department property

-STATUTE-

Except as expressly provided by law, a facility, structure, or real property of the Department, and a major portion (such as a wing or floor) of any such facility, structure, or real property, may be named only for the geographic area in which the facility, structure, or real property is located.

-SOURCE-

(Added Pub. L. 105-368, title X, Sec. 1001(a)(1), Nov. 11, 1998, 112 Stat. 3363.)

-MISC1-

EFFECTIVE DATE

Pub. L. 105-368, title X, Sec. 1001(b), Nov. 11, 1998, 112 Stat. 3363, provided that: "Section 531 of title 38, United States Code, as added by subsection (a)(1), shall apply with respect to the assignment or designation of the name of a facility, structure, or real property of the Department of Veterans Affairs (or of a major portion thereof) after the date of the enactment of this Act [Nov. 11, 1998]."

-End-

-CITE-

38 USC Sec. 532 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER II - SPECIFIED FUNCTIONS

-HEAD-

Sec. 532. Authority to advertise in national media

-STATUTE-

The Secretary may purchase advertising in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary, including promoting awareness of assistance provided by the Secretary, including assistance for programs to assist homeless veterans, to promote veteran-owned small businesses, and to provide opportunities for employment in the Department of Veterans Affairs and for education, training, compensation, pension, vocational rehabilitation, and healthcare benefits, and mental healthcare (including the prevention of suicide among veterans).

-SOURCE-

(Added Pub. L. 110-389, title VIII, Sec. 809(a), Oct. 10, 2008, 122

Stat. 4189.)

-End-

-CITE-

38 USC SUBCHAPTER III - ADVISORY COMMITTEES

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER III - ADVISORY COMMITTEES

-HEAD-

SUBCHAPTER III - ADVISORY COMMITTEES

-End-

-CITE-

38 USC Sec. 541

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER III - ADVISORY COMMITTEES

-HEAD-

Sec. 541. Advisory Committee on Former Prisoners of War

-STATUTE-

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the "Committee").

(2)(A) The members of the Committee shall be appointed by the Secretary from the general public and shall include -

(i) appropriate representatives of veterans who are former prisoners of war;

(ii) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

(iii) appropriate representatives of disabled veterans.

(B) The Committee shall also include, as ex officio members, the Under Secretary for Health and the Under Secretary for Benefits, or their designees.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that the term of service of any such member may not exceed three years.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

(c)(1) Not later than July 1 of each odd-numbered year through 2009, the Committee shall submit to the Secretary a report on the

programs and activities of the Department that pertain to veterans who are former prisoners of war. Each such report shall include -

(A) an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate.

(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted to the Congress pursuant to that section.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 392; amended Pub. L. 102-405, title III, Sec. 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 106-419, title IV, Sec. 403(c)(2), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 108-454, title VIII, Sec. 803, Dec. 10, 2004, 118 Stat. 3626.)

-MISC1-

PRIOR PROVISIONS

Prior section 541 was renumbered section 1541 of this title.

Provisions similar to those in this section were contained in section 221 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

AMENDMENTS

2004 - Subsec. (c)(1). Pub. L. 108-454 substituted "2009" for "2003".

2000 - Subsec. (c)(1). Pub. L. 106-419 inserted "through 2003" after "each odd-numbered year" in introductory provisions.

1992 - Subsec. (a)(2)(B). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director" and "Under Secretary for Benefits" for "Chief Benefits Director".

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

-End-

-CITE-

38 USC Sec. 542

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER III - ADVISORY COMMITTEES

-HEAD-

Sec. 542. Advisory Committee on Women Veterans

-STATUTE-

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as "the Committee").

(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including -

- (i) representatives of women veterans;
- (ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women;
- (iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability; and
- (iv) women veterans who are recently separated from service in the Armed Forces.

(B) The Committee shall include, as ex officio members -

- (i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);
- (ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense after consultation with the Defense Advisory Committee on Women in the Services); and
- (iii) the Under Secretary for Health and the Under Secretary for Benefits, or their designees.

(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for women veterans, reports and studies pertaining to women veterans and the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department, including the Center for Women Veterans.

(c)(1) Not later than July 1 of each even-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to women veterans. Each such report shall include -

- (A) an assessment of the needs of women veterans with respect

to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(a), Aug. 6, 1991, 105 Stat. 393; amended Pub. L. 102-405, title III, Sec. 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 104-275, title V, Sec. 501(e)(1), Oct. 9, 1996, 110 Stat. 3341; Pub. L. 106-419, title IV, Sec. 403(c)(3), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 109-444, Sec. 5, Dec. 21, 2006, 120 Stat. 3308; Pub. L. 109-461, title II, Sec. 208(b), title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3413, 3468; Pub. L. 110-387, title VIII, Sec. 808, Oct. 10, 2008, 122 Stat. 4141; Pub. L. 111-163, title II, Sec. 204(a), May 5, 2010, 124 Stat. 1144.)

-MISC1-

PRIOR PROVISIONS

Prior section 542 was renumbered section 1542 of this title.

Provisions similar to those in this section were contained in section 222 of this title prior to repeal by Pub. L. 102-83, Sec. 2(a).

AMENDMENTS

2010 - Subsec. (a)(2)(A)(iv). Pub. L. 111-163 added cl. (iv).

2008 - Subsec. (c)(1). Pub. L. 110-387 struck out "through 2008" after "year" in introductory provisions.

2006 - Subsec. (c)(1). Pub. L. 109-461, Sec. 1006(b), provided that as of the enactment of Pub. L. 109-461, the amendments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, Sec. 208(b), substituted "2008" for "2004" in introductory provisions.

Pub. L. 109-444, which substituted "2008" for "2004" in introductory provisions, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

2000 - Subsec. (c)(1). Pub. L. 106-419 inserted "through 2004" after "each even-numbered year" in introductory provisions.

1996 - Subsec. (b). Pub. L. 104-275 inserted ", including the Center for Women Veterans" before period at end.

1992 - Subsec. (a)(2)(B)(iii). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director" and "Under

Secretary for Benefits" for "Chief Benefits Director".

-CHANGE-

CHANGE OF NAME

Reference to Assistant Secretary of Labor for Veterans' Employment in any law in force on Nov. 6, 1986, deemed to be a reference to Assistant Secretary of Labor for Veterans' Employment and Training, see section 2(b)(3) of Pub. L. 99-619, set out as a References in Other Laws note under section 553 of Title 29, Labor.

-MISC2-

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-163, title II, Sec. 204(c), May 5, 2010, 124 Stat. 1144, provided that: "The amendments made by this section [amending this section and section 544 of this title] shall apply to appointments made on or after the date of the enactment of this Act [May 5, 2010]."

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

-End-

-CITE-

38 USC Sec. 543

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER III - ADVISORY COMMITTEES

-HEAD-

Sec. 543. Advisory Committee on Prosthetics and Special-Disabilities Programs

-STATUTE-

(a) There is in the Department an advisory committee known as the Advisory Committee on Prosthetics and Special-Disabilities Programs (hereinafter in this section referred to as the "Committee").

(b) The objectives and scope of activities of the Committee shall relate to -

(1) prosthetics and special-disabilities programs administered by the Secretary;

(2) the coordination of programs of the Department for the development and testing of, and for information exchange regarding, prosthetic devices;

(3) the coordination of Department and non-Department programs that involve the development and testing of prosthetic devices;

and

(4) the adequacy of funding for the prosthetics and special-disabilities programs of the Department.

(c) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee on the matters described in subsection (b).

(d) Not later than January 15 of 1993, 1994, and 1995, the Committee shall submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the effectiveness of the prosthetics and special-disabilities programs administered by the Secretary during the preceding fiscal year. Not more than 60 days after the date on which any such report is received by the Secretary, the Secretary shall submit a report to such committees commenting on the report of the Committee.

(e) As used in this section, the term "special-disabilities programs" includes all programs administered by the Secretary for -

- (1) spinal-cord-injured veterans;
- (2) blind veterans;
- (3) veterans who have lost or lost the use of extremities;
- (4) hearing-impaired veterans; and
- (5) other veterans with serious incapacities in terms of daily life functions.

-SOURCE-

(Added Pub. L. 102-405, title I, Sec. 105(b)(1), Oct. 9, 1992, 106 Stat. 1975.)

-MISC1-

PRIOR PROVISIONS

Prior section 543 was renumbered section 1543 of this title.

-CHANGE-

CHANGE OF NAME

Section 105(a) of Pub. L. 102-405 provided that: "The Federal advisory committee established by the Secretary and known as the Prosthetics Service Advisory Committee shall after the date of the enactment of this Act [Oct. 9, 1992] be known as the Advisory Committee on Prosthetics and Special-Disabilities Programs and shall operate as though such committee had been established by law. Notwithstanding any other provision of law, the Committee may, upon the enactment of this Act, meet and act on any matter covered by subsection (b) of section 543 of title 38, United States Code, as added by subsection (b) of this section."

-MISC2-

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

-End-

-CITE-

38 USC Sec. 544

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER III - ADVISORY COMMITTEES

-HEAD-

Sec. 544. Advisory Committee on Minority Veterans

-STATUTE-

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as "the Committee").

(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including -

(i) representatives of veterans who are minority group members;

(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

(iii) veterans who are minority group members and who have experience in a military theater of operations;

(iv) veterans who are minority group members and who do not have such experience; and

(v) women veterans who are minority group members and are recently separated from service in the Armed Forces.

(B) The Committee shall include, as ex officio members, the following:

(i) The Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment).

(ii) The Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense).

(iii) The Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior).

(iv) The Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce).

(v) The Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services).

(vi) The Under Secretary for Health and the Under Secretary for Benefits, or their designees.

(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

(4) The Committee shall meet as often as the Secretary considers

necessary or appropriate, but not less often than twice each fiscal year.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department, including the Center for Minority Veterans.

(c)(1) Not later than July 1 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include -

(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

(d) In this section, the term "minority group member" means an individual who is -

(1) Asian American;

(2) Black;

(3) Hispanic;

(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

(5) Pacific-Islander American.

(e) The Committee shall cease to exist December 31, 2014.

-SOURCE-

(Added Pub. L. 103-446, title V, Sec. 510(a), Nov. 2, 1994, 108 Stat. 4668; amended Pub. L. 104-275, title V, Sec. 501(e)(2), (f), Oct. 9, 1996, 110 Stat. 3341; Pub. L. 106-117, title VIII, Sec. 803, Nov. 30, 1999, 113 Stat. 1586; Pub. L. 108-183, title VII, Sec. 703, Dec. 16, 2003, 117 Stat. 2671; Pub. L. 110-389, title VIII, Sec. 808, Oct. 10, 2008, 122 Stat. 4189; Pub. L. 111-163, title II, Sec. 204(b), May 5, 2010, 124 Stat. 1144.)

-MISC1-

PRIOR PROVISIONS

Prior section 544, added Pub. L. 90-77, title I, Sec. 108(a), Aug. 31, 1967, 81 Stat. 180; amended Pub. L. 91-588, Sec. 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 93-527, Sec. 5, Dec. 21,

1974, 88 Stat. 1704; Pub. L. 94-169, title I, Sec. 105, Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, Sec. 205, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95-204, title I, Sec. 104, Dec. 2, 1977, 91 Stat. 1457, authorized an increase by \$79 of the monthly rate of pension payable to the surviving spouse if the surviving spouse was entitled to pension under subchapter III of chapter 15 of this title and was in need of regular aid and attendance, prior to repeal by Pub. L. 95-588, title I, Sec. 112(a)(1), title IV, Sec. 401, Nov. 4, 1978, 92 Stat. 2505, 2511, effective Jan. 1, 1979.

Another prior section 544, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, authorized the payment of a pension to children of World War II or Korean conflict veterans, prior to the general amendment of subchapter III of chapter 15 of this title by Pub. L. 86-211, Sec. 4, Aug. 29, 1950, 73 Stat. 434. See sections 1542 and 1543 of this title.

AMENDMENTS

2010 - Subsec. (a)(2)(A)(v). Pub. L. 111-163 added cl. (v).

2008 - Subsec. (e). Pub. L. 110-389 substituted "December 31, 2014" for "December 31, 2009".

2003 - Subsec. (e). Pub. L. 108-183 substituted "December 31, 2009" for "December 31, 2003".

1999 - Subsec. (e). Pub. L. 106-117 substituted "December 31, 2003" for "December 31, 1999".

1996 - Subsec. (b). Pub. L. 104-275, Sec. 501(e)(2), inserted ", including the Center for Minority Veterans" before period at end.

Subsec. (e). Pub. L. 104-275, Sec. 501(f), substituted "December 31, 1999" for "December 31, 1997".

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-163 applicable to appointments made on or after May 5, 2010, see section 204(c) of Pub. L. 111-163, set out as a note under section 542 of this title.

-End-

-CITE-

38 USC Sec. 545

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART I - GENERAL PROVISIONS

CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER III - ADVISORY COMMITTEES

-HEAD-

Sec. 545. Advisory Committee on the Readjustment of Veterans

-STATUTE-

(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereinafter in this section referred to as the "Committee").

(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who -

(A) have demonstrated significant civic or professional achievement; and

(B) have experience with the provision of veterans benefits and services by the Department.

(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

(2)(A) In providing advice to the Secretary under this subsection, the Committee shall -

(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include -

(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

(2) Section 14 of such Act shall not apply to the Committee.

-SOURCE-

(Added Pub. L. 104-262, title III, Sec. 333(a)(1), Oct. 9, 1996,

110 Stat. 3199; amended Pub. L. 107-14, Sec. 8(a)(16), June 5, 2001, 115 Stat. 35.)

-REFTEXT-

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

-MISC1-

PRIOR PROVISIONS

Prior section 545 of this title, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, authorized the payment of a pension to children of World War II or Korean conflict veterans and prescribed income limitations, prior to the general amendment of subchapter III of chapter 15 of this title by Pub. L. 86-211, Sec. 4, Aug. 29, 1959, 73 Stat. 434. See section 1543 of this title.

AMENDMENTS

2001 - Subsec. (a)(1). Pub. L. 107-14 substituted "hereinafter" for "hereafter".

COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Pub. L. 104-275, title VII, Oct. 9, 1996, 110 Stat. 3346, as amended by Pub. L. 105-368, title X, Sec. 1005(c)(2), Nov. 11, 1998, 112 Stat. 3366, provided that:

"SEC. 701. ESTABLISHMENT OF COMMISSION.

"(a) Establishment. - There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the 'Commission').

"(b) Membership. - (1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

"(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

"(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

"(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives [now Committee on Armed Services of the House of Representatives].

"(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

"(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

"(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

"(C) Not more than seven of the members of the Commission may be members of the same political party.

"(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

"(A) The Under Secretary for Benefits of the Department of

Veterans Affairs.

"(B) The Assistant Secretary of Defense for Force Management and Personnel.

"(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

"(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

"(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act [Oct. 9, 1996].

"(c) Period of Appointment; Vacancies. - Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(d) Initial Meeting. - Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

"(e) Quorum. - A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

"(f) Chairman and Vice Chairman. - The Commission shall select a chairman and vice chairman from among its members.

"(g) Meetings. - The Commission shall meet at the call of the chairman of the Commission.

"(h) Panels. - The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

"(i) Authority of Individuals To Act for Commission. - Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

"SEC. 702. DUTIES OF COMMISSION.

"(a) In General. - The Commission shall -

"(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

"(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

"(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

"(4) make recommendations to Congress regarding the need for improvements in such programs.

"(b) Review of Programs To Assist Members of the Armed Forces at Separation. - (1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

"(2) In carrying out the review, those members of the Commission shall determine the following:

"(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

"(B) The adequacy of the support of the Armed Forces for such programs.

"(C) The adequacy of funding levels for such programs.

"(D) The effect, if any, of the existence of such programs on military readiness.

"(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

"(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

"(G) The effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service.

"(H) The ways in which such programs could be improved.

"(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

"(c) Review of Programs To Assist Veterans. - (1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and (C) of section 701(b)(3) shall review the following programs:

"(A) Educational assistance programs.

"(B) Job counseling, job training, and job placement services programs.

"(C) Rehabilitation and training programs.

"(D) Housing loan programs.

"(E) Small business loan and small business assistance programs.

"(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

"(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

"(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

"(2) In carrying out the review, such members of the Commission shall determine the following:

"(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

"(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

"(C) The adequacy of funding levels for such programs.

"(D) The extent to which such programs provide veterans with job-search skills.

"(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

"(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

"(G) The ways in which such programs could be improved.

"(d) Reports. - (1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives [now Committees on Veterans' Affairs and Armed Services of the House of Representatives] a report setting forth a

plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

"(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

"(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

"SEC. 703. POWERS OF COMMISSION.

"(a) Hearings. - The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

"(b) Information From Federal Agencies. - The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

"SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

"(a) Postal Services. - The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

"(b) Gifts. - The Commission may accept, use, and dispose of gifts or donations of services or property.

"(c) Miscellaneous Administrative Support. - The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

"SEC. 705. COMMISSION PERSONNEL MATTERS.

"(a) Compensation of Members. - Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

"(b) Travel and Travel Expenses. - (1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

"(2) The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the

Commission.

"(c) Staff. - (1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

"(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(d) Detail of Government Employees. - Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

"(e) Procurement of Temporary and Intermittent Services. - The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

"SEC. 706. TERMINATION OF COMMISSION.

"The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

"SEC. 707. DEFINITIONS.

"For the purposes of this title:

"(1) The term 'veterans transition assistance and benefits program' means any program of the Government the purpose of which is -

"(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

"(B) to assist veterans in making the transition to civilian life.

"(2) The term 'Armed Forces' has the meaning given such term in section 101(10) of title 38, United States Code.

"(3) The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.

"(4) The term 'veterans service organization' means any organization covered by section 5902(a) of title 38, United States Code.

"SEC. 708. FUNDING.

"(a) In General. - The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

"(b) Availability. - Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission."

ORIGINAL MEMBERS OF ADVISORY COMMITTEE

Section 333(b) of Pub. L. 104-262 provided that:

"(1) Notwithstanding subsection (a)(2) of section 545 of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act [Oct. 9, 1996] shall be the original members of the advisory committee recognized under such section.

"(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary of Veterans Affairs shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members."

-End-

-CITE-

38 USC Sec. 546

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART I - GENERAL PROVISIONS
CHAPTER 5 - AUTHORITY AND DUTIES OF THE SECRETARY
SUBCHAPTER III - ADVISORY COMMITTEES

-HEAD-

Sec. 546. Advisory Committee on Disability Compensation

-STATUTE-

(a) Establishment. - (1) There is in the Department the Advisory Committee on Disability Compensation (in this section referred to as the "Committee").

(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who -

(A) have experience with the provision of disability compensation by the Department; or

(B) are leading medical or scientific experts in relevant fields.

(3)(A) Except as provided in subparagraph (B), the Secretary shall determine the terms of service and pay and allowances of the members of the Committee.

(B) A term of service may not exceed four years and shall be staggered to ensure that the dates for the termination of the members' terms are not all the same.

(C) The Secretary may reappoint any member for one or more additional terms of service.

(4) The Secretary shall select a Chair from among the members of the Committee.

(b) Responsibilities of Committee. - (1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the maintenance and periodic readjustment of the schedule for rating disabilities under section 1155 of this title.

(2)(A) In providing advice to the Secretary under this

subsection, the Committee shall -

- (i) assemble and review relevant information relating to the needs of veterans with disabilities;
- (ii) provide information relating to the nature and character of disabilities arising from service in the Armed Forces;
- (iii) provide an on-going assessment of the effectiveness of the schedule for rating disabilities; and
- (iv) provide on-going advice on the most appropriate means of responding to the needs of veterans relating to disability compensation in the future.

(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

(c) Resources. - The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Committee to carry out its responsibilities.

(d) Biennial Reports to the Secretary. - (1) Not later than October 31, 2010, and not less frequently than every two years thereafter, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the payment of disability compensation. Each such report shall include -

(A) an assessment of the needs of veterans with respect to disability compensation; and

(B) such recommendations (including recommendations for administrative or legislative action) as the Committee considers appropriate.

(2) The Committee may submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(e) Biennial Reports to Congress. - (1) Not later than 90 days after the receipt of a report required under subsection (d)(1), the Secretary shall transmit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a copy of such report, together with such comments and recommendations concerning such report as the Secretary considers appropriate.

(2) The Secretary shall submit with each report required under paragraph (1) a summary of all reports and recommendations of the Committee submitted to the Secretary under subsection (d)(2) since the previous report transmitted by the Secretary under paragraph (1) of this subsection.

(f) Applicability of Federal Advisory Committee Act. - (1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

(2) Section 14 of such Act shall not apply to the Committee.

-SOURCE-

(Added Pub. L. 110-389, title II, Sec. 214(a), Oct. 10, 2008, 122 Stat. 4152.)

-REFTEXT-

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

-MISC1-

PRIOR PROVISIONS

Prior sections 560 to 562 were renumbered sections 1560 to 1562 of this title, respectively.

Prior sections 601 to 603 and 610 to 613 were renumbered sections 1701 to 1703 and 1710 to 1713 of this title, respectively.

Another prior section 613, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, related to fitting and training in use of prosthetic appliances, prior to repeal by section 103(b) of Pub. L. 93-82. See section 1714(a) of this title.

Prior sections 614 to 620C were renumbered sections 1714 to 1720C of this title, respectively.

Another prior section 620C, added Pub. L. 100-6, Sec. 2(a), Feb. 12, 1987, 101 Stat. 92, related to community-based psychiatric residential treatment for chronically mentally ill veterans, prior to repeal by Pub. L. 100-322, title I, Sec. 115(g)(1), May 20, 1988, 102 Stat. 502. See section 115(a)-(f) of Pub. L. 100-322, set out as a note under section 1712 of this title.

Prior sections 621 to 624 were renumbered sections 1721 to 1724 of this title, respectively.

Prior section 625, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144; Pub. L. 91-24, Sec. 6(a), June 11, 1969, 83 Stat. 34, related to arrests for crimes in hospital and domiciliary reservations, prior to repeal by Pub. L. 93-43, Secs. 4(b), 10(a), June 18, 1973, 87 Stat. 79, 88, effective June 18, 1973.

Prior sections 626 to 631 were renumbered sections 1726 to 1731 of this title, respectively.

Another prior section 631, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1145; Pub. L. 91-24, Sec. 6(b), June 11, 1969, 83 Stat. 34, related to grants to the Republic of the Philippines, prior to repeal by section 107(a) of Pub. L. 93-82.

Prior section 632 was renumbered section 1732 of this title.

Another prior section 632, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146; Pub. L. 88-40, June 13, 1963, 77 Stat. 66; Pub. L. 89-612, Sec. 2, Sept. 30, 1966, 80 Stat. 859; Pub. L. 91-24, Sec. 6(c), June 11, 1969, 83 Stat. 34, related to modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948, prior to repeal by section 107(a) of Pub. L. 93-82.

Prior sections 633 to 635 and 641 to 643 were renumbered sections 1733 to 1735 and 1741 to 1743 of this title, respectively.

Prior section 644, added Pub. L. 91-178, Sec. 2(a), Dec. 30, 1969, 83 Stat. 836; amended Pub. L. 93-82, title IV, Sec. 403(b), Aug. 2, 1973, 87 Stat. 196, authorized appropriations to be used for making grants to States which had submitted and had approved applications for assistance in remodeling, modification, or alteration of existing hospital or domiciliary facilities in State homes providing care and treatment for veterans, prior to repeal by Pub. L. 95-62, Secs. 2, 5, July 5, 1977, 91 Stat. 262, 263, effective Oct. 1, 1977, but with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under prior section 644 and with additional provision for the modification of the terms and conditions of both grants made under that section prior to Oct. 1, 1977, and of grants made under subchapter III of chapter 81 of this title prior to Oct. 1, 1977.

Prior sections 651 to 654 and 661 to 664 were renumbered sections 1751 to 1754 and 1761 to 1764 of this title, respectively.

-End-