

## **US Code**

*(Unofficial compilation from the Legal Information Institute)*

### **TITLE 38 - VETERANS BENEFITS**

#### **PART I—GENERAL PROVISIONS**

*Please Note: This compilation of the US Code, current as of Feb.1, 2010 , has been prepared by the Legal Information Institute using data from the U.S. House of Representatives, Office of the Law Revision Counsel. It is not an official U.S. government publication. For more details please see: <http://www.law.cornell.edu/uscode/uscp rint.html>.*

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**TITLE 38—VETERANS’ BENEFITS**

This title was enacted by Pub. L. 85–857, § 1, Sept. 2, 1958, 72 Stat. 1105

Part ...Sec.

- I. General Provisions ...101
- II. General Benefits ...1101
- III. Readjustment and Related Benefits ...3001
- IV. General Administrative Provisions ...5100
- V. Boards, Administrations, and Services ...7101
- VI. Acquisition and Disposition of Property ...8101

**Amendments**

2002—Pub. L. 107–330, title III, § 308(g)(1)(B), Dec. 6, 2002, 116 Stat. 2828, substituted “5100” for “5101” in item for part IV.

1991—Pub. L. 102–83, § 5(b)(2), Aug. 6, 1991, 105 Stat. 406, substituted “1101” for “301” in item for part II and “3001” for “1401” in item for part III.

Pub. L. 102–40, title IV, §§ 402(c)(2), 403 (e)(2), May 7, 1991, 105 Stat. 239, 240, substituted “5101” for “3001” in item for part IV, “Boards, Administrations, and Services . . . 7101” for “Boards and Departments . . . 4001” in item for part V, and “8101” for “5001” in item for part VI.

1986—Pub. L. 99–576, title VII, § 702(18), Oct. 28, 1986, 100 Stat. 3302, substituted “1401” for “1501” in item for part III.

**Table I**

**(Showing Disposition of All Sections of Former Title 38 by 1958 Revision)**

Title 38 Former Sections	Title 38 New Sections
1–3	Rep.
4	(See former 11e)
5 to 11a–3	Rep.
11b to 11c–1	Rep.
11d, 11d–1	Rep.
11e to 11l	Rep.
12, 12a	Rep.
13–13g	Rep.
14–14e	Rep.
15–15n	Rep.
16–16j	Rep.
17–17j	Rep.
21	Rep.
23–26c	Rep.
27–32a	Rep.
33–39a	Rep.
41–49a	Rep.
50–61	Rep.
71–72a	Rep.
73–77	Rep.
91–97	Rep.
101–104	Rep.
111–116	Rep.
121–125	Rep.
126	T. 18 § 289

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127-129	Rep.
130	T. 18 § 290
131-134	Rep.
151-155a	Rep.
156-168b	Rep.
169-179	Rep.
191-206	Rep.
221-230	Rep.
231	(See former 179)
232	Rep.
238-238e	Rep.
241-252e	Rep.
253, 254	Rep.
261, 262	Rep.
264-277	Rep.
281-285	Rep.
286	(See former 325a)
287-291b	Rep.
291c	(See former 326b)
291d-294	Rep.
311, 311a	Rep.
312-314	Rep.
321-321c	Rep.
322-324a	Rep.
325, 325a	Rep.
326-326c	Rep.
327-332	Rep.
341	(See former 33)
341a	(See former 274)
341b	(See former 275)
341c	(See former 291b)
341d	(See former 321c)
341e	(See former 326c)
341f	Rep.
351, 351a	Rep.
352-357b	Rep.
358 to 364q-1	Rep.
364h, 364j	Rep.
365 to 365b-1	Rep.
365c-365h	Rep.
366-370l	Rep.
371-374a	Rep.
375-379	Rep.
381 to 381-2	Rep.
381a-381f	Rep.
391-394	Rep.
421-423	Rep.
424	753

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424a–438m	Rep.
439–441	Rep.
442	756
443	755
444	Rep.
445	784(a)–(h)
445a	Rep.
445b	784(i)
445c	Rep.
445d	784(b), (h)
446	Rep.
447	754
448–452	Rep.
453	3102
454, 454a	Rep.
455–459f	Rep.
460	Rep.
461	Elim.
462	(See former 557)
471 to 471a–5	Rep.
472 to 472b–1	Rep.
472c–472e	Rep.
473, 473a	Rep.
474–483a	Rep.
484–488a	Rep.
489 to 501a–1	Rep.
501b–505a	Rep.
506–507b	Rep.
508	Rep.
509, 509a	Rep.
510	Rep.
511	741, 743, 757(a), 782
511a	Rep.
512	742, 743, 744(a), (b), 745, 749–752
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512b	748
512b–1	744(c)
512c	758
512d	757(c)
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515	759(a)
516–516b	Rep.
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531–539	Rep.
551–555a	Rep.
556, 556a	Rep.

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557	Rep.
571–576	Rep.
581–582c	Rep.
583	Rep.
591, 592	Rep.
601–603	Rep.
611–613a	Rep.
614–618e	Rep.
619–623	Rep.
631, 632	Rep.
641–647a	Rep.
648–650	Rep.
661–670	Rep.
681–683	Rep.
686–686c	Rep.
687–687c	Rep.
688–688b	Rep.
691–691g	Rep.
693–693g	Rep.
693h	T10 § 1553
693i	T10 § 1554
694(a)	1801(a), 1802(a), (b), 1803(a)(1), (b)
694(b)	1803(b)–(d)
694(c)	1802(c)
694(d)	1802(d), (f)
694(e)	1802(d)
694(f)	1802(e)
694(g)	1803(a)(2)
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694b	1812
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694c–1	1822
694d	212(a), 1804(a)–(c)
694e	T. 7 § 1001(b)(2)
694f	Rep.
694g	1816, 1817
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694i	1815
694j	1820(a)–(c)
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694l	1810(a), (b), 1811(a)–(j)
694m	1811(k), 1823
694n	1804(d)
694o, 694p	Rep.
695	2010
695a	2011
695b	2012
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695d	Rep.
695e	2014
695f	Rep.
696 to 696f-1	Rep.
696g-696m	Rep.
697(a)	Rep.
697(b)	616
697a, 697b	Rep.
697c	101(2)
697d, 697e	Rep.
697f	109(b)
697g	1510, 1824
700, 701	Rep.
701a	1502(a), (c)(2), (3), (d)
702-703c	Rep.
704, 704a	Rep.
705-706c	Rep.
707-715a	Rep.
716-729b	Rep.
730-750	Rep.
Vet. Reg. No. 1(a), Pts. I-VI, VIII, IX	Rep.
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Vet. Reg. Nos. 2-12	Rep.
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801(b)	101
801(c)	Rep.
801(d)-(f)	701
802(a)	703
802(b), (c)(1)	Rep.
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802(h)	716(a), (b)
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806	782
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812	711
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816	718
817	784(a)–(h)
818–820	Rep.
821	722(a)
822	723(a), (c)
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824	781
851–858	Rep.
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3923	5223

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*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 New Sections</b>
3924	5224
3925	5225
3926	5226
3927	5227
3928	5228
4001	4201
4002	4202
4003	4203
4004	4204
4005	4205
4006	4206
4007	4207
4008	4208

**Table II**

**(Showing Disposition of Former Sections of Title 38 by 1991 Renumbering)**

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
201	Rep. See 301(b)
202	Rep. See 302
203	Rep. See 313
210(a)	Rep.
210(b)(1)	Rep. See 303
210(b)(1), (2)	Rep. See 510
210(b)(3)	Rep. See 711
210(c)(1)	Rep. See 501(a), (b)
210(c)(2), (3)	Rep. See 503
210(d)	Rep. See 304
211(a)	Rep. See 511
211(b)	Rep. See 505
212	Rep. See 512
213	Rep. See 513
214	Rep. See 529
215	Rep. See 525
216	Rep. See 521
217	Rep. See 522
218(a)	Rep. See 901
218(b)	Rep. See 902
218(c)	Rep. See 903
218(d)	Rep. See 904
218(e)	Rep. See 905
219	Rep. See 527
220	Rep. See 523
221	Rep. See 541
222	Rep. See 542
223(a), (b)	Rep. See 501(c), (d)
223(c)	Rep. See 502
224	Rep. See 515(a)

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
230(a), (b)	Rep. See 314, 315
230(c)	Rep. See 316
231	Rep. See 701
232	Rep.
233	Rep. See 703
234	Rep. See 705
235	Rep. See 707
236	Rep. See 515(b)
240	Rep. See 7721
241	Rep. See 7722
242	Rep. See 7723
243	Rep. See 7724
244	Rep. See 7725
245	Rep. See 7726
246	Rep.
301	1101
302	1102
310	1110
311	1111
312	1112
313	1113
314	1114
315	1115
316	1116
321	1121
322	1122
331	1131
332	1132
333	1133
334	1134
335	1135
336	Rep.
337	1137
341	1141
342	1142
343	Rep.
351	1151
352	1152
353	1153
354	1154
355	1155
356	Rep.
357	1157
358	1158
359	1159
360	1160
361	1161
362	1162

**TITLE 38 VETERANS BENEFITS**

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<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
363	1163
401	1301
402	1302
403	Rep.
404	1304
410	1310
411	1311
412	1312
413	1313
414	1314
415	1315
416	1316
417	1317
418	1318
421	1321
422	1322
423	1323
501	1501
502	1502
503	1503
504	1504
505	1505
506	1506
507	1507
508	1508
510	Rep.
511	1511
512	1512
521	1521
522	1522
523	1523
524	1524
525	1525
531	Rep.
532	1532
533	1533
534	1534
535	1535
536	1536
537	1537
541	1541
542	1542
543	1543
544	Rep.
560	1560
561	1561
562	1562
601	1701

**TITLE 38 VETERANS BENEFITS**

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<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
602	1702
603	1703
610	1710
611	1711
612	1712
612A	1712A
612B	1712B
613	1713
614	1714
615	1715
616	1716
617	1717
618	1718
619	1719
620	1720
620A	1720A
620B	1720B
620C	1720C
621	1721
622	1722
622A	1722A
623	1723
624	1724
625	Rep.
626	1726
627	1727
628	1728
629	1729
630	1730
631	1731
632	1732
633	1733
634	1734
635	1735
641	1741
642	1742
643	1743
644	Rep.
651	1751
652	1752
653	1753
654	1754
661	1761
662	1762
663	1763
664	1764
701	1901
702	1902

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
703	1903
704	1904
705	1905
706	1906
707	1907
708	1908
709	1909
710	1910
711	1911
712	1912
713	1913
714	1914
715	1915
716	1916
717	1917
718	1918
719	1919
720	1920
721	1921
722	1922
723	1923
724	1924
725	1925
726	1926
727	1927
728	1928
729	1929
740	1940
741	1941
742	1942
743	1943
744	1944
745	1945
746	1946
747	1947
748	1948
749	1949
750	1950
751	1951
752	1952
753	1953
754	1954
755	1955
756	1956
757	1957
758	1958
759	1959
760	1960

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
761	1961
762	1962
763	1963
765	1965
766	1966
767	1967
768	1968
769	1969
770	1970
771	1971
772	1972
773	1973
774	1974
775	1975
776	1976
777	1977
778	1978
779	1979
781	1981
782	1982
783	1983
784	1984
785	1985
786	1986
787	1987
788	1988
801	2101
802	2102
803	2103
804	2104
805	2105
806	2106
901	2301
902	2302
903	2303
904	2304
905	2305
906	2306
907	2307
908	2308
1000	2400
1001	2401
1002	2402
1003	2403
1004	2404
1005	2405
1006	2406
1007	2407

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
1008	2408
1009	2409
1010	2410
1401	3001
1402	3002
1411	3011
1412	3012
1413	3013
1414	3014
1415	3015
1416	3016
1417	3017
1418	3018
1418A	3018A
1419	3019
1421	3021
1422	3022
1423	3023
1431	3031
1432	3032
1433	3033
1434	3034
1435	3035
1436	3036
1500	3100
1501	3101
1502	3102
1503	3103
1504	3104
1505	3105
1506	3106
1507	3107
1508	3108
1509	3109
1510	3110
1511	3111
1512	3112
1513	3113
1514	3114
1515	3115
1516	3116
1517	3117
1518	3118
1519	3119
1520	3120
1521	3121
1601	3201
1602	3202

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
1621	3221
1622	3222
1623	3223
1624	3224
1625	3225
1631	3231
1632	3232
1633	3233
1634	3234
1641	3241
1642	Rep.
1643	3243
1651	3451
1652	3452
1661	3461
1662	3462
1663	Rep.
1670	3470
1671	3471
1672	Rep.
1673	3473
1674	3474
1675	Rep.
1676	3476
1677, 1678	Rep.
1681	3481
1682	3482
1682A	Rep.
1683	3483
1684	3484
1685	3485
1686, 1687	Rep.
1690	3490
1691	3491
1692	3492
1693	3493
1695–1698	Rep.
1700	3500
1701	3501
1710	3510
1711	3511
1712	3512
1713	3513
1714	3514
1720	3520
1721	3521
1722	Rep.
1723	3523

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
1724	3524
1725, 1726	Rep.
1731	3531
1732	3532
1733	3533
1734	3534
1735	3535
1736	3536
1737	3537
1738	Rep.
1740	3540
1741	3541
1742	3542
1743	3543
1761	3561
1762	3562
1763	3563
1764	Rep.
1765	3565
1766	3566
1770	3670
1771	3671
1772	3672
1773	3673
1774	3674
1774A	3674A
1775	3675
1776	3676
1777	3677
1778	3678
1779	3679
1780	3680
1781	3681
1782	3682
1783	3683
1784	3684
1784A	3684A
1785	3685
1786	3686
1787	3687
1788	3688
1789	3689
1790	3690
1791	3691
1792	3692
1793	3693
1794	3694
1795	3695

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
1796	3696
1797	3697
1797A	3697A
1798	3698
1799	3699
1801	3701
1802	3702
1803	3703
1804	3704
1805	3705
1806	3706
1807	Rep.
1810	3710
1811	3711
1812	3712
1813	3713
1814	3714
1815–1817A	Elim.
1818	Rep.
1819	Elim.
1820	3720
1821	3721
1822	Rep.
1823	3723
1824	3724
1825	3725
1826	3726
1827	3727
1828	3728
1829	3729
1830	3730
1831	3731
1832	3732
1833	3733
1834	3734
1835	3735
1841	3741
1842	3742
1843	3743
1844	3744
1845	3745
1846	3746
1847	3747
1848	3748
1849	3749
1850	3750
1851	3751
1901	3901

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
1902	3902
1903	3903
1904	3904
2000	4100
2001	4101
2002	4102
2002A	4102A
2003	4103
2003A	4103A
2004	4104
2004A	4104A
2005	4105
2006	4106
2007	4107
2008	4108
2009	4109
2010	4110
2010A	4110A
2011	4211
2012	4212
2013	4213
2014	4214
2021	4301
2022	4302
2023	4303
2024	4304
2025	4305
2026	4306
2027	4307
3001	5101
3002	5102
3003	5103
3004	5104
3005	5105
3006	5106
3007	5107
3008	5108
3009	5109
3010	5110
3011	5111
3012	5112
3013	5113
3020	5120
3021	5121
3022	5122
3023	5123
3101	5301
3102	5302

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
3103	5303
3103A	5303A
3104	5304
3105	5305
3106	5306
3107	5307
3108	5308
3109	5309
3110	5310
3111	5311
3112	5312
3113	5313
3114	5314
3115	5315
3116	5316
3117	5317
3118	5318
3201	5501
3202	5502
3203	5503
3204	5504
3205	5505
3301	5701
3302	5702
3303	5703
3304	5704
3305	5705
3311	5711
3312	5712
3313	5713
3401	5901
3402	5902
3403	5903
3404	5904
3405	5905
3501	6101
3502	6102
3503	6103
3504	6104
3505	6105
4001	7101
4002	7102
4003	7103
4004	7104
4005	7105
4005A	7105A
4006	7106
4007	7107

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
4008	7108
4009	7109
4010	7110
4051	7251
4052	7252
4053	7253
4054	7254
4055	7255
4056	7256
4061	7261
4062	7262
4063	7263
4064	7264
4065	7265
4066	7266
4067	7267
4068	7268
4069	7269
4081	7281
4082	7282
4083	7283
4084	7284
4085	7285
4091	7291
4092	7292
4096	7296
4097	7297
4098	7298
4101(a)	Rep. See 7301
4101(b)	Rep. See 7302
4101(c)(1), (2), (4)	Rep. See 7303
4101(c)(3)	Rep. See 7317
4101(e)	Rep. See 7425(a)
4101(f)(1), (3), (4)	Rep. See 7314
4101(f)(2)	Rep. See 7315
4102	Rep. See 7305
4103	Rep. See 7306
4104	Rep. See 7401
4105	Rep. See 7402(a)-(d)
4106	Rep. See 7403
4107(a)-(d)	Rep. See 7404
4107(e)	Rep. See 7453
4107(f)	Rep. See 7454
4107(g)	Rep. See 7455
4107(h)	Rep. See 7456
4107(i)	Rep. See 7426(c)
4107(j)	Rep. See 7457
4108(a) (partial)	Rep. See 7421

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<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
4108(a)	Rep. See 7423(a)–(c)
4108(b)	Rep. See 7402(e)
4108(c)	Rep. See 7423(d)
4108(d)	Rep. See 7424(b)
4109	Rep. See 7426(a)
4110	Rep. See 7464
4111	Rep. See 7408
4112(a)	Rep. See 7312
4112(b), (c)	Rep. See 7313
4113	Rep. See 7424(a)
4114(a)	Rep. See 7405
4114(b)	Rep. See 7406
4114(c)–(g)	Rep. See 7407
4115	Rep. See 7304
4116	Rep. See 7316
4117	Rep. See 7409
4118	Rep. See 7431–7440
4119	Rep. See 7425(b)
4120	Rep. See 7458
4121	Rep. See 7471
4122	Rep. See 7472
4123	Rep. See 7473
4124	Rep. See 7474
4131	7331
4132	7332
4133	7333
4134	7334
4141	7451
4142	7452
4143–4146	Rep.
4151	Rep. See 7311(a)–(e)
4152	Rep. See 7311(f), (g)
4161	7361
4162	7362
4163	7363
4164	7364
4165	7365
4166	7366
4167	7367
4168	7368
4201	7801
4202	7802
4203	7803
4204	7804
4205	7805
4206	7806
4207	7807
4208	7808

**TITLE 38 VETERANS BENEFITS**

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<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
4209	7809
4210	7810
4301	7601
4302	7602
4303	7603
4304	7604
4311	7611
4312	7612
4313	7613
4314	7614
4315	7615
4316	7616
4317	7617
4318	7618
4321	7621
4322	7622
4323	7623
4324	7624
4325	7625
4331	7631
4332	7632
4333	7633
4334	7634
4335	7635
4336	7636
4351	7651
4352	7652
4353	7653
4354	7654
4355	7655
5001	8101
5002	8102
5003	8103
5004	8104
5005	8105
5006	8106
5007	8107
5008	8108
5009	8109
5010	8110
5011	8111
5011A	8111A
5012	8112
5013	8113
5014	8114
5015	8115
5016	8116
5021	8121

**TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

<b>Title 38 Former Sections</b>	<b>Title 38 Renumbered Sections</b>
5022	8122
5023	8123
5024	8124
5025	8125
5031	8131
5032	8132
5033	8133
5034	8134
5035	8135
5036	8136
5037	8137
5051	8151
5052	8152
5053	8153
5054	8154
5055	8155
5056	8156
5057	Rep.
5070	8201
5071	8211
5072	8212
5073	8213
5074	8214
5081	8221
5082	8222
5083	8223
5091	8231
5092	8232
5093	8233
5096	8241
5101	8301
5102	8302
5103	8303
5104	8304
5105	8305
5201	8501
5202	8502
5203	8503
5204	8504
5205	8505
5206	8506
5207	8507
5208	8508
5209	8509
5210	8510
5220	8520
5221	8521
5222	8522

## TITLE 38 VETERANS BENEFITS

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Title 38 Former Sections	Title 38 Renumbered Sections
5223	8523
5224	8524
5225	8525
5226	8526
5227	8527
5228	8528

### Enacting Clause

Pub. L. 85–857, § 1, Sept. 2, 1958, 72 Stat. 1105, provided in part: “That the laws relating to veterans’ benefits are revised, codified, and enacted as title 38, United States Code, ‘Veterans’ Benefits’”.

### Effective Date

Pub. L. 85–857, § 2, Sept. 2, 1958, 72 Stat. 1262, provided that: “Except as otherwise provided in this Act, this Act shall take effect on January 1, 1959.”

### Offenses Committed Under Repealed Laws

Pub. L. 85–857, § 3, Sept. 2, 1958, 72 Stat. 1262, provided that:

“(a) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act or the Veterans’ Benefits Act of 1957 may be prosecuted and punished in the same manner and with the same effect as if such Acts had not been enacted.

“(b) Forfeitures of benefits under laws administered by the Veterans’ Administration occurring before January 1959 shall continue to be effective.”

### Continuation of Authority Under Act of July 3, 1930

Pub. L. 85–857, § 4, Sept. 2, 1958, 72 Stat. 1262, provided that: “All functions, powers, and duties conferred upon and vested in the President and the Administrator by the Act of July 3, 1930 (46 Stat. 1016) and which were in effect on December 31, 1957, are continued in effect.”

### Cross References

Pub. L. 85–857, § 5, Sept. 2, 1958, 72 Stat. 1262, provided that:

“(a) References in other laws to any provision of law replaced by title 38, United States Code, shall, where applicable, be deemed to refer also to the corresponding provision of title 38, United States Code.

“(b) References in title 38, United States Code, to any provision of title 38, United States Code, shall, where applicable, be deemed to refer also to the prior corresponding provisions of law.

“(c) Amendments effective after August 18, 1958, made to any provision of law replaced by title 38, United States Code, shall, notwithstanding the repeal of such provision by section 14 of this Act, supersede the corresponding provisions of title 38, United States Code, to the extent that such amendments are inconsistent therewith.”

### Continuing Availability of Appropriations

Pub. L. 85–857, § 6, Sept. 2, 1958, 72 Stat. 1263, provided that:

“(a) Amounts heretofore appropriated to carry out the purposes of any provision of law repealed by this Act, and available on December 31, 1958, shall be available to carry out the purposes of the corresponding provisions of title 38, United States Code.

“(b) The availability and use of appropriations made for the purposes of the Act of July 1, 1948 (62 Stat. 1210; 50 App. U.S.C. 1991–1996) shall not be affected by the repeal of such Act.”

### Outstanding Rules, Regulations, and Orders

Pub. L. 85–857, § 7, Sept. 2, 1958, 72 Stat. 1263, provided that: “All rules, regulations, orders, permits, and other privileges issued or granted by the Administrator of Veterans’ Affairs before December 31, 1958, and in effect on such date (or scheduled to take effect after such date) shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator.”

## **TITLE 38 VETERANS BENEFITS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

### **Publication**

Pub. L. 85–857, § 8, Sept. 2, 1958, 72 Stat. 1263, provided that: “This Act shall be printed in slip-law form with a table of contents and a comprehensive index and tables furnished by the Committee on Veterans’ Affairs of the House of Representatives; however, such table of contents, comprehensive index and tables shall not be printed in the United States Statutes at Large.”

### **Pending Claims**

Pub. L. 85–857, § 9, Sept. 2, 1958, 72 Stat. 1263, provided that: “A claim for benefits which is pending in the Veterans’ Administration on January 1, 1959, or filed thereafter, shall be adjudicated under the laws in effect on December 31, 1958, with respect to the period before January 1, 1959, and, except as provided in section 10, under title 38, United States Code, thereafter.”

### **Persons Receiving Benefits on December 31, 1958**

Pub. L. 85–857, § 10, Sept. 2, 1958, 72 Stat. 1263, provided that: “Any individual receiving benefits as a veteran, or as the widow, child, or parent of a veteran, under public laws administered by the Veterans’ Administration on December 31, 1958, shall, as long as entitlement under such laws continues, receive benefits under the corresponding provisions of title 38, United States Code, thereafter, or benefits at the rate payable under such public laws, whichever will result in the greater benefit being paid to the individual. The provisions of this section shall apply to those claims within the purview of section 9 in which it is determined that benefits are payable for December 31, 1958.”

### **Persons Entitled to Emergency Officers’ Retirement Pay on December 31, 1958, or Who Failed To Submit Applications Prior to May 25, 1929**

Pub. L. 85–857, § 11, Sept. 2, 1958, 72 Stat. 1263, as amended by Pub. L. 87–875, Oct. 24, 1962, 76 Stat. 1198, provided that:

“(a) Any person who was receiving, or entitled to receive, emergency officers’ retirement pay, or other privileges or benefits as a retired emergency officer of World War I, on December 31, 1958, under the laws in effect on that day, shall, except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts, continue, to receive, or be entitled to receive, emergency officers’ retirement pay at the rate otherwise payable on December 31, 1958, and such other privileges and benefits, so long as the conditions warranting such pay, privileges, and benefits under those laws continue.

“(b) Any individual who, upon application therefor before May 25, 1929, would have been granted emergency officer’s retirement pay based upon 30 per centum or more disability under the Act of May 24, 1928 (45 Stat. 735), and who would have been entitled to continue to receive such pay under section 10 of Public Numbered 2, Seventy-third Congress, or under section 1 of Public Numbered 743, Seventy-sixth Congress, and who upon being placed on the emergency officers’ retired list would have been paid retired pay at a monthly rate lower than the monthly rate of disability compensation then payable, shall, upon application made therefor after the date of enactment of this subparagraph [Oct. 24, 1962] to the Administrator of Veterans’ Affairs, be placed upon the appropriate emergency officers’ retired list, and thereafter shall be entitled to all rights, privileges, and benefits of retired emergency officers of World War I.”

### **Continuation of Certain Rights and Benefits**

Pub. L. 85–857, § 12, Sept. 2, 1958, 72 Stat. 1264, as amended by Pub. L. 89–50, § 1(c), June 24, 1965, 79 Stat. 173; Pub. L. 91–24, § 14(a), June 11, 1969, 83 Stat. 35, provided that:

“(a) [Repealed by Pub. L. 91–24, effective June 11, 1969, except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder. Prior to such repeal, subsec. (a) read as follows: “The repeal of part VIII, and paragraphs 10 and 11 of part VII, of Veterans Regulation Numbered 1(a), sections 3 and 4 of Public Law 16, Seventy-eighth Congress, and section 1507 of the Servicemen’s Readjustment Act of 1944, shall not apply in the case of any veteran (1) who enlisted or reenlisted in a regular component of the Armed Forces after October 6, 1945, and before October 7, 1946, or (2) whose discharge or dismissal is changed, corrected, or modified before February 1, 1965, pursuant to section 1552 or 1553 of title 10, United States Code, or by other corrective action by competent authority.”]

“(b) Nothing in this Act or any amendment or repeal made by it, shall affect any right, liability, penalty, authorization or requirement pertaining to World War adjusted compensation authorized or prescribed under the provisions of the World War Adjusted Compensation Act, or the Adjusted Compensation Payment Act, 1936, or any related Act, which was in effect on December 31, 1958.

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*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

“(c) [Repealed by Pub. L. 89–50, effective July 1, 1966. Prior to such repeal, subsec. (c) read as follows: “Nothing in this Act, or any amendment or repeal made by it, shall deprive any person of benefits under the Mustering-Out Payment Act of 1944 to which he would have been entitled if this Act had not been enacted.”]

“(d) Nothing in this Act, or any amendment or repeal made by it, shall affect any right of any person based on a contract entered into before the effective date of this Act, or affect the manner in which such right could have been enforced or obtained but for this Act, or such amendment or repeal.

“(e) Chapter 37 of title 38, United States Code, is a continuation and restatement of the provisions of title III of the Servicemen’s Readjustment Act of 1944, and may be considered to be an amendment to such title III.”

### **Improvement of United States Code by Pub. L. 102–83; Corresponding Provisions; Savings Provision**

Pub. L. 102–83, § 7, Aug. 6, 1991, 105 Stat. 410, provided that:

“(a) References to Replaced Laws.—A reference to a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 [enacting chapters 3, 5, 7, 9, and 77 of this title, amending sections 618, 621, 654, 1521, 1685, 1833, 2003A, 2014, 5701, 7101, and 7455 of this title, and repealing former chapter 3 of this title] (including a reference in a regulation, order, or other law) shall be treated as referring to the corresponding provision enacted by this Act.

“(b) Savings Provision for Regulations.—A regulation, rule, or order in effect under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall continue in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

“(c) General Savings Provision.—An action taken or an offense committed under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall be treated as having been taken or committed under the corresponding provision enacted by this Act.”

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**Amendments**

- 2008—Pub. L. 110–252, title V, § 5003(a)(2), June 30, 2008, 122 Stat. 2375, added item for chapter 33.
- 2006—Pub. L. 109–461, title IX, § 903(a)(2), Dec. 22, 2006, 120 Stat. 3464, added item for chapter 79.
- Pub. L. 109–233, title IV, § 402(d)(3), June 15, 2006, 120 Stat. 411, added item for chapter 63.
- 2003—Pub. L. 108–183, title I, § 102(e)(2), Dec. 16, 2003, 117 Stat. 2655, substituted “Benefits for Children of Vietnam Veterans and Certain Other Veterans” for “Benefits for Children of Vietnam Veterans” in item for chapter 18.
- 2002—Pub. L. 107–330, title III, § 308(g)(1)(A), Dec. 6, 2002, 116 Stat. 2828, substituted “5100” for “5101” in item for chapter 51.
- 2001—Pub. L. 107–95, § 5(a)(2), Dec. 21, 2001, 115 Stat. 918, added item for chapter 20.
- 2000—Pub. L. 106–419, title IV, § 401(f)(2), Nov. 1, 2000, 114 Stat. 1861, substituted “Benefits for Children of Vietnam Veterans” and “1802” for “Benefits for Children of Vietnam Veterans Who Are Born With Spina Bifida” and “1801”, respectively, in item for chapter 18.
- 1998—Pub. L. 105–368, title V, § 512(a)(4)(B), Nov. 11, 1998, 112 Stat. 3341, substituted “Appeals for Veterans Claims” for “Veterans Appeals” in item for chapter 72.
- 1996—Pub. L. 104–204, title IV, § 421(b)(2), Sept. 26, 1996, 110 Stat. 2926, added item for chapter 18.
- 1994—Pub. L. 103–446, title XII, § 1201(h)(1), Nov. 2, 1994, 108 Stat. 4688, struck out item for chapter 42 and added identical new item for chapter 42.
- Pub. L. 103–353, § 2(b)(1), Oct. 13, 1994, 108 Stat. 3169, substituted “Employment and Reemployment Rights of Members of the Uniformed Services” and “4301” for “Veterans’ Reemployment Rights” and “2021”, respectively, in item for chapter 43.
- 1991—Pub. L. 102–86, title IV, § 401(b)(2), Aug. 14, 1991, 105 Stat. 422, inserted “; Enhanced-Use Leases of Real Property” in item for chapter 81.
- Pub. L. 102–83, §§ 2(d)(1), 5 (b)(2), Aug. 6, 1991, 105 Stat. 402, 406, substituted “Department of Veterans Affairs . . . 301” for “Veterans’ Administration; Officers and Employees . . . 201” in item for chapter 3, added items for chapters 5, 7, 9, and 77, substituted “1101” for “301” in item for chapter 11, “1301” for “401” in item for chapter 13, “1501” for “501” in item for chapter 15, “1701” for “601” in item for chapter 17, “1901” for “701” in item for chapter 19,

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“2101” for “801” in item for chapter 21, “2301” for “901” in item for chapter 23, “2400” for “1000” in item for chapter 24, “3001” for “1401” in item for chapter 30, “3100” for “1500” in item for chapter 31, “3201” for “1601” in item for chapter 32, “3451” for “1651” in item for chapter 34, “3500” for “1700” in item for chapter 35, “3670” for “1770” in item for chapter 36, “3701” for “1801” in item for chapter 37, “3901” for “1901” in item for chapter 39, “4100” for “2000” in item for chapter 41, and “4211” for “2011” in item for chapter 42.

Pub. L. 102–54, § 14(e)(1), June 13, 1991, 105 Stat. 287, inserted “United States” in item for chapter 72.

Pub. L. 102–40, title IV, §§ 402(c)(2), 403 (f)(1), May 7, 1991, 105 Stat. 239, 240, substituted “5101” for “3001” in item for chapter 51, “5301” for “3101” in item for chapter 53, “5501” for “3201” in item for chapter 55, “5701” for “3301” in item for chapter 57, “5901” for “3401” in item for chapter 59, “6101” for “3501” in item for chapter 61, “Boards, Administrations, and Services” for “Boards and Departments” in item for part V, “7101” for “4001” in item chapter 71, “7251” for “4051” in item for chapter 72, “Veterans Health Administration—Organization and Functions . . . 7301” for “Department of Medicine and Surgery . . . 4101”, added item for chapter 74, struck out item for chapter 75 “Veterans’ Canteen Services . . . 4201”, substituted “7601” for “4301” in item for chapter 76, added item for chapter 78, substituted “8101” for “5001” in item for chapter 81, “8201” for “5070” in item for chapter 82, “8301” for “5101” in item for chapter 83, and “8501” for “5201” in item for chapter 85.

Pub. L. 102–16, § 9(c)(2), Mar. 22, 1991, 105 Stat. 55, struck out “Disabled and Vietnam Era” after “Employment and Training of” in item for chapter 42.

1988—Pub. L. 100–687, div. A, title I, § 103(c)(1), title III, § 301(b), Nov. 18, 1988, 102 Stat. 4107, 4121, substituted “Claims” for “Applications” in item for chapter 51 and added item for chapter 72.

Pub. L. 100–322, title II, § 216(e)(2), May 20, 1988, 102 Stat. 530, added item for chapter 76.

1984—Pub. L. 98–525, title VII, § 702(a)(2), Oct. 19, 1984, 98 Stat. 2563, added item for chapter 30.

1982—Pub. L. 97–306, title III, § 301(b)(2), Oct. 14, 1982, 96 Stat. 1437, substituted “2000” for “2001” in item for chapter 41.

Pub. L. 97–295, § 4(1)(A), Oct. 12, 1982, 96 Stat. 1304, substituted “1500” for “1,500” in item for chapter 31.

Pub. L. 97–295, § 4(1)(B), Oct. 12, 1982, 96 Stat. 1304, substituted “1651” for “1650” in item for chapter 34.

Pub. L. 97–295, § 4(1)(C), Oct. 12, 1982, 96 Stat. 1304, added item for chapter 82.

1981—Pub. L. 97–72, title III, § 302(b)(2), Nov. 3, 1981, 95 Stat. 1059, substituted “Housing and Small Business Loans” for “Home, Condominium, and Mobile Home Loans” in item for chapter 37.

1980—Pub. L. 96–466, title I, § 101(b), Oct. 17, 1980, 94 Stat. 2186, substituted “Training and Rehabilitation for Veterans with Service-Connected Disabilities . . . 1,500” for “Vocational Rehabilitation . . . 1501” in item for chapter 31.

1976—Pub. L. 94–581, title II, § 203(a), Oct. 21, 1976, 90 Stat. 2856, inserted “Nursing Home,” in item for chapter 17.

Pub. L. 94–502, title III, § 309(b), Oct. 15, 1976, 90 Stat. 2391, substituted “Survivors’ and Dependents’ Educational Assistance” for “War Orphans’ and Widows’ Education Assistance” in item for chapter 35.

Pub. L. 94–502, title IV, § 405, Oct. 15, 1976, 90 Stat. 2397, added item for chapter 32.

1974—Pub. L. 93–569, § 7(d), Dec. 31, 1974, 88 Stat. 1866, substituted “Home, Condominium, and Mobile Home Loans” for “Home, Farm, and Business Loans” in item for chapter 37.

Pub. L. 93–508, title IV, § 404(b), Dec. 3, 1974, 88 Stat. 1600, added item for chapter 43.

1973—Pub. L. 93–43, § 2(b), June 18, 1973, 87 Stat. 78, added item for chapter 24.

1972—Pub. L. 92–540, title V, §§ 502(b), 503 (b), Oct. 24, 1972, 86 Stat. 1097, 1098, substituted “, Training and” for “and Employment” in item for chapter 41, and added item for chapter 42.

1971—Pub. L. 91–666, § 2(b), Jan. 11, 1971, 84 Stat. 2000, substituted “Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces” for “Automobiles for Disabled Veterans” in item for chapter 39.

1968—Pub. L. 90–631, § 2(h)(2), Oct. 23, 1968, 82 Stat. 1333, substituted “War Orphans’ and Widows’ Educational Assistance . . . 1700” for “War Orphans’ Educational Assistance . . . 1701” in item for chapter 35.

1966—Pub. L. 89–358, §§ 4(c), 6 (b), Mar. 3, 1966, 80 Stat. 23, 27, substituted chapter “34. Veterans’ Educational Assistance . . . 1650” for chapter “33. Education of Korean Conflict Veterans . . . 1601” and added chapter 36; and substituted “Job Counseling and Employment Placement Service for Veterans” for “Unemployment Benefits for Veterans” in item for chapter 41, respectively.

**TITLE 38 - PART I GENERAL PROVISIONS**

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*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpint.html>).*

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1965—Pub. L. 89–50, § 1(b), June 24, 1965, 79 Stat. 173, struck out item for chapter 43 which related to mustering out payments.

***Footnotes***

<sup>1</sup> So in original. The period probably should not appear.

<sup>2</sup> So in original. Does not conform to chapter heading.

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**Amendments**

1991—Pub. L. 102–83, § 2(d)(2), Aug. 6, 1991, 105 Stat. 402, substituted “Department of Veterans Affairs . . . 301” for “Veterans’ Administration; Officers and Employees . . . 201” in item for chapter 3 and added items for chapters 5, 7, and 9.

## CHAPTER 1—GENERAL

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### Amendments

2009—Pub. L. 111–81, § 3(b), Oct. 22, 2009, 123 Stat. 2138, which directed addition of item 117 after item 113, was executed by adding item 117 after item 116 to reflect the probable intent of Congress.

2000—Pub. L. 106–419, title IV, § 403(d)(1)(B), Nov. 1, 2000, 114 Stat. 1864, added item 116.

1991—Pub. L. 102–86, title IV, § 402(b), Aug. 14, 1991, 105 Stat. 422, added item 115.

1989—Pub. L. 101–237, title VI, § 601(b)(2), Dec. 18, 1989, 103 Stat. 2094, struck out “for certain medical items” after “Multiyear procurement” in item 114.

1988—Pub. L. 100–322, title I, § 108(e)(2), title IV, § 404(b), May 20, 1988, 102 Stat. 498, 547, substituted “Payments or allowances for beneficiary travel” for “Travel expenses” in item 111 and added item 114.

1986—Pub. L. 99–576, title VI, § 601(a)(2), title VII, § 701(1)(B), Oct. 28, 1986, 100 Stat. 3289, 3290, struck out “; husbands” after “parents” in item 102 and added item 113.

1972—Pub. L. 92–540, title IV, § 409, Oct. 24, 1972, 86 Stat. 1092, substituted “Dependent parents; husbands” for “Dependent parents and dependent husbands” in item 102.

1965—Pub. L. 89–88, § 1(b), July 24, 1965, 79 Stat. 264, added item 112.

1964—Pub. L. 88–445, § 1(c), Aug. 19, 1964, 78 Stat. 464, substituted “Preservation of disability ratings” for “Preservation of total disability ratings” in item 110.

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### § 101. Definitions

For the purposes of this title—

- (1) The terms “Secretary” and “Department” mean the Secretary of Veterans Affairs and the Department of Veterans Affairs, respectively.
- (2) The term “veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.
- (3) The term “surviving spouse” means (except for purposes of chapter 19 of this title) a person of the opposite sex who was the spouse of a veteran at the time of the veteran’s death, and who lived with the veteran continuously from the date of marriage to the date of the veteran’s death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death

of the veteran, and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.

(4) (A) The term “child” means (except for purposes of chapter 19 of this title (other than with respect to a child who is an insurable dependent under subparagraph (B) or (C) of section 1965(10) of such chapter) and section 8502 (b) of this title) a person who is unmarried and—

(i) who is under the age of eighteen years;

(ii) who, before attaining the age of eighteen years, became permanently incapable of self-support; or

(iii) who, after attaining the age of eighteen years and until completion of education or training (but not after attaining the age of twenty-three years), is pursuing a course of instruction at an approved educational institution;

and who is a legitimate child, a legally adopted child, a stepchild who is a member of a veteran’s household or was a member at the time of the veteran’s death, or an illegitimate child but, as to the alleged father, only if acknowledged in writing signed by him, or if he has been judicially ordered to contribute to the child’s support or has been, before his death, judicially decreed to be the father of such child, or if he is otherwise shown by evidence satisfactory to the Secretary to be the father of such child. A person shall be deemed, as of the date of death of a veteran, to be the legally adopted child of such veteran if such person was at the time of the veteran’s death living in the veteran’s household and was legally adopted by the veteran’s surviving spouse before August 26, 1961, or within two years after the veteran’s death; however, this sentence shall not apply if at the time of the veteran’s death, such person was receiving regular contributions toward the person’s support from some individual other than the veteran or the veteran’s spouse, or from any public or private welfare organization which furnishes services or assistance for children. A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement. A person described in clause (ii) of the first sentence of this subparagraph who was a member of a veteran’s household at the time the person became 18 years of age and who is adopted by the veteran shall be recognized as a legally adopted child of the veteran regardless of the age of such person at the time of adoption.

(B) For the purposes of subparagraph (A) of this paragraph, in the case of an adoption under the laws of any jurisdiction other than a State (as defined in section 101 (20) of this title and including the Commonwealth of the Northern Mariana Islands)—

(i) a person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the lifetime of such veteran (including for purposes of this subparagraph a Commonwealth Army veteran or new Philippine Scout, as defined in section 3566 of this title) unless such person—

(I) was less than eighteen years of age at the time of adoption;

(II) is receiving one-half or more of such person’s annual support from such veteran;

(III) is not in the custody of such person’s natural parent, unless such natural parent is such veteran’s spouse; and

(IV) is residing with such veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which such person is residing apart from such veteran (or such divorced spouse) for purposes of full-time attendance at an educational institution or during which such person

**TITLE 38 - Section 101 - Definitions**

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- or such veteran (or such divorced spouse) is confined in a hospital, nursing home, other health-care facility, or other institution; and
- (ii) a person shall not be considered to have been a legally adopted child of a veteran as of the date of such veteran's death and thereafter unless—
- (I) at any time within the one-year period immediately preceding such veteran's death, such veteran was entitled to and was receiving a dependent's allowance or similar monetary benefit under this title for such person; or
- (II) for a period of at least one year prior to such veteran's death, such person met the requirements of clause (i) of this subparagraph.
- (5) The term "parent" means (except for purposes of chapter 19 of this title) a father, a mother, a father through adoption, a mother through adoption, or an individual who for a period of not less than one year stood in the relationship of a parent to a veteran at any time before the veteran's entry into active military, naval, or air service or if two persons stood in the relationship of a father or a mother for one year or more, the person who last stood in the relationship of father or mother before the veteran's last entry into active military, naval, or air service.
- (6) The term "Spanish-American War"
- (A) means the period beginning on April 21, 1898, and ending on July 4, 1902,
- (B) includes the Philippine Insurrection and the Boxer Rebellion, and
- (C) in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro Province, means the period beginning on April 21, 1898, and ending on July 15, 1903.
- (7) The term "World War I"
- (A) means the period beginning on April 6, 1917, and ending on November 11, 1918, and
- (B) in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.
- (8) The term "World War II" means (except for purposes of chapters 31 and 37 of this title) the period beginning on December 7, 1941, and ending on December 31, 1946.
- (9) The term "Korean conflict" means the period beginning on June 27, 1950, and ending on January 31, 1955.
- (10) The term "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.
- (11) The term "period of war" means the Spanish-American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.
- (12) The term "veteran of any war" means any veteran who served in the active military, naval, or air service during a period of war.
- (13) The term "compensation" means a monthly payment made by the Secretary to a veteran because of service-connected disability, or to a surviving spouse, child, or parent of a veteran because of the service-connected death of the veteran occurring before January 1, 1957.
- (14) The term "dependency and indemnity compensation" means a monthly payment made by the Secretary to a surviving spouse, child, or parent
- (A) because of a service-connected death occurring after December 31, 1956, or
- (B) pursuant to the election of a surviving spouse, child, or parent, in the case of such a death occurring before January 1, 1957.
- (15) The term "pension" means a monthly or other periodic payment made by the Secretary to a veteran because of service, age, or non-service-connected disability, or to a surviving spouse or child of a veteran because of the non-service-connected death of the veteran.

**TITLE 38 - Section 101 - Definitions**

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- (16) The term “service-connected” means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.
- (17) The term “non-service-connected” means, with respect to disability or death, that such disability was not incurred or aggravated, or that the death did not result from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.
- (18) The term “discharge or release” includes
- (A) retirement from the active military, naval, or air service, and
  - (B) the satisfactory completion of the period of active military, naval, or air service for which a person was obligated at the time of entry into such service in the case of a person who, due to enlistment or reenlistment, was not awarded a discharge or release from such period of service at the time of such completion thereof and who, at such time, would otherwise have been eligible for the award of a discharge or release under conditions other than dishonorable.
- (19) The term “State home” means a home established by a State (other than a possession) for veterans disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living. Such term also includes such a home which furnishes nursing home care for veterans.
- (20) The term “State” means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. For the purpose of section 2303 and chapters 34 and 35 of this title, such term also includes the Canal Zone.
- (21) The term “active duty” means—
- (A) full-time duty in the Armed Forces, other than active duty for training;
  - (B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service
    - (i) on or after July 29, 1945, or
    - (ii) before that date under circumstances affording entitlement to “full military benefits” or
    - (iii) at any time, for the purposes of chapter 13 of this title;
  - (C) full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessor organization the Coast and Geodetic Survey
    - (i) on or after July 29, 1945, or
    - (ii) before that date
      - (I) while on transfer to one of the Armed Forces, or
      - (II) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or
      - (III) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter, or
    - (iii) at any time, for the purposes of chapter 13 of this title;
  - (D) service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy; and
  - (E) authorized travel to or from such duty or service.
- (22) The term “active duty for training” means—
- (A) full-time duty in the Armed Forces performed by Reserves for training purposes;
  - (B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service
    - (i) on or after July 29, 1945, or

- (ii) before that date under circumstances affording entitlement to “full military benefits”,  
or
- (iii) at any time, for the purposes of chapter 13 of this title;
- (C) in the case of members of the Army National Guard or Air National Guard of any State, full-time duty under section 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law;
- (D) duty performed by a member of a Senior Reserve Officers’ Training Corps program when ordered to such duty for the purpose of training or a practice cruise under chapter 103 of title 10 for a period of not less than four weeks and which must be completed by the member before the member is commissioned; and
- (E) authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve.

(23) The term “inactive duty training” means—

- (A) duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 206 of title 37 or any other provision of law;
- (B) special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned; and
- (C) training (other than active duty for training) by a member of, or applicant for membership (as defined in section 8140 (g) of title 5) in, the Senior Reserve Officers’ Training Corps prescribed under chapter 103 of title 10.

In the case of a member of the Army National Guard or Air National Guard of any State, such term means duty (other than full-time duty) under sections 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law. Such term does not include

- (i) work or study performed in connection with correspondence courses,
- (ii) attendance at an educational institution in an inactive status, or
- (iii) duty performed as a temporary member of the Coast Guard Reserve.

(24) The term “active military, naval, or air service” includes—

- (A) active duty;
- (B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and
- (C) any period of inactive duty training during which the individual concerned was disabled or died—
  - (i) from an injury incurred or aggravated in line of duty; or
  - (ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.

(25) The term “Secretary concerned” means—

- (A) the Secretary of the Army, with respect to matters concerning the Army;
- (B) the Secretary of the Navy, with respect to matters concerning the Navy or the Marine Corps;
- (C) the Secretary of the Air Force, with respect to matters concerning the Air Force;
- (D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard;
- (E) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and
- (F) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration or its predecessor organization the Coast and Geodetic Survey.

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- (26) The term “Reserve” means a member of a reserve component of one of the Armed Forces.
- (27) The term “reserve component” means, with respect to the Armed Forces—
- (A) the Army Reserve;
  - (B) the Navy Reserve;
  - (C) the Marine Corps Reserve;
  - (D) the Air Force Reserve;
  - (E) the Coast Guard Reserve;
  - (F) the Army National Guard of the United States; and
  - (G) the Air National Guard of the United States.
- (28) The term “nursing home care” means the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require nursing care and related medical services, if such nursing care and medical services are prescribed by, or are performed under the general direction of, persons duly licensed to provide such care. Such term includes services furnished in skilled nursing care facilities, in intermediate care facilities, and in combined facilities. It does not include domiciliary care.
- (29) The term “Vietnam era” means the following:
- (A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.
  - (B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.
- (30) The term “Mexican border period” means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto.
- (31) The term “spouse” means a person of the opposite sex who is a wife or husband.
- (32) The term “former prisoner of war” means a person who, while serving in the active military, naval or air service, was forcibly detained or interned in line of duty—
- (A) by an enemy government or its agents, or a hostile force, during a period of war; or
  - (B) by a foreign government or its agents, or a hostile force, under circumstances which the Secretary finds to have been comparable to the circumstances under which persons have generally been forcibly detained or interned by enemy governments during periods of war.
- (33) The term “Persian Gulf War” means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1106; Pub. L. 86–195, Aug. 25, 1959, 73 Stat. 424; Pub. L. 87–674, § 1, Sept. 19, 1962, 76 Stat. 558; Pub. L. 87–815, § 3, Oct. 15, 1962, 76 Stat. 927; Pub. L. 88–450, § 4(c), (d), Aug. 19, 1964, 78 Stat. 504; Pub. L. 89–311, § 2(c)(1), Oct. 31, 1965, 79 Stat. 1155; Pub. L. 89–358, § 4(d), Mar. 3, 1966, 80 Stat. 24; Pub. L. 90–77, title II, § 201, Aug. 31, 1967, 81 Stat. 181; Pub. L. 91–24, §§ 1(a), (b), 16, June 11, 1969, 83 Stat. 33, 35; Pub. L. 91–262, § 1, May 21, 1970, 84 Stat. 256; Pub. L. 91–588, § 9(a), (b), Dec. 24, 1970, 84 Stat. 1584; Pub. L. 91–621, § 6(a)(1), (2), Dec. 31, 1970, 84 Stat. 1864; Pub. L. 92–198, § 5(a), Dec. 15, 1971, 85 Stat. 664; Pub. L. 92–540, title IV, § 407, Oct. 24, 1972, 86 Stat. 1092; Pub. L. 94–169, title I, § 101(1), Dec. 23, 1975, 89 Stat. 1013; Pub. L. 94–417, § 1(b), Sept. 21, 1976, 90 Stat. 1277; Pub. L. 95–126, § 3, Oct. 8, 1977, 91 Stat. 1108; Pub. L. 95–202, title III, § 309(a), Nov. 23, 1977, 91 Stat. 1446; Pub. L. 95–588, title III, § 301, Nov. 4, 1978, 92 Stat. 2506; Pub. L. 96–22, title IV, § 401, June 13, 1979, 93 Stat. 62; Pub. L. 97–37, § 3(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 97–295, § 4(2), (95)(A), Oct. 12, 1982, 96 Stat. 1304, 1313; Pub. L. 97–306, title I, § 113(a), Oct. 14, 1982, 96 Stat. 1432; Pub. L. 98–223, title II, § 201, Mar. 2, 1984, 98 Stat. 41; Pub. L. 99–576, title VII, § 702(1), Oct. 28, 1986, 100 Stat. 3301; Pub. L. 100–322, title I, § 103(a), title III, § 311, May 20, 1988, 102 Stat. 493, 534; Pub. L. 100–456, div. A, title VI, § 633(c), Sept. 29, 1988, 102 Stat. 1987; Pub. L. 101–237, § 2(a), Dec. 18, 1989, 103 Stat. 2062; Pub. L. 102–25, title III, § 332, Apr. 6, 1991, 105 Stat. 88; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; Pub. L.

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102–54, § 14(a)(1), June 13, 1991, 105 Stat. 282; Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5 (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–446, title XII, § 1201(a)(1), Nov. 2, 1994, 108 Stat. 4682; Pub. L. 104–275, title V, § 505(a), Oct. 9, 1996, 110 Stat. 3342; Pub. L. 106–419, title III, § 301(a), Nov. 1, 2000, 114 Stat. 1852; Pub. L. 107–14, § 4(a)(2), June 5, 2001, 115 Stat. 26; Pub. L. 107–296, title XVII, § 1704(d), Nov. 25, 2002, 116 Stat. 2315; Pub. L. 109–163, div. A, title V, § 515(e)(1), Jan. 6, 2006, 119 Stat. 3236; Pub. L. 109–444, § 8(b)(1), Dec. 21, 2006, 120 Stat. 3313; Pub. L. 109–461, title X, §§ 1004(b)(1), 1006 (b), Dec. 22, 2006, 120 Stat. 3466, 3468; Pub. L. 110–389, title IV, § 402(b), Oct. 10, 2008, 122 Stat. 4174.)

## References in Text

For definition of Canal Zone, referred to in par. (20), see section 3602 (b) of Title 22, Foreign Relations and Intercourse.

## Amendments

2008—Par. (4)(A). Pub. L. 110–389 substituted “subparagraph (B) or (C) of section 1965 (10)” for “section 1965 (10)(B)” in introductory provisions.

2006—Par. (25)(D). Pub. L. 109–461, § 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 below.

Pub. L. 109–461, § 1004(b)(1), made technical amendment to directory language of Pub. L. 107–296, § 1704(d). See 2002 Amendment note below.

Pub. L. 109–444, which made amendment identical to amendment by Pub. L. 109–461, § 1004(b)(1), was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Par. (27)(B). Pub. L. 109–163 substituted “Navy Reserve” for “Naval Reserve”.

2002—Par. (25)(D). Pub. L. 107–296, § 1704(d), as amended by Pub. L. 109–461, § 1004(b)(1), substituted “of Homeland Security” for “of Transportation”.

2001—Par. (4)(A). Pub. L. 107–14 inserted “(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)” after “except for purposes of chapter 19 of this title” in introductory provisions.

2000—Par. (24). Pub. L. 106–419 amended par. (24) generally. Prior to amendment, par. (24) read as follows: “The term ‘active military, naval, or air service’ includes active duty, any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty.”

1996—Par. (29). Pub. L. 104–275 amended par. (29) generally. Prior to amendment, par. (29) read as follows: “The term ‘Vietnam era’ means the period beginning August 5, 1964, and ending on May 7, 1975.”

1994—Par. (1). Pub. L. 103–446 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The terms ‘Secretary’ and ‘Administrator’ mean the Secretary of Veterans Affairs, and the terms ‘Department’ and ‘Department’ mean the Department of Veterans Affairs.”

1991—Par. (1). Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Par. (4)(A). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in concluding provisions.

Pub. L. 102–40 substituted “8502(b)” for “5202(b)” in introductory provisions.

Par. (4)(B)(i). Pub. L. 102–83, § 5(c)(1), substituted “3566” for “1766” in introductory provisions.

Par. (11). Pub. L. 102–25, § 332(1), inserted “the Persian Gulf War,” after “the Vietnam era,”.

Pars. (13) to (15). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Par. (20). Pub. L. 102–83, § 5(c)(1), substituted “2303” for “903”.

Par. (21)(C)(ii). Pub. L. 102–54 redesignated subcls. (a), (b), and (c) as (I), (II), and (III), respectively.

Par. (32)(B). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Par. (33). Pub. L. 102–25, § 332(2), added par. (33).

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1989—Par. (1). Pub. L. 101–237 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘Administrator’ means the Administrator of Veterans’ Affairs.”

1988—Par. (22)(D). Pub. L. 100–456, § 633(c)(1), substituted “training or a practice cruise under chapter 103 of title 10 for a period of not less than four weeks and which must be completed by the member before the member is commissioned” for “field training or a practice cruise under chapter 103 of title 10”.

Par. (23)(C). Pub. L. 100–456, § 633(c)(2), added subpar. (C).

Par. (28). Pub. L. 100–322, § 103(a), substituted “who require nursing care” for “who require skilled nursing care” and “Such term includes services furnished in skilled nursing care facilities, in intermediate care facilities, and in combined facilities. It does not include domiciliary care.” for “The term includes intensive care where the nursing service is under the supervision of a registered professional nurse.”

Par. (32)(B). Pub. L. 100–322, § 311, struck out “during a period other than a period of war in which such person was held” before “under circumstances which”.

1986—Pars. (22)(C), (23), (27)(F). Pub. L. 99–576, § 702(1)(A), inserted “Army” before “National Guard”.

Par. (31). Pub. L. 99–576, § 702(1)(B), struck out “and the term ‘surviving spouse’ means a person of the opposite sex who is a widow or widower” after “husband”.

1984—Par. (4)(A). Pub. L. 98–223 inserted provision that a person described in cl. (ii) of first sentence of subpar. (A) who was a member of a veteran’s household at the time the person became 18 years of age and who is adopted by the veteran be recognized as a legally adopted child of the veteran regardless of the age of such person at the time of the adoption.

1982—Par. (4)(A). Pub. L. 97–295, § 4(2), substituted “before August 26, 1961, or within two years after the veteran’s death” for “within two years after the veteran’s death or the date of enactment of this sentence”.

Par. (22)(C). Pub. L. 97–306, § 113(a)(1), struck out “and” after “of law;”.

Par. (22)(D), (E). Pub. L. 97–306, § 113(a)(2), (3), added subpar. (D) and redesignated former subpar. (D) as (E).

Par. (25)(E). Pub. L. 97–295, § 4(95)(A), substituted “Health and Human Services” for “Health, Education, and Welfare”.

1981—Par. (32). Pub. L. 97–37 added par. (32).

1979—Par. (4). Pub. L. 96–22 designated existing provisions as subpar. (A) and existing subpars. (A), (B), and (C) thereof as cls. (i), (ii), and (iii), respectively, and added subpar. (B).

1978—Par. (15). Pub. L. 95–588 inserted “or other periodic” after “monthly”.

1977—Par. (18). Pub. L. 95–126 designated existing provisions as cl. (A) and added cl. (B).

Par. (29). Pub. L. 95–202 substituted “May 7, 1975” for “such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress.”

1976—Par. (19). Pub. L. 94–417 struck out “of any war (including the Indian Wars)” before “disabled” and “of any war” after “care for veterans”.

1975—Par. (3). Pub. L. 94–169, § 101(1)(A), substituted “surviving spouse” for “widow”, “person of the opposite sex” for “woman”, “spouse” for “wife” wherever appearing, “the veteran’s” for “his” wherever appearing, “with the veteran” for “with him”, “person” for “man” wherever appearing and “himself or herself” for “herself”.

Par. (4). Pub. L. 94–169, § 101(1)(B), substituted “regular contributions toward the person’s support from some individual other than the veteran or the veteran’s spouse” for “regular contribution toward his support from some individual other than the veteran or his spouse”.

Par. (5). Pub. L. 94–169, § 101(1)(C), substituted “before the veteran’s entry” for “before his entry”.

Pars. (13) to (15). Pub. L. 94–169, § 101(1)(D)–(F), substituted “surviving spouse” for “widow” wherever appearing.

Par. (31). Pub. L. 94–169, § 101(1)(G), added par. (31).

1972—Par. (4). Pub. L. 92–540 inserted provision recognizing as a legally adopted child a person who has been placed for adoption under an agreement entered into by the adopting parent or parents with an agency authorized by law to so act.

1971—Par. (30). Pub. L. 92–198 struck out service requirement of 90 days or more.

1970—Par. (4). Pub. L. 91–262 inserted provision recognizing an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree.

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Par. (11). Pub. L. 91–588, § 9(a), inserted reference to the Mexican border period.

Par. (21)(C). Pub. L. 91–621, § 6(a)(1), included within “active duty” duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessor organization.

Par. (25)(F). Pub. L. 91–621, § 6(a)(2), inserted “the National Oceanic and Atmospheric Administration or its predecessor organization” before “the Coast and Geodetic Survey”.

Par. (30). Pub. L. 91–588, § 9(b), added par. (30).

1969—Par. (3). Pub. L. 91–24, § 16, substituted “September 16, 1962” for “enactment of the 1962 amendment to this paragraph”.

Par. (23)(A). Pub. L. 91–24, § 1(a), substituted “section 206 of title 37” for “section 301 of title 37”.

Par. (25)(D). Pub. L. 91–24, § 1(b), substituted “Secretary of Transportation” for “Secretary of the Treasury”.

1967—Par. (11). Pub. L. 90–77, § 201(a), included Vietnam era within definition of “period of war” and substituted “the date” for “a date”.

Par. (29). Pub. L. 90–77, § 201(b), added par. (29).

1966—Par. (20). Pub. L. 89–358 defined “State” to include the Canal Zone for the purpose of section 903 and chapters 34 and 35 of this title.

1965—Par. (4)(C). Pub. L. 89–311 substituted “twenty-three years” for “twenty-one years”.

1964—Par. (19). Pub. L. 88–450, § 4(c), included within “State home” a home which furnishes nursing home care for veterans of any war.

Par. (28). Pub. L. 88–450, § 4(d), added par. (28).

1962—Par. (3). Pub. L. 87–674 inserted requirement that a widow, in cases not involving remarriage, must not, since the death of the veteran and after the enactment of this amendment, have lived with another man and held herself out openly to the public to be the wife of such other man, and struck out “(unless the purported remarriage is void)” after “who has not remarried”.

Par. (26). Pub. L. 87–815 substituted “ ‘Reserve’ means a member” for “ ‘Reserves’ means members”.

1959—Par. (4). Pub. L. 86–195 provided that a person shall be deemed, as of the date of death of a veteran, to be the legally adopted child of the veteran if such person was at the time of the veteran’s death living in the veteran’s household and was legally adopted by the surviving spouse of the veteran within two years after the veteran’s death or Aug. 25, 1959, the date of enactment of Pub. L. 86–195, provided that such person was not receiving regular contributions toward his support from some individual other than the veteran or his spouse, or from any public or private welfare organization.

### **Effective Date of 2006 Amendment**

Pub. L. 109–461, title X, § 1004(b), Dec. 22, 2006, 120 Stat. 3466, provided that the amendment made by section 1004 (b) is effective Nov. 25, 2002.

Pub. L. 109–444, § 8(b), Dec. 21, 2006, 120 Stat. 3313, which provided that the amendment made by section 8 (b)(1) would be effective Nov. 25, 2002, was repealed by Pub. L. 109–461, title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3468, set out below.

### **Effective Date of 2002 Amendment**

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

### **Effective Date of 2001 Amendment**

Pub. L. 107–14, § 4(g), June 5, 2001, 115 Stat. 30, provided that:

“(1) The amendments made by this section [amending this section and sections 1965 and 1967 to 1970 of this title] shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act [June 5, 2001].

“(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member—

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“(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

“(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

“(3) For purposes of paragraph (2):

“(A) The term ‘Secretary concerned’ has the meaning given that term in section 101 of title 38, United States Code.

“(B) The term ‘eligible member’ means a member of the uniformed services described in subparagraph (A) or (C) of section 1967 (a)(1) of title 38, United States Code, as amended by subsection (b)(1).”

**Effective Date of 1996 Amendment**

Section 505(d) of Pub. L. 104–275 provided that: “The amendments made by this section [amending this section and sections 1116 and 1710 of this title] shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.”

**Effective Date of 1988 Amendment**

Amendment by Pub. L. 100–456 applicable only with respect to training performed after Sept. 30, 1988, see section 633(e) of Pub. L. 100–456, set out as a note under section 2109 of Title 10, Armed Forces.

**Effective Date of 1982 Amendment**

Section 113(d) of Pub. L. 97–306, as amended by Pub. L. 98–223, title II, § 210, Mar. 2, 1984, 98 Stat. 45, provided that: “The amendments made by subsections (a) [amending this section] and (b) [repealing former section 403 of this title] and the provisions of subsection (c) [set out as a note under section 8140 of Title 5, Government Organization and Employees]—

“(1) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, shall take effect as of October 1, 1982; and

“(2) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated before October 1, 1982, shall take effect as of October 1, 1983.”

**Effective Date of 1978 Amendment**

Section 401 of Pub. L. 95–588 provided that: “The amendments made by this Act [see Tables for classification] to title 38, United States Code, shall become effective on January 1, 1979.”

**Effective Date of 1977 Amendments**

Section 501 of Pub. L. 95–202 provided that: “The provisions of this Act [see Tables for classification] shall become effective on the first day of the first month beginning 60 days after the date of enactment of this Act [Nov. 23, 1977], except that the provisions of title I and section 304 (a)(1)(A) shall be effective retroactively to October 1, 1977, the provisions of sections 201 and 202 shall become effective on January 1, 1978, the provisions of section 203 shall be effective retroactively to May 31, 1976, and the provisions of sections 301, 302(2), 304(a)(1)(B), 304(a)(2), 305(a)(3), 305(b)(2), 305(b)(3), 305(b)(4), 305(c), 306, 307, 308, 309, and 310 and of title IV shall be effective upon enactment [Nov. 23, 1977].”

Amendment by Pub. L. 95–126 effective Oct. 8, 1977, see section 5 of Pub. L. 95–126, set out as a note under section 5303 of this title.

**Effective Date of 1975 Amendment**

Section 101 of Pub. L. 94–169 provided that the amendment made by that section is effective Jan. 1, 1976.

**Effective Date of 1971 Amendment**

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 1521 of this title.

**Effective Date of 1970 Amendment**

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

### **Effective Date of 1967 Amendment**

Section 405 of Pub. L. 90–77 provided that:

“(a) Except as provided in subsections (b) and (c) of this section, this Act [see Tables for classification] shall become effective on the first day of the first calendar month which begins more than ten days after the date of enactment of this Act [Aug. 31, 1967].

“(b) The amendments made by section 203 of this Act [amending sections 602 and 612 [now 1702 and 1712 of this title] shall become effective upon enactment [Aug. 31, 1967].

“(c) The amendments made by title II [§§ 201–204] of this Act [amending this section] relating to the payment of burial benefits in the case of veterans of the Vietnam era shall become effective on the date of enactment of this Act [Aug. 31, 1967]. If the burial allowance authorized by section 902 [now 2302] of title 38, United States Code is payable solely by virtue of the enactment of this Act, the two-year period for filing applications, referred to in section 904 [now 2304] of such title 38, shall not end, with respect to an individual whose death occurred prior to the enactment of this Act; before the expiration of the two-year period which begins on the date of enactment of this Act; or in any case involving the correction of a discharge after the date of enactment of this Act; before the expiration of two years from the date of such correction.”

### **Effective Date of 1965 Amendment**

Amendment by Pub. L. 89–311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89–311, set out as a note under section 1114 of this title.

### **Short Title of 2009 Amendment**

Pub. L. 111–81, § 1, Oct. 22, 2009, 123 Stat. 2137, provided that: “This Act [enacting section 117 of this title, amending section 1105 of Title 31, Money and Finance, and enacting provisions set out as a note under section 117 of this title] may be cited as the ‘Veterans Health Care Budget Reform and Transparency Act of 2009’.”

Pub. L. 111–37, § 1, June 30, 2009, 123 Stat. 1927, provided that: “This Act [amending sections 1114, 1115, 1162, 1311, and 1313 to 1315 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2009’.”

### **Short Title of 2008 Amendment**

Pub. L. 110–389, § 1(a), Oct. 10, 2008, 122 Stat. 4145, provided that: “This Act [enacting sections 321, 322, 521A, 532, 546, 1156, 3122, 4327, 4335, 5121A, 7288, and 7732A of this title and section 535a of Title 50, Appendix, War and National Defense, amending this section, sections 502, 544, 1112, 1161, 1922, 1965, 1967 to 1969, 1973, 2103, 2306, 3105, 3120, 3512, 3673, 3676, 3677, 3686, 3691, 3703, 3707, 3707A, 3710, 4103, 4110A, 4322 to 4324, 4332, 5103, 5317, 7253, 7257, 7268, 7285, 7296, 7731, and 8127 of this title, section 3711 of Title 31, Money and Finance, and section 527 of Title 50, Appendix, enacting provisions set out as notes under sections 322, 521A, 1156, 1161, 1967 to 1969, 1973, 2306, 3703, 4332, 5101, 5103, 5121A, 5302A, and 7732A of this title, and amending provisions set out as notes under section 5101 of this title and section 1212 of Title 10, Armed Forces] may be cited as the ‘Veterans’ Benefits Improvement Act of 2008’.”

Pub. L. 110–387, § 1(a), Oct. 10, 2008, 122 Stat. 4110, provided that: “This Act [enacting sections 1729B, 2044, 7330A, and 8119 of this title, amending sections 111, 542, 1701, 1703, 1708, 1710, 1710A, 1712A, 1725, 1728, 1729, 1782, 1803, 2013, 2022, 2023, 2043, 2065, 4110, 7314, 7320, 7321, 7325, 7328, 7402, 7458, 8104, and 8117 of this title, repealing section 7368 of this title, enacting provisions set out as notes under sections 111, 1701, 1703, 1712A, 1720A, 1803, 2044, 7311, and 8119 of this title, amending provisions set out as notes under sections 1710B and 1712A of this title, and repealing provisions set out as a note under section 7333 of this title] may be cited as the ‘Veterans’ Mental Health and Other Care Improvements Act of 2008’.”

Pub. L. 110–324, § 1, Sept. 24, 2008, 122 Stat. 3549, provided that: “This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2008’.”

Pub. L. 110–252, title I, § 1303(d), June 30, 2008, 122 Stat. 2328, provided that: “This section [enacting section 5302A of this title and provisions set out as notes under section 5302A of this title] may be cited as the ‘Combat Veterans Debt Elimination Act of 2008’.”

Pub. L. 110–252, title V, § 5001, June 30, 2008, 122 Stat. 2357, provided that: “This title [enacting chapter 33 of this title and sections 16132a and 16163a of Title 10, Armed Forces, amending sections 3015, 3020, 3033, 3485, 3674, 3688 to 3690, 3692, 3695, 3697, and 3697A of this title and sections 16133 and 16163 of Title 10, and enacting provisions set out as notes under sections 3015 and 3301 of this title and section 16163 of Title 10] may be cited as the ‘Post-9/11 Veterans Educational Assistance Act of 2008’.”

### **Short Title of 2007 Amendment**

Pub. L. 110–157, § 1(a), Dec. 26, 2007, 121 Stat. 1831, provided that: “This Act [enacting section 5317A of this title, amending sections 1114, 1160, 2306, 2408, and 3485 of this title and section 653 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 2306 and 2408 of this title] may be cited as the ‘Dr. James Allen Veteran Vision Equity Act of 2007.’”

Pub. L. 110–111, § 1, Nov. 5, 2007, 121 Stat. 1035, provided that: “This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2007.’”

Pub. L. 110–110, § 1, Nov. 5, 2007, 121 Stat. 1031, provided that: “This Act [enacting section 1720F of this title and provisions set out as a note under section 1720F of this title] may be cited as the ‘Joshua Omvig Veterans Suicide Prevention Act.’”

### **Short Title of 2006 Amendment**

Pub. L. 109–461, § 1(a), Dec. 22, 2006, 120 Stat. 3403, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Benefits, Health Care, and Information Technology Act of 2006.’”

Pub. L. 109–461, title IX, § 901, Dec. 22, 2006, 120 Stat. 3450, provided that: “This title [enacting subchapter III of chapter 57 and chapter 79 of this title] may be cited as the ‘Department of Veterans Affairs Information Security Enhancement Act of 2006.’”

Pub. L. 109–444, § 1(a), Dec. 21, 2006, 120 Stat. 3304, which provided that the Act (see Tables for classification) could be cited as the “Veterans Programs Extension Act of 2006”, was repealed by Pub. L. 109–461, title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3468, set out below.

Pub. L. 109–361, § 1, Oct. 16, 2006, 120 Stat. 2062, provided that: “This Act [amending section 1311 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2006.’”

Pub. L. 109–233, § 1(a), June 15, 2006, 120 Stat. 397, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Housing Opportunity and Benefits Improvement Act of 2006.’”

Pub. L. 109–228, § 1, May 29, 2006, 120 Stat. 387, provided that: “This Act [enacting section 2413 of this title, section 1387 of Title 18, Crimes and Criminal Procedure, and provisions set out as a note under section 2413 of this title] may be cited as the ‘Respect for America’s Fallen Heroes Act.’”

### **Short Title of 2005 Amendments**

Pub. L. 109–111, § 1, Nov. 22, 2005, 119 Stat. 2362, provided that: “This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2005.’”

Pub. L. 109–80, § 1, Sept. 30, 2005, 119 Stat. 2045, provided that: “This Act [amending sections 1967, 1969, 1970, and 1977 of this title and enacting and repealing provisions set out as notes under section 1967 of this title] may be cited as the ‘Servicemembers’ Group Life Insurance Enhancement Act of 2005.’”

### **Short Title of 2004 Amendments**

Pub. L. 108–454, § 1(a), Dec. 10, 2004, 118 Stat. 3598, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Benefits Improvement Act of 2004.’”

Pub. L. 108–454, title I, § 101, Dec. 10, 2004, 118 Stat. 3600, provided that: “This title [amending sections 3011, 3012, 3032, 3232, 3452, 3501, 3512, 3532, 3672, 3675, 3677, 3684, 3687, and 3694 of this title and enacting provisions set out as notes under sections 3032, 3233, 3675, and 3687 of this title and section 16131 of Title 10, Armed Forces] may be cited as the ‘Veterans Earn and Learn Act of 2004.’”

Pub. L. 108–445, § 1, Dec. 3, 2004, 118 Stat. 2636, provided that: “This Act [enacting section 7456A of this title, amending sections 7404, 7431 to 7433, and 7452 of this title, omitting sections 7434 to 7440 of this title, and enacting provisions set out as notes under section 7431 of this title] may be cited as the ‘Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004.’”

Pub. L. 108–422, § 1(a), Nov. 30, 2004, 118 Stat. 2379, provided that: “This Act [enacting sections 1744, 7327, 7328, and 8118 of this title, amending sections 305, 1703, 1710B, 1720D, 1741, 2013, 7401, 7803, 8104, 8109, 8111, 8122, and 8164 to 8166 of this title, repealing section 8116 of this title, enacting provisions set out as notes under sections 1710B, 1744, 7327, 7328, 7451, 8110, and 8118 of this title, and amending provisions set out as a note under section 1710B of this title] may be cited as the ‘Veterans Health Programs Improvement Act of 2004.’”

Pub. L. 108–363, § 1, Oct. 25, 2004, 118 Stat. 1705, provided that: “This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2004’.”

### **Short Title of 2003 Amendments**

Pub. L. 108–183, § 1(a), Dec. 16, 2003, 117 Stat. 2651, provided that: “This Act [enacting sections 1821, 4113, 5109B, and 7112 of this title and section 657f of Title 15, Commerce and Trade, amending sections 103, 107, 315, 544, 1104, 1112, 1303, 1311, 1322, 1729A, 1804, 1811, 1831, 1834, 1917, 1952, 1974, 2101, 2102, 2303, 2307, 2402, 2408, 3015, 3452, 3462, 3471, 3485, 3512, 3532, 3534, 3542, 3564, 3675, 3687, 3692, 3702, 3729, 3732, 3733, 3902, 4102A, 5101, 5102, 5103, 5121, 5301, 5317, 5318, 6105, and 7723 of this title, repealing sections 3698 and 3699 of this title, enacting provisions set out as notes under sections 103, 107, 1154, 1917, 2102, 2402, 3452, 3462, 3485, 3512, 3532, 3698, 3729, 4102A, 4113, 5101, 5102, 5103, 5121, 6105, and 7723 of this title, amending provisions set out as a note under section 103 of this title, and repealing provisions set out as a note under section 5101 of this title] may be cited as the ‘Veterans Benefits Act of 2003’.”

Pub. L. 108–170, § 1(a), Dec. 6, 2003, 117 Stat. 2042, provided that: “This Act [enacting sections 7307 and 7364A of this title, amending sections 516, 1701, 1710, 1710A, 1712, 1718, 1720, 1722A, 1734, 2041, 2065, 7303, 7316, 7321, 7366, 7368, 7401 to 7405, 7409, 7421, 7454, 7802, 8104, 8107, 8121, 8153, and 8163 to 8165 of this title and section 1680f of Title 25, Indians, enacting provisions set out as notes under sections 7316, 7401, 7454, and 8121 of this title and section 1680f of Title 25, and amending provisions set out as notes under sections 1710B and 1712A of this title] may be cited as the ‘Veterans Health Care, Capital Asset, and Business Improvement Act of 2003’.”

Pub. L. 108–147, § 1, Dec. 3, 2003, 117 Stat. 1885, provided that: “This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2003’.”

### **Short Title of 2002 Amendments**

Pub. L. 107–330, § 1(a), Dec. 6, 2002, 116 Stat. 2820, provided that: “This Act [enacting section 3707A of this title, amending sections 103, 107, 112, 1114, 1115, 1160, 1162, 1311, 1313, 1314, 1562, 1701, 1705, 1707, 1710, 1729B, 1781, 2106, 2301, 2306, 2411, 3011, 3014A, 3018C, 3031, 3035, 3103, 3485, 3512, 3674, 3689, 3703, 3734, 7261, 7292, and 7315 of this title, section 6103 of Title 26, Internal Revenue Code, and section 511 of Title 50, Appendix, War and National Defense, enacting provisions set out as notes under sections 103, 112, 1562, 2306, 2409, 3035, 3103, 3512, 3703, 3729, 7261, and 7292 of this title and section 2412 of Title 28, Judiciary and Judicial Procedure, and amending provisions set out as notes under sections 2306 and 2400 of this title] may be cited as the ‘Veterans Benefits Act of 2002’.”

Pub. L. 107–288, § 1(a), Nov. 7, 2002, 116 Stat. 2033, provided that: “This Act [enacting sections 4112 and 4215 of this title, amending sections 3117, 4101 to 4104, 4106, 4107, 4109, 4211, 4212, and 4214 of this title, repealing section 4104A of this title, and enacting provisions set out as notes under sections 4100, 4101, 4102, 4102A, 4103A, 4106, 4107, 4211, 4214, and 4215 of this title] may be cited as the ‘Jobs for Veterans Act’.”

Pub. L. 107–287, § 1, Nov. 7, 2002, 116 Stat. 2024, provided that: “This Act [enacting sections 1785, 7325, 7326, and 8117 of this title, amending sections 308 and 8111A of this title and section 5315 of Title 5, Government Organization and Employees, enacting provisions set out as notes under sections 7325 and 7326 of this title, and amending provisions set out as a note preceding section 8117 of this title] may be cited as the ‘Department of Veterans Affairs Emergency Preparedness Act of 2002’.”

Pub. L. 107–247, § 1, Oct. 23, 2002, 116 Stat. 1517, provided that: “This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2002’.”

Pub. L. 107–135, § 1(a), Jan. 23, 2002, 115 Stat. 2446, provided that: “This Act [enacting sections 1782 to 1784 and 7324 of this title, amending sections 103, 1701, 1705 to 1707, 1710, 1711, 1712A, 1714, 1729, 1729A, 1781, 7303, 7306, 7426, 7451, 7454, 7631, 7672, 7673, 7682, 7683, 8110 to 8111A, 8152, 8502, 8520, and 8521 of this title and sections 8415 and 8422 of Title 5, Government Organization and Employees, renumbering section 1713 of this title as section 1781 of this title, repealing sections 7676 and 7684 of this title, and enacting provisions set out as notes under sections 1705, 1710, 7303, 7311, 7324, 7451, 7454, 7631, and 7682 of this title and section 8415 of Title 5] may be cited as the ‘Department of Veterans Affairs Health Care Programs Enhancement Act of 2001’.”

### **Short Title of 2001 Amendments**

Pub. L. 107–103, § 1(a), Dec. 27, 2001, 115 Stat. 976, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Education and Benefits Expansion Act of 2001’.”

Pub. L. 107–95, § 1(a), Dec. 21, 2001, 115 Stat. 903, provided that: “This Act [enacting chapter 20 of this title, amending sections 1706, 1720A, 2031, 2033, 2034, 2051, 2052, 4103A, 4104, 8122, and 8162 of this title and sections 1437f and 11312 of Title 42, The Public Health and Welfare, renumbering sections 1771 to 1774 of this title as sections 2031 to 2034 of this title, respectively, section 3735 of this title as section 2041 of this title, and sections 3772 to 3775 of this title as sections 2051 to 2054 of this title, respectively, repealing sections 3771 and 4111 of this title and section

## **TITLE 38 - Section 101 - Definitions**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

11448 of Title 42, enacting provisions set out as notes under sections 2001, 2061, and 8162 of this title, and repealing provisions set out as notes under section 7721 of this title] may be cited as the ‘Homeless Veterans Comprehensive Assistance Act of 2001’.”

Pub. L. 107–94, § 1(a), Dec. 21, 2001, 115 Stat. 900, provided that: “This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Rate Amendments of 2001’.”

Pub. L. 107–14, § 1(a), June 5, 2001, 115 Stat. 25, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Survivor Benefits Improvements Act of 2001’.”

### **Short Title of 2000 Amendments**

Pub. L. 106–475, § 1, Nov. 9, 2000, 114 Stat. 2096, provided that: “This Act [enacting sections 5100, 5102 to 5103A, and 5126 of this title, amending sections 5106 and 5107 of this title, repealing former sections 5102 and 5103 of this title, and enacting provisions set out as a note under section 5107 of this title] may be cited as the ‘Veterans Claims Assistance Act of 2000’.”

Pub. L. 106–419, § 1(a), Nov. 1, 2000, 114 Stat. 1822, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Benefits and Health Care Improvement Act of 2000’.”

Pub. L. 106–413, § 1, Nov. 1, 2000, 114 Stat. 1798, provided that: “This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 2000’.”

### **Short Title of 1999 Amendments**

Pub. L. 106–118, § 1(a), Nov. 30, 1999, 113 Stat. 1601, provided that: “This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1999’.”

Pub. L. 106–117, § 1(a), Nov. 30, 1999, 113 Stat. 1545, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Millennium Health Care and Benefits Act’.”

Pub. L. 106–117, title V, § 501(a), Nov. 30, 1999, 113 Stat. 1573, provided that: “This section [amending section 1318 of this title] may be cited as the ‘John William Rolen Act’.”

Pub. L. 106–117, title X, § 1001, Nov. 30, 1999, 113 Stat. 1587, provided that: “This title [enacting sections 7257 and 7299 of this title, amending sections 7253, 7254, 7281, and 7296 to 7298 of this title, and enacting provisions set out as notes under sections 7253 and 7296 of this title] may be cited as the ‘Court of Appeals for Veterans Claims Amendments of 1999’.”

### **Short Title of 1998 Amendments**

Pub. L. 105–368, § 1(a), Nov. 11, 1998, 112 Stat. 3315, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Programs Enhancement Act of 1998’.”

Pub. L. 105–368, title VIII, § 801, Nov. 11, 1998, 112 Stat. 3352, provided that: “This title [enacting sections 7671 to 7676 and 7681 to 7684 of this title, amending sections 7601 to 7604, 7632, and 7636 of this title, and repealing provisions set out as a note under section 7601 of this title] may be cited as the ‘Department of Veterans Affairs Health Care Personnel Incentive Act of 1998’.”

Pub. L. 105–277, div. C, title XVI, § 1601, Oct. 21, 1998, 112 Stat. 2681–742, provided that: “This title [enacting section 1118 of this title, amending sections 1113 and 1117 of this title, and enacting provisions set out as a note under section 1117 of this title] may be cited as the ‘Persian Gulf War Veterans Act of 1998’.”

Pub. L. 105–178, title VIII, § 8201, June 9, 1998, 112 Stat. 492, provided that: “This subtitle [subtitle B (§§ 8201–8209) of title VIII of Pub. L. 105–178, amending sections 1110, 1131, 1311, 2102, 3015, and 3902 of this title and section 16131 of Title 10, Armed Forces, and enacting provisions set out as notes under sections 1311, 1521, 2102, 3015, and 3902 of this title and sections 1174 and 16131 of Title 10] may be cited as the ‘Veterans Benefits Act of 1998’.”

### **Short Title of 1997 Amendments**

Pub. L. 105–114, § 1(a), Nov. 21, 1997, 111 Stat. 2277, provided that: “This Act [enacting sections 319, 516, 1771 to 1774, and 7322 of this title, amending sections 1710, 1717, 1720, 1720A, 1720C, 1801, 1804, 1806, 2303, 3015, 3018C, 3680A, 3735, 3761, 3762, 5310, 7618, 8153, and 8169 of this title and sections 11448 and 11450 of Title 42, The Public Health and Welfare, repealing section 8168 of this title, enacting provisions set out as notes under sections 319, 516, 1710, 1801, 7322, and 7611 of this title, amending provisions set out as a note under section 7721 of this title, and repealing provisions set out as notes under sections 527, 1712, 1718, and 7721 of this title] may be cited as the ‘Veterans’ Benefits Act of 1997’.”

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

Pub. L. 105–98, § 1(a), Nov. 19, 1997, 111 Stat. 2155, provided that: “This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Rate Amendments of 1997’.”

Pub. L. 105–33, title VIII, § 8001(a), Aug. 5, 1997, 111 Stat. 663, provided that: “This title [enacting sections 1103, 1303, and 1729A of this title, amending sections 712, 1710, 1722A, 1729, 3720, 3726, 3729, 3732, 5302, 5317, and 5503 of this title, enacting provisions set out as notes under sections 712, 1729, 1729A, and 3726 of this title, and amending provisions set out as a note under section 1710 of this title] may be cited as the ‘Veterans Reconciliation Act of 1997’.”

### **Short Title of 1996 Amendments**

Section 1(a) of Pub. L. 104–275 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits Improvements Act of 1996’.”

Section 401 of title IV of Pub. L. 104–275 provided that: “This title [amending sections 1315, 1965, 1967 to 1971, 1973, 1974, 1977, 3017, and 3224 of this title and enacting provisions set out as notes under sections 1965 and 1968 of this title] may be cited as the ‘Veterans’ Insurance Reform Act of 1996’.”

Pub. L. 104–263, § 1, Oct. 9, 1996, 110 Stat. 3212, provided that: “This Act [enacting provisions set out as a note under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1996’.”

Pub. L. 104–262, § 1(a), Oct. 9, 1996, 110 Stat. 3177, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Health Care Eligibility Reform Act of 1996’.”

Pub. L. 104–106, div. B, title XXVIII, § 2822(a), Feb. 10, 1996, 110 Stat. 556, provided that: “This section [enacting section 3708 of this title and provisions set out as a note under section 3708 of this title] may be cited as the ‘Military Housing Assistance Act of 1995’.”

### **Short Title of 1995 Amendment**

Pub. L. 104–57, § 1, Nov. 22, 1995, 109 Stat. 555, provided that: “This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1995’.”

### **Short Title of 1994 Amendments**

Pub. L. 103–452, § 1(a), Nov. 2, 1994, 108 Stat. 4783, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Health Programs Extension Act of 1994’.”

Section 1(a) of Pub. L. 103–446 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits Improvements Act of 1994’.”

Section 101 of title I of Pub. L. 103–446 provided that: “This Act [probably means title I of Pub. L. 103–446, see Tables for classification] may be cited as the ‘Persian Gulf War Veterans’ Benefits Act’.”

Pub. L. 103–418, § 1, Oct. 25, 1994, 108 Stat. 4336, provided that: “This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1994’.”

Pub. L. 103–353, § 1, Oct. 13, 1994, 108 Stat. 3149, provided that: “This Act [see Tables for classification] may be cited as the ‘Uniformed Services Employment and Reemployment Rights Act of 1994’.”

Pub. L. 103–271, § 1, July 1, 1994, 108 Stat. 740, provided that: “This Act [see Tables for classification] may be cited as the ‘Board of Veterans’ Appeals Administrative Procedures Improvement Act of 1994’.”

### **Short Title of 1993 Amendments**

Pub. L. 103–140, § 1(a), Nov. 11, 1993, 107 Stat. 1485, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation Rates Amendments of 1993’.”

Pub. L. 103–66, title XII, § 12001, Aug. 10, 1993, 107 Stat. 413, provided that: “This title [see Tables for classification] may be cited as the ‘Veterans Reconciliation Act of 1993’.”

### **Short Title of 1992 Amendments**

Pub. L. 102–590, § 1, Nov. 10, 1992, 106 Stat. 5136, provided that: “This Act [see Tables for classification] may be cited as the ‘Homeless Veterans Comprehensive Service Programs Act of 1992’.”

Pub. L. 102–585, § 1(a), Nov. 4, 1992, 106 Stat. 4943, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Health Care Act of 1992’.”

## **TITLE 38 - Section 101 - Definitions**

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Pub. L. 102–585, title I, § 101, Nov. 4, 1992, 106 Stat. 4944, provided that: “This title [see Tables for classification] may be cited as the ‘Women Veterans Health Programs Act of 1992’.”

Pub. L. 102–578, § 1, Oct. 30, 1992, 106 Stat. 4774, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Radiation Exposure Amendments of 1992’.”

Pub. L. 102–568, § 1(a), Oct. 29, 1992, 106 Stat. 4320, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits Act of 1992’.”

Pub. L. 102–568, title I, § 101, Oct. 29, 1992, 106 Stat. 4321, provided that: “This title [see Tables for classification] may be cited as the ‘Dependency and Indemnity Compensation Reform Act of 1992’.”

Pub. L. 102–547, § 1, Oct. 28, 1992, 106 Stat. 3633, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Home Loan Program Amendments of 1992’.”

Pub. L. 102–510, § 1, Oct. 24, 1992, 106 Stat. 3318, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1992’.”

Pub. L. 102–405, § 1(a), Oct. 9, 1992, 106 Stat. 1972, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Medical Programs Amendments of 1992’.”

### **Short Title of 1991 Amendments**

Pub. L. 102–152, § 1(a), Nov. 12, 1991, 105 Stat. 985, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation Rate Amendments of 1991’.”

Pub. L. 102–127, § 1, Oct. 10, 1991, 105 Stat. 619, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Educational Assistance Amendments of 1991’.”

Section 1(a) of Pub. L. 102–86 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits Programs Improvement Act of 1991’.”

Section 1(a) of Pub. L. 102–83 provided that: “This Act [see Tables for classification] may be cited as the ‘Department of Veterans Affairs Codification Act’.”

Section 1(a) of Pub. L. 102–40 provided that: “This Act [see Tables for classification] may be cited as the ‘Department of Veterans Affairs Health-Care Personnel Act of 1991’.”

Section 101 of title I of Pub. L. 102–40 provided that: “This title [see Tables for classification] may be cited as the ‘Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991’.”

Section 201 of title II of Pub. L. 102–40 provided that: “This title [see Tables for classification] may be cited as the ‘Department of Veterans Affairs Labor Relations Improvement Act of 1991’.”

Section 331 of Pub. L. 102–25 provided that: “This part [part C (§§ 331–341) of title III of Pub. L. 102–25, see Tables for classification] may be cited as the ‘Persian Gulf War Veterans’ Benefits Act of 1991’.”

Pub. L. 102–4, § 1, Feb. 6, 1991, 105 Stat. 11, provided that: “This Act [see Tables for classification] may be cited as the ‘Agent Orange Act of 1991’.”

Pub. L. 102–3, § 1(a), Feb. 6, 1991, 105 Stat. 7, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation Amendments of 1991’.”

### **Short Title of 1990 Amendment**

Pub. L. 101–366, § 1, Aug. 15, 1990, 104 Stat. 430, provided that: “This Act [see Tables for classification] may be cited as the ‘Department of Veterans Affairs Nurse Pay Act of 1990’.”

### **Short Title of 1989 Amendments**

Section 1(a) of Pub. L. 101–237 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits Amendments of 1989’.”

Section 301 of title III of Pub. L. 101–237 provided that: “This title [see Tables for classification] may be cited as the ‘Veterans Home Loan Indemnity and Restructuring Act of 1989’.”

Section 401 of title IV of Pub. L. 101–237 provided that: “This title [see Tables for classification] may be cited as the ‘Veterans Education and Employment Amendments of 1989’.”

Pub. L. 101–94, § 1, Aug. 16, 1989, 103 Stat. 617, provided that: “This Act [see Tables for classification] may be cited as the ‘Court of Veterans Appeals Judges Retirement Act’.”

### **Short Title of 1988 Amendments**

Pub. L. 100–689, § 1, Nov. 18, 1988, 102 Stat. 4161, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits and Programs Improvement Act of 1988’.”

Pub. L. 100–687, div. A, § 1(a), Nov. 18, 1988, 102 Stat. 4105, provided that: “This division [see Tables for classification] may be cited as the ‘Veterans’ Judicial Review Act’.”

Pub. L. 100–687, div. B, § 1001(a), Nov. 18, 1988, 102 Stat. 4122, provided that: “This division [see Tables for classification] may be cited as the ‘Veterans’ Benefits Improvement Act of 1988’.”

For short title of Pub. L. 100–527 as the “Department of Veterans Affairs Act”, see section 1 of Pub. L. 100–527, set out as a note under section 301 of this title.

Pub. L. 100–323, § 1(a), May 20, 1988, 102 Stat. 556, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Employment, Training, and Counseling Amendments of 1988’.”

Section 1(a) of Pub. L. 100–322 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits and Services Act of 1988’.”

Pub. L. 100–321, § 1, May 20, 1988, 102 Stat. 485, provided that: “This Act [see Tables for classification] may be cited as the ‘Radiation-Exposed Veterans Compensation Act of 1988’.”

Pub. L. 100–253, § 1, Feb. 29, 1988, 102 Stat. 20, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Home Loan Program Emergency Amendments of 1988’.”

### **Short Title of 1987 Amendments**

Pub. L. 100–227, § 1(a), Dec. 31, 1987, 101 Stat. 1552, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation Cost-of-Living Adjustment Act of 1987’.”

Pub. L. 100–198, § 1(a), Dec. 21, 1987, 101 Stat. 1315, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Home Loan Program Improvements and Property Rehabilitation Act of 1987’.”

Pub. L. 100–48, § 1, June 1, 1987, 101 Stat. 331, provided that: “This Act [see Tables for classification] may be cited as the ‘New GI Bill Continuation Act’.”

### **Short Title of 1986 Amendments**

Section 1(a) of Pub. L. 99–576 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits Improvement and Health-Care Authorization Act of 1986’.”

Pub. L. 99–272, title XIX, § 19001(a), Apr. 7, 1986, 100 Stat. 372, provided that: “This title [see Tables for classification] may be cited as the ‘Veterans’ Health-Care Amendments of 1986’.”

Pub. L. 99–238, § 1, Jan. 13, 1986, 99 Stat. 1765, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation Rate Increase and Job Training Amendments of 1985’.”

### **Short Title of 1985 Amendment**

Pub. L. 99–166, § 1(a), Dec. 3, 1985, 99 Stat. 941, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Administration Health-Care Amendments of 1985’.”

### **Short Title of 1984 Amendments**

Pub. L. 98–543, § 1(a), Oct. 24, 1984, 98 Stat. 2735, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Benefits Improvement Act of 1984’.”

For short title of Pub. L. 98–542 as the “Veterans’ Dioxin and Radiation Exposure Compensation Standards Act”, see section 1 of Pub. L. 98–542, set out as a note under section 1154 of this title.

Pub. L. 98–528, § 1(a), Oct. 19, 1984, 98 Stat. 2686, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Health Care Act of 1984’.”

Pub. L. 98–525, title VII, § 701, Oct. 19, 1984, 98 Stat. 2553, as amended by Pub. L. 100–48, § 2, June 1, 1987, 101 Stat. 331, provided that: “This title [see Tables for classification] may be cited as the ‘Montgomery GI Bill Act of 1984’.”

Section 1 of Pub. L. 98–223 provided in part: “That (a) this Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation and Program Improvements Amendments of 1984’.”

### **Short Title of 1983 Amendment**

Pub. L. 98–160, § 1(a), Nov. 21, 1983, 97 Stat. 993, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Health Care Amendments of 1983’.”

### **Short Title of 1982 Amendments**

Section 1(a) of Pub. L. 97–306 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation, Education, and Employment Amendments of 1982’.”

Pub. L. 97–251, § 1(a), Sept. 8, 1982, 96 Stat. 711, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Administration Health-Care Programs Improvement and Extension Act of 1982’.”

Pub. L. 97–174, § 1, May 4, 1982, 96 Stat. 70, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Administration and Department of Defense Health Resources Sharing and Emergency Operations Act’.”

### **Short Title of 1981 Amendments**

Pub. L. 97–72, § 1(a), Nov. 3, 1981, 95 Stat. 1047, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Health Care, Training, and Small Business Loan Act of 1981’.”

Pub. L. 97–72, title III, § 301, Nov. 3, 1981, 95 Stat. 1055, provided that: “This title [see Tables for classification] may be cited as the ‘Veterans’ Small Business Loan Act of 1981’.”

Pub. L. 97–66, § 1(a), Oct. 17, 1981, 95 Stat. 1026, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Disability Compensation, Housing, and Memorial Benefits Amendments of 1981’.”

Pub. L. 97–37, § 1(a), Aug. 14, 1981, 95 Stat. 935, provided that: “this Act [see Tables for classification] may be cited as the ‘Former Prisoner of War Benefits Act of 1981’.”

### **Short Title of 1980 Amendments**

Pub. L. 96–466, § 1(a), Oct. 17, 1980, 94 Stat. 2171, provided that: “this Act [see Tables for classification] may be cited as the ‘Veterans’ Rehabilitation and Education Amendments of 1980’.”

Pub. L. 96–385, § 1(a), Oct. 7, 1980, 94 Stat. 1528, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Disability Compensation and Housing Benefits Amendments of 1980’.”

Pub. L. 96–330, § 1(a), Aug. 26, 1980, 94 Stat. 1030, provided that: “this Act [see Tables for classification] may be cited as the ‘Veterans’ Administration Health-Care Amendments of 1980’.”

### **Short Title of 1979 Amendments**

Pub. L. 96–151, § 1(a), Dec. 20, 1979, 93 Stat. 1092, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Health Programs Extension and Improvement Act of 1979’.”

Pub. L. 96–128, § 1, Nov. 28, 1979, 93 Stat. 982, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Disability Compensation and Survivors’ Benefits Amendments of 1979’.”

Section 1(a) of Pub. L. 96–22 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Health Care Amendments of 1979’.”

### **Short Title of 1978 Amendments**

Section 1 of Pub. L. 95–588 provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ and Survivors’ Pension Improvement Act of 1978’.”

Pub. L. 95–520, § 1, Oct. 26, 1978, 92 Stat. 1820, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Administration Programs Extension Act of 1978’.”

Pub. L. 95–479, § 1(a), Oct. 18, 1978, 92 Stat. 1560, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Disability Compensation and Survivors’ Benefits Act of 1978’.”

Pub. L. 95–476, § 1(a), Oct. 18, 1978, 92 Stat. 1497, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Housing Benefits Act of 1978’.”

### **Short Title of 1977 Amendments**

Pub. L. 95–204, § 1, Dec. 2, 1977, 91 Stat. 1455, provided: “That this Act [see Tables for classification] be cited as the ‘Veterans and Survivors Pension Adjustment Act of 1977’.”

**TITLE 38 - Section 101 - Definitions**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

Section 1 of Pub. L. 95–202 provided: “That this Act [see Tables for classification] may be cited as the ‘GI Bill Improvement Act of 1977’.”

Pub. L. 95–201, § 1, Nov. 23, 1977, 91 Stat. 1429, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Administration Physician and Dentist Pay Comparability Amendments of 1977’.”

Pub. L. 95–117, § 1, Oct. 3, 1977, 91 Stat. 1063, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Disability Compensation and Survivor Benefits Act of 1977’.”

Pub. L. 95–62, § 1, July 5, 1977, 91 Stat. 262, provided: “That this Act [see Tables for classification] may be cited as the ‘State Veterans’ Home Assistance Improvement Act of 1977’.”

**Short Title of 1976 Amendments**

Pub. L. 94–581, § 1, Oct. 21, 1976, 90 Stat. 2842, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Omnibus Health Care Act of 1976’.”

Pub. L. 94–581, title II, § 201, Oct. 21, 1976, 90 Stat. 2855, provided that: “This title [see Tables for classification] may be cited as the ‘Veterans Medical Technical and Conforming Amendments of 1976’.”

Pub. L. 94–502, § 1, Oct. 15, 1976, 90 Stat. 2383, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Education and Employment Assistance Act of 1976’.”

Pub. L. 94–502, § 401, Oct. 15, 1976, 90 Stat. 2392, provided that: “This title [see Tables for classification] may be cited as the ‘Post-Vietnam Era Veterans’ Educational Assistance Act of 1977’.”

Pub. L. 94–433, § 1, Sept. 30, 1976, 90 Stat. 1374, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Disability Compensation and Survivor Benefits Act of 1976’.”

Pub. L. 94–432, § 1, Sept. 30, 1976, 90 Stat. 1369, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans and Survivors Pension Adjustment Act of 1976’.”

Pub. L. 94–324, § 1, June 30, 1976, 90 Stat. 720, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans Housing Amendments Act of 1976’.”

**Short Title of 1975 Amendments**

Section 1 of Pub. L. 94–169 provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans and Survivors Pension Interim Adjustment Act of 1975’.”

Pub. L. 94–123, § 1, Oct. 22, 1975, 89 Stat. 669, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Administration Physician and Dentist Pay Comparability Act of 1975’.”

Pub. L. 94–71, § 1, Aug. 5, 1975, 89 Stat. 395, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Disability Compensation and Survivor Benefits Act of 1975’.”

**Short Title of 1974 Amendments**

Pub. L. 93–602, title II, § 201, Jan. 2, 1975, 88 Stat. 1958, provided that: “This title [see Tables for classification] may be cited as the ‘Veterans’ Education and Rehabilitation Equalization Amendments Act of 1974’.”

Pub. L. 93–569, § 1, Dec. 31, 1974, 88 Stat. 1863, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Housing Act of 1974’.”

Pub. L. 93–538, § 1, Dec. 22, 1974, 88 Stat. 1736, provided: “That this Act [see Tables for classification] may be cited as the ‘Disabled Veterans’ and Servicemen’s Automobile and Adaptive Equipment Amendments of 1974’.”

Pub. L. 93–527, § 1, Dec. 21, 1974, 88 Stat. 1702, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans and Survivors Pension Adjustment Act of 1974’.”

Pub. L. 93–508, § 1, Dec. 3, 1974, 88 Stat. 1578, provided: “That this Act [see Tables for classification] may be cited as the ‘Vietnam Era Veterans’ Readjustment Assistance Act of 1974’.”

Pub. L. 93–295, § 1, May 31, 1974, 88 Stat. 180, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Disability Compensation and Survivor Benefits Act of 1974’.”

Pub. L. 93–289, § 1, May 24, 1974, 88 Stat. 165, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Insurance Act of 1974’.”

**Short Title of 1973 Amendments**

Pub. L. 93–82, § 1, Aug. 2, 1973, 87 Stat. 179, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Health Care Expansion Act of 1973’.”

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

Pub. L. 93–43, § 1, June 18, 1973, 87 Stat. 75, provided: “That this Act [see Tables for classification] may be cited as the ‘National Cemeteries Act of 1973’.”

### **Short Title of 1972 Amendments**

Pub. L. 92–541, § 1, Oct. 24, 1972, 86 Stat. 1100, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Administration Medical School Assistance and Health Manpower Training Act of 1972’.”

Section 1 of Pub. L. 92–540 provided: “That this Act [see Tables for classification] may be cited as the ‘Vietnam Era Veterans’ Readjustment Assistance Act of 1972’.”

Section 501 of title V of Pub. L. 92–540 provided that: “This title [see Tables for classification] may be cited as the ‘Veterans’ Employment and Readjustment Act of 1972’.”

Pub. L. 92–328, § 1, June 30, 1972, 86 Stat. 393, provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Compensation and Relief Act of 1972’.”

### **Short Title of 1971 Amendment**

Pub. L. 91–666, § 1, Jan. 11, 1971, 84 Stat. 1998, provided: “That this Act [see Tables for classification] may be cited as the ‘Disabled Veterans’ and Servicemen’s Automobile Assistance Act of 1970’.”

### **Short Title of 1970 Amendments**

Pub. L. 91–506, § 1, Oct. 23, 1970, 84 Stat. 1108, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Housing Act of 1970’.”

Pub. L. 91–219, § 1, Mar. 26, 1970, 84 Stat. 76, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Education and Training Amendments Act of 1970’.”

### **Short Title of 1967 Amendment**

Section 1 of Pub. L. 90–77 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Pension and Readjustment Assistance Act of 1967’.”

### **Short Title of 1966 Amendments**

Pub. L. 89–785, § 1, Nov. 7, 1966, 80 Stat. 1368, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans Hospitalization and Medical Services Modernization Amendments of 1966’.”

Section 1 of Pub. L. 89–358 provided that: “This Act [see Tables for classification] may be cited as the ‘Veterans’ Readjustment Benefits Act of 1966’.”

### **Short Title of 1959 Amendment**

Pub. L. 86–211, § 1, Aug. 29, 1959, 73 Stat. 432, provided: “That this Act [see Tables for classification] may be cited as the ‘Veterans’ Pension Act of 1959’.”

### **Transfer of Functions**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468 (b), 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### **Coordination of Provisions With Pub. L. 109–444**

Pub. L. 109–461, title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3468, provided that: “If this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006 [Pub. L. 109–444, approved Dec. 21, 2006], then as of the date of the enactment of this Act [Dec. 22, 2006], the Veterans Programs Extension Act of 2006 [see Tables for classification] and the amendments made by that Act shall be deemed for all purposes not to have taken effect and the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall cease to be in effect.”

### **Redesignation of Sections; Coordination of Redesignations With Other Amendments by Pub. L. 102–83**

Section 5 of Pub. L. 102–83 provided that:

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

“(a) Redesignation of Sections To Conform To Chapter Numbers.—Each section contained in any of chapters 11 through 23 is redesignated by replacing the first digit of the section number with the number of the chapter containing that section. Each section contained in any of chapters 24 through 42 is redesignated so that the first two digits of the section number of that section are the same as the chapter number of the chapter containing that section.

“(b) Tables of Sections and Chapters.—(1) The tables of sections at the beginning of the chapters referred to in subsection (a) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

“(2) The table of chapters before part I and the tables of chapters at the beginning of parts I, II, and III are revised so as to conform the section references in those tables to the redesignations made by subsection (a).

“(c) Cross-References.—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by subsection (a) is amended so that the reference refers to the section as redesignated.

“(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (a) shall be deemed to refer to the section as so redesignated.

“(d) Rule for Execution.—The redesignations made by subsection (a) and the amendments made by subsections (b) and (c) shall be executed after any other amendments made by this Act [see Tables for classification].”

### **Study of Benefits Payable to Persons Residing Outside the United States; Report and Recommendations Not Later Than February 1, 1980**

Pub. L. 96–22, title IV, § 402, June 13, 1979, 93 Stat. 63, authorized Administrator of Veterans’ Affairs, in consultation with Secretary of State, to carry out a comprehensive study of benefits payable under this title to persons residing outside the fifty States and the District of Columbia and required submission of a report to Congress and to President on results of such study not later than Feb. 1, 1980.

### **Disability Compensation or Dependency and Indemnity Compensation Award; Effective Date**

Section 6(b) of Pub. L. 91–621 provided effective date for an award by Veteran’s Administration arising from injury or death occurring prior to Dec. 31, 1970, and based on a claim arising from amendments made to pars. (21)(C) and (25)(F) of this section and section 5305 of this title, prior to repeal by Pub. L. 107–372, title II, § 271(3), Dec. 19, 2002, 116 Stat. 3094.

### **Proc. No. 4373. Terminal Date Respecting Service During Vietnam Era**

Proc. No. 4373, May 7, 1975, 40 F.R. 20257, provided:

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval, or air service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101 (29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101 (29), that May 7, 1975, is designated as the last day of the “Vietnam era.”

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford.

### **Secretary and Department Defined**

Pub. L. 106–117, § 3, Nov. 30, 1999, 113 Stat. 1547, provided that: “For purposes of this Act [see Tables for classification]—

“(1) the term ‘Secretary’ means the Secretary of Veterans Affairs; and

“(2) the term ‘Department’ means the Department of Veterans Affairs.”

### Definition of Administrator for 1988 Amendments

Pub. L. 100-687, div. B, § 1002, Nov. 18, 1988, 102 Stat. 4122, provided that: "For purposes of this division [see Tables for classification], the term 'Administrator' means the Administrator of Veterans' Affairs."

Section 3 of Pub. L. 100-322 provided that: "For purposes of this Act [see Tables for classification], the term 'Administrator' means the Administrator of Veterans' Affairs."

.....

## § 102. Dependent parents

- (a) Dependency of a parent, which may arise before or after the death of a veteran, shall be determined in accordance with regulations prescribed by the Secretary.
- (b) Dependency of a parent shall not be denied
  - (1) solely because of remarriage, or
  - (2) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Secretary shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support.
- (c) For the purposes of this section, in determining monthly income the Secretary shall not consider any payments under laws administered by the Secretary because of disability or death or payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1109; Pub. L. 89-358, § 4(e), (f), Mar. 3, 1966, 80 Stat. 24; Pub. L. 92-540, title IV, § 408, Oct. 24, 1972, 86 Stat. 1092; Pub. L. 94-432, title IV, § 402, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 99-576, title VII, § 701(1), Oct. 28, 1986, 100 Stat. 3289; Pub. L. 102-54, § 14(a)(2), June 13, 1991, 105 Stat. 282; Pub. L. 102-83, § 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405.)

### Amendments

1991—Subsecs. (a), (b). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

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

Pub. L. 102-83, § 4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

Pub. L. 102-54 substituted "(c)" for "(C)" as subsec. designation.

1986—Pub. L. 99-576, § 701(1)(B), substituted "Dependent parents" for "Dependent parents; husbands" in section catchline.

Subsec. (a). Pub. L. 99-576, § 701(1)(A)(ii), (iii), (v), struck out par. (1) designation and redesignated par. (2) of subsec. (a) as subsec. (b) and par. (3) of subsec. (a) as subsec. (C).

Subsec. (b). Pub. L. 99-576, § 701(1)(A)(i), (iii), (iv), redesignated former subsec. (a)(2) as subsec. (b) and substituted "(1)" and "(2)" for "(A)" and "(B)", respectively. Former subsec. (b), which read "For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran", was struck out.

Subsec. (c). Pub. L. 99-576, § 701(1)(A)(v), redesignated former subsec. (a)(3) as subsec. (C) and substituted "For the purposes of this section," for "For the purposes of this subsection".

1976—Subsec. (a)(2). Pub. L. 94-432 substituted prohibition against denial of dependency of a parent "(B) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Administrator shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support" for such prohibition "(B) in any case in any State where the monthly income for a mother or father, not living together, is not more than \$105, or where the monthly income for a mother and father living together, is not more than \$175, plus, in either case, \$45, for each additional member of the family whom the father or mother is under a moral or legal obligation to support, as determined by the Administrator".

*TITLE 38 - Section 103 - Special provisions relating to marriages*

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

1972—Pub. L. 92–540, § 408(2), substituted “Dependent parents; husbands” for “Dependent parents and dependent husbands” in section catchline.

Subsec. (b). Pub. L. 92–540, § 408(1), struck out exception which made definition of terms inapplicable to chapter 19 of this title and struck out from definitions of “wife” and “widow” provisions relating to the ability of such persons to maintain and support themselves.

1966—Subsec. (a)(2). Pub. L. 89–358, § 4(e), substituted “Dependency” for “Except for the purposes of chapter 33 of this title, dependency”.

Subsec. (b). Pub. L. 89–358, § 4(f), struck out from introductory parenthetical phrase reference to chapter 33 of this title.

**Effective Date of 1976 Amendment**

Amendment by Pub. L. 94–432 effective Sept. 30, 1976, see section 405(a) of Pub. L. 94–432, set out as a note under section 1521 of this title.

.....

**§ 103. Special provisions relating to marriages**

(a) Whenever, in the consideration of any claim filed by a person as the widow or widower of a veteran for gratuitous death benefits under laws administered by the Secretary, it is established by evidence satisfactory to the Secretary that such person, without knowledge of any legal impediment, entered into a marriage with such veteran which, but for a legal impediment, would have been valid, and thereafter cohabited with the veteran for one year or more immediately before the veteran’s death, or for any period of time if a child was born of the purported marriage or was born to them before such marriage, the purported marriage shall be deemed to be a valid marriage, but only if no claim has been filed by a legal widow or widower of such veteran who is found to be entitled to such benefits. No duplicate payments shall be made by virtue of this subsection.

(b) Where a surviving spouse has been legally married to a veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage has been met.

(c) In determining whether or not a person is or was the spouse of a veteran, their marriage shall be proven as valid for the purposes of all laws administered by the Secretary according to the law of the place where the parties resided at the time of the marriage or the law of the place where the parties resided when the right to benefits accrued.

(d) (1) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits to such person as the surviving spouse of the veteran if the remarriage is void, or has been annulled by a court with basic authority to render annulment decrees unless the Secretary determines that the annulment was secured through fraud by either party or collusion.

(2) (A) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of the veteran if the remarriage has been terminated by death or divorce unless the Secretary determines that the divorce was secured through fraud or collusion.

(B) The remarriage after age 57 of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of the veteran. Notwithstanding the previous sentence, the remarriage after age 55 of the surviving spouse of a veteran shall not bar the furnishing of benefits under section 1781 of this title to such person as the surviving spouse of the veteran.

(3) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person’s spouse, the bar to granting that person benefits as the surviving spouse of the veteran shall not apply in the case of the benefits specified in paragraph (5).

- (4) The first month of eligibility for benefits for a surviving spouse by reason of paragraph (2)(A) or (3) shall be the month after—
- (A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (2)(A); or
  - (B) the month of the cessation described in paragraph (3), in the case of a surviving spouse described in that paragraph.
- (5) Paragraphs (2)(A) and (3) apply with respect to benefits under the following provisions of this title:
- (A) Section 1311, relating to dependency and indemnity compensation.
  - (B) Section 1781, relating to medical care for survivors and dependents of certain veterans.
  - (C) Chapter 35, relating to educational assistance.
  - (D) Chapter 37, relating to housing loans.
- (e) The marriage of a child of a veteran shall not bar recognition of such child as the child of the veteran for benefit purposes if the marriage is void, or has been annulled by a court with basic authority to render annulment decrees unless the Secretary determines that the annulment was secured through fraud by either party or collusion.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1109; Pub. L. 87–674, § 2, Sept. 19, 1962, 76 Stat. 558; Pub. L. 90–77, title I, § 101(b), Aug. 31, 1967, 81 Stat. 178; Pub. L. 91–376, § 4, Aug. 12, 1970, 84 Stat. 789; Pub. L. 93–527, § 9(a), Dec. 21, 1974, 88 Stat. 1705; Pub. L. 99–576, title VII, § 701(2), Oct. 28, 1986, 100 Stat. 3290; Pub. L. 101–508, title VIII, § 8004(a), Nov. 5, 1990, 104 Stat. 1388–343; Pub. L. 102–83, § 4(a)(1), (2)(A)(i), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405; Pub. L. 106–117, title V, § 502(a), Nov. 30, 1999, 113 Stat. 1574; Pub. L. 107–135, title II, § 208(e)(1), Jan. 23, 2002, 115 Stat. 2463; Pub. L. 107–330, title I, § 101(a), Dec. 6, 2002, 116 Stat. 2821; Pub. L. 108–183, title I, § 101(a), title VII, § 708(a)(1), Dec. 16, 2003, 117 Stat. 2652, 2673.)

## **Amendments**

2003—Subsec. (d)(2)(B). Pub. L. 108–183, § 101(a), substituted “The remarriage after age 57 of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of the veteran. Notwithstanding the previous sentence, the remarriage after age 55” for “The remarriage after age 55”.

Subsec. (d)(4). Pub. L. 108–183, § 708(a)(1)(A)(i), substituted “paragraph (2)(A) or (3)” for “this subsection” in introductory provisions.

Subsec. (d)(4)(A). Pub. L. 108–183, § 708(a)(1)(A)(ii), substituted “paragraph (2)(A)” for “paragraph (2)”.

Subsec. (d)(5). Pub. L. 108–183, § 708(a)(1)(B), substituted “Paragraphs (2)(A)” for “Paragraphs (2)” in introductory provisions.

2002—Subsec. (d)(2). Pub. L. 107–330 designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (d)(5)(B). Pub. L. 107–135 substituted “1781” for “1713”.

1999—Subsec. (d). Pub. L. 106–117 designated existing provisions as par. (1) and added pars. (2) to (5).

1991—Subsec. (a). Pub. L. 102–83, § 4(a)(1), (b)(1), (2)(E), substituted “administered by the Secretary” for “administered by the Veterans’ Administration” and “Secretary” for “Administrator”.

Subsec. (c). Pub. L. 102–83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

Subsecs. (d), (e). Pub. L. 102–83, § 4(a)(2)(A)(i), substituted “Secretary” for “Veterans’ Administration”.

1990—Subsec. (d). Pub. L. 101–508, § 8004(a)(1), designated par. (1) as entire subsec. (d) and struck out pars. (2) and (3) which read as follows:

“(2) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits to such person as the surviving spouse of the veteran if the remarriage has been terminated by death or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans’ Administration determines that the divorce was secured through fraud by the surviving spouse or collusion.

**TITLE 38 - Section 103 - Special provisions relating to marriages**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

“(3) If a surviving spouse ceases living with another person and holding himself or herself out openly to the public as that person’s spouse, the bar to granting that person benefits as the surviving spouse of the veteran shall not apply.”

Subsec. (e). Pub. L. 101–508, § 8004(a)(2), designated par. (1) as entire subsec. (e) and struck out par. (2) which read as follows: “The marriage of a child of a veteran shall not bar the recognition of such child as the child of the veteran for benefit purposes if the marriage has been terminated by death or has been dissolved by a court, with basic authority to render divorce decrees unless the Veterans’ Administration determines that the divorce was secured through fraud by either party or collusion.”

1986—Subsec. (a). Pub. L. 99–576, § 701(2)(A), substituted “person as the widow or widower” for “woman as the widow”, “such person” for “she”, “the veteran” for “him”, “the veteran’s” for “his”, and “legal widow or widower” for “legal widow”.

Subsec. (b). Pub. L. 99–576, § 701(2)(B), substituted “surviving spouse” for “widow”.

Subsec. (c). Pub. L. 99–576, § 701(2)(C), substituted “person is or was the spouse” for “woman is or was the wife”.

Subsec. (d)(1). Pub. L. 99–576, § 701(2)(D), substituted “surviving spouse of a veteran shall not bar the furnishing of benefits to such person as the surviving spouse” for “widow of a veteran shall not bar the furnishing of benefits to her as the widow”.

Subsec. (d)(2). Pub. L. 99–576, § 701(2)(E), substituted “surviving spouse” for “widow” wherever appearing, and “such person” for “her”.

Subsec. (d)(3). Pub. L. 99–576, § 701(2)(F), substituted “surviving spouse” for “widow” wherever appearing, “person” for “man”, “himself or herself” for “herself”, “that person’s spouse” for “his wife”, and “that person” for “her”.

1974—Subsec. (e). Pub. L. 93–527 designated existing provisions as par. (1) and added par. (2).

1970—Subsec. (d). Pub. L. 91–376 designated existing provisions as par. (1) and added pars. (2) and (3).

1967—Subsec. (a). Pub. L. 90–77 reduced cohabitation period from five years to one year for purposes of deeming a purported marriage valid and provided for cohabitation for any period of time if a child was born of the purported marriage or was born before the marriage.

1962—Subsecs. (d), (e). Pub. L. 87–674 added subsecs. (d) and (e).

**Effective Date of 2003 Amendment**

Pub. L. 108–183, title I, § 101(c), Dec. 16, 2003, 117 Stat. 2653, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 1311 of this title] shall take effect on January 1, 2004.”

**Effective Date of 2002 Amendment**

Pub. L. 107–330, title I, § 101(c), Dec. 6, 2002, 116 Stat. 2821, provided that: “The amendments made by this section [amending this section] shall take effect on the date that is 60 days after the date of the enactment of this Act [Dec. 6, 2002].”

**Effective Date of 1999 Amendment**

Pub. L. 106–117, title V, § 502(c), Nov. 30, 1999, 113 Stat. 1574, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 1311 of this title] shall take effect on the first day of the first month beginning after the month in which this Act is enacted [November 1999].”

**Effective Date of 1990 Amendment**

Section 8004(b) of Pub. L. 101–508 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to claims filed after October 31, 1990, and shall not operate to reduce or terminate benefits to any individual whose benefits were predicated on section 103 (d)(2), 103 (d)(3), or 103 (e)(2) before the effective date of those amendments.”

**Effective Date of 1974 Amendment**

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 1521 of this title.

**Effective Date of 1970 Amendment**

Amendment by Pub. L. 91–376 effective Jan. 1, 1971, see section 9 of Pub. L. 91–376, set out as a note under section 1114 of this title.

### **Effective Date of 1967 Amendment**

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

### **Retroactive Benefits Prohibited**

Pub. L. 108–183, title I, § 101(d), Dec. 16, 2003, 117 Stat. 2653, provided that: “No benefit may be paid to any person by reason of the amendments made by subsections (a) and (b) [amending this section and section 1311 of this title] for any period before the effective date specified in subsection (c) [set out as an Effective Date of 2003 Amendment note above].”

### **Application for Benefits**

Pub. L. 108–183, title I, § 101(e), Dec. 16, 2003, 117 Stat. 2653, provided that: “In the case of an individual who but for having remarried would be eligible for benefits under title 38, United States Code, by reason of the amendment made by subsection (a) [amending this section] and whose remarriage was before the date of the enactment of this Act [Dec. 16, 2003] and after the individual had attained age 57, the individual shall be eligible for such benefits by reason of such amendment only if the individual submits an application for such benefits to the Secretary of Veterans Affairs not later than the end of the one-year period beginning on the date of the enactment of this Act.”

Pub. L. 107–330, title I, § 101(b), Dec. 6, 2002, 116 Stat. 2821, as amended by Pub. L. 108–183, title I, § 101(f), Dec. 16, 2003, 117 Stat. 2653, provided that: “In the case of an individual who but for having remarried would be eligible for medical care under section 1781 of title 38, United States Code, and whose remarriage was before the date of the enactment of this Act [Dec. 6, 2002] and after the individual had attained age 55, the individual shall be eligible for such medical care by reason of the amendments made by subsection (a) [amending this section] only if an application for such medical care is received by the Secretary of Veterans Affairs before the end of the one-year period beginning on the date of the enactment of the Veterans Benefits Act of 2003 [Dec. 16, 2003].”

### **Limitation on Payments**

Pub. L. 106–117, title V, § 502(d), Nov. 30, 1999, 113 Stat. 1574, provided that: “No payment may be made to a person by reason of paragraphs (2) and (3) of section 103 (d) of title 38, United States Code, as added by subsection (a), for any period before the effective date specified in subsection (c) [set out as an Effective Date of 1999 Amendment note above].”

### **Applicability of Amendments**

Pub. L. 102–568, title I, § 103, Oct. 29, 1992, 106 Stat. 4322, provided that:

“(a) Exception.—The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (105 Stat. 424) [Pub. L. 101–508, 104 Stat. 1388–343, amending this section] shall not apply to any case in which a legal proceeding to terminate an existing marital relationship was commenced before November 1, 1990, by an individual described in subsection (b) if that proceeding directly resulted in the termination of such marriage.

“(b) Covered Individuals.—An individual referred to in subsection (a) is an individual who, but for the marital relationship referred to in subsection (a), would be considered to be the surviving spouse of a veteran.”

Pub. L. 102–86, title V, § 502, Aug. 14, 1991, 105 Stat. 424, provided that: “The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) [amending this section] shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person’s spouse.”

### **Reinstatement of Benefits Subsequent to Termination of Relationship or Conduct Restricting Payment of Benefits; Effective Date of Award**

Section 5 of Pub. L. 91–376, effective January 1, 1971, provided that:

“(a) If a widow terminates a relationship or conduct which resulted in imposition of a prior restriction on payment of benefits, in the nature of inference or presumption of remarriage, or relating to open and notorious adulterous cohabitation or similar conduct, she shall not be denied any benefits by the Veterans’ Administration, other than insurance, solely because of such prior relationship or conduct.

“(b) The effective date of an award of benefits resulting from enactment of subsection (a) of this section shall not be earlier than the date of receipt of application therefor, filed after termination of the particular relationship or conduct and after December 31, 1970.”

.....

**§ 104. Approval of educational institutions**

(a) For the purpose of determining whether or not benefits are payable under this title (except chapter 35 of this title) for a child over the age of eighteen years and under the age of twenty-three years who is attending a school, college, academy, seminary, technical institute, university, or other educational institution, the Secretary may approve or disapprove such educational institutions.

(b) The Secretary may not approve an educational institution under this section unless such institution has agreed to report to the Secretary the termination of attendance of any child. If any educational institution fails to report any such termination promptly, the approval of the Secretary shall be withdrawn.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1110; Pub. L. 91-24, § 1(c), June 11, 1969, 83 Stat. 33; Pub. L. 99-576, title VII, § 701(3), Oct. 28, 1986, 100 Stat. 3290; Pub. L. 102-83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

**Amendments**

1991—Pub. L. 102-83 substituted “Secretary” for “Administrator” wherever appearing.

1986—Subsec. (b). Pub. L. 99-576 substituted “report to the Administrator” for “report to him”.

1969—Subsec. (a). Pub. L. 91-24 substituted “the age of twenty-three years” for “the age of twenty-one years”.

.....

**§ 105. Line of duty and misconduct**

(a) An injury or disease incurred during active military, naval, or air service will be deemed to have been incurred in line of duty and not the result of the veteran’s own misconduct when the person on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in active military, naval, or air service, whether on active duty or on authorized leave, unless such injury or disease was a result of the person’s own willful misconduct or abuse of alcohol or drugs. Venereal disease shall not be presumed to be due to willful misconduct if the person in service complies with the regulations of the appropriate service department requiring the person to report and receive treatment for such disease.

(b) The requirement for line of duty will not be met if it appears that at the time the injury was suffered or disease contracted the person on whose account benefits are claimed

- (1) was avoiding duty by deserting the service or by absenting himself or herself without leave materially interfering with the performance of military duties;
- (2) was confined under sentence of court-martial involving an unremitted dishonorable discharge; or
- (3) was confined under sentence of a civil court for a felony (as determined under the laws of the jurisdiction where the person was convicted by such court).

(c) For the purposes of any provision relating to the extension of a delimiting period under any education-benefit or rehabilitation program administered by the Secretary, the disabling effects of chronic alcoholism shall not be considered to be the result of willful misconduct.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1110; Pub. L. 99-576, title VII, § 701(4), Oct. 28, 1986, 100 Stat. 3290; Pub. L. 100-689, title I, § 109, Nov. 18, 1988, 102 Stat. 4170; Pub. L. 101-508, title VIII, § 8052(a)(1), Nov. 5, 1990, 104 Stat. 1388-351; Pub. L. 102-83, § 4(a)(1), Aug. 6, 1991, 105 Stat. 403.)

## Amendments

1991—Subsec. (c). Pub. L. 102–83 substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

1990—Subsec. (a). Pub. L. 101–508 substituted “a result of the person’s own willful misconduct or abuse of alcohol or drugs” for “the result of the person’s own willful misconduct”.

1988—Subsec. (c). Pub. L. 100–689 added subsec. (c).

1986—Subsec. (a). Pub. L. 99–576, § 701(4)(A), substituted “result of the person’s” for “result of his” and “requiring the person” for “requiring him”.

Subsec. (b)(1). Pub. L. 99–576, § 701(4)(B), substituted “service or by absenting himself or herself” for “service, or by absenting himself”.

## Effective Date of 1990 Amendment

Section 8052(b) of Pub. L. 101–508 provided that: “The amendments made by subsection (a) [amending this section and sections 310 and 331 [now 1110 and 1131] of this title] shall take effect with respect to claims filed after October 31, 1990.”

.....

## § 106. Certain service deemed to be active service

- (a) (1) Service as a member of the Women’s Army Auxiliary Corps for ninety days or more by any woman who before October 1, 1943, was honorably discharged for disability incurred or aggravated in line of duty which rendered her physically unfit to perform further service in the Women’s Army Auxiliary Corps or the Women’s Army Corps shall be considered active duty for the purposes of all laws administered by the Secretary.
- (2) Any person entitled to compensation or pension by reason of this subsection and to employees’ compensation based upon the same service under subchapter I of chapter 81 of title 5 must elect which benefit she will receive.
- (b) Any person—
- (1) who has applied for enlistment or enrollment in the active military, naval, or air service and has been provisionally accepted and directed or ordered to report to a place for final acceptance into such service; or
- (2) who has been selected or drafted for service in the Armed Forces and has reported pursuant to the call of the person’s local draft board and before rejection; or
- (3) who has been called into the Federal service as a member of the National Guard, but has not been enrolled for the Federal service; and

who has suffered an injury or contracted a disease in line of duty while en route to or from, or at, a place for final acceptance or entry upon active duty, will, for the purposes of chapters 11, 13, 19, 21, 31, and 39 of this title, and for purposes of determining service-connection of a disability under chapter 17 of this title, be considered to have been on active duty and to have incurred such disability in the active military, naval, or air service.

(c) For the purposes of this title, an individual discharged or released from a period of active duty shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for that individual to proceed to that individual’s home by the most direct route, and in any event that individual shall be deemed to have continued on active duty until midnight of the date of such discharge or release.

- (d) (1) For the purposes of this title, any individual—
- (A) who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(B) who is disabled or dies from an injury or covered disease incurred while proceeding directly to or returning directly from such active duty for training or inactive duty training, as the case may be;

shall be deemed to have been on active duty for training or inactive duty training, as the case may be, at the time such injury or covered disease was incurred.

(2) In determining whether or not such individual was so authorized or required to perform such duty, and whether or not such individual was disabled or died from injury or covered disease so incurred, the Secretary shall take into account the hour on which such individual began so to proceed or to return; the hour on which such individual was scheduled to arrive for, or on which such individual ceased to perform, such duty; the method of travel employed; the itinerary; the manner in which the travel was performed; and the immediate cause of disability or death.

(3) Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

(4) For purposes of this subsection, the term “covered disease” means any of the following:

(A) Acute myocardial infarction.

(B) A cardiac arrest.

(C) A cerebrovascular accident.

(e) Each person who has incurred a disability as a result of an injury or disease described in subsection (b) shall be entitled to the same rights, privileges, and benefits under title 5 as a preference eligible described in section 2108 (3)(C) of title 5.

(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001, shall be considered active duty for purposes of all laws administered by the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1110; Pub. L. 87–102, § 1, July 21, 1961, 75 Stat. 219; Pub. L. 88–616, Oct. 2, 1964, 78 Stat. 994; Pub. L. 89–311, § 5, Oct. 31, 1965, 79 Stat. 1156; Pub. L. 97–295, § 4(3), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 99–576, title VII, § 701(5), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102–83, § 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405; Pub. L. 106–259, title VIII, § 8147(a), Aug. 9, 2000, 114 Stat. 705; Pub. L. 106–419, title III, § 301(b), Nov. 1, 2000, 114 Stat. 1852.)

## References in Text

Section 8147 of the Department of Defense Appropriations Act, 2001, referred to in subsec. (f), is section 8147 of Pub. L. 106–259, which amended this section and enacted provisions set out as a note below.

## Amendments

2000—Subsec. (d). Pub. L. 106–419 designated first sentence as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and inserted “or covered disease” after “injury” in subpar. (B) and in concluding provisions, designated second sentence as par. (2) and inserted “or covered disease” after “injury”, designated third sentence as par. (3), and added par. (4).

Subsec. (f). Pub. L. 106–259 added subsec. (f).

1991—Subsec. (a)(1). Pub. L. 102–83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

Subsec. (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in concluding provisions.

1986—Subsec. (b)(2). Pub. L. 99–576, § 701(5)(A), substituted “the person’s” for “his”.

Subsec. (c). Pub. L. 99–576, § 701(5)(B), substituted “required for that individual” for “required for him”, “proceed to that individual’s home” for “proceed to his home”, and “in any event that individual” for “in any event he”.

Subsec. (d). Pub. L. 99–576, § 701(5)(C), struck out “by him” after “injury incurred” in cl. (2), and in closing provisions, substituted “such individual was disabled” for “he was disabled”, “on which such individual began” for “on which he began”, “such individual was scheduled” for “he was scheduled”, “such individual ceased” for “he ceased”, and “the itinerary” for “his itinerary”.

*NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

1982—Subsec. (a)(2). Pub. L. 97–295, § 4(3)(A), substituted “subchapter I of chapter 81 of title 5” for “the Federal Employees’ Compensation Act”.

Subsec. (e). Pub. L. 97–295, § 4(3)(B), substituted “title 5 as a preference eligible described in section 2108 (3)(C) of title 5” for “the Act of June 27, 1944, (58 Stat. 387–391), as a person described in section 2(1) of such Act”.

1965—Subsec. (e). Pub. L. 89–311 added subsec. (e).

1964—Subsec. (d)(2). Pub. L. 88–616 struck out “after December 31, 1956,” after “injury incurred”.

1961—Subsec. (c). Pub. L. 87–102 extended provisions for benefits based on limited periods immediately following discharge from active duty after December 31, 1956 to veterans discharged before such date.

### **Effective Date of 1961 Amendment**

Section 2 of Pub. L. 87–102 provided that: “No monetary benefits shall accrue by reason of the amendments made by this Act [amending this section] for any period prior to the date of enactment [July 21, 1961].”

### **Service in Alaska Territorial Guard**

Pub. L. 106–259, title VIII, § 8147(b), (c), Aug. 9, 2000, 114 Stat. 705, provided that:

“(b) Discharge.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

“(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

“(c) Prohibition on Retroactive Benefits.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act [Aug. 9, 2000] by reason of the enactment of this section [amending this section and enacting this note].”

### **Women’s Air Forces Service Pilots**

Pub. L. 95–202, title IV, § 401, Nov. 23, 1977, 91 Stat. 1449, as amended by Pub. L. 96–466, title VIII, § 801(m)(3), Oct. 17, 1980, 94 Stat. 2217; Pub. L. 98–94, title XII, § 1263(a), Sept. 24, 1983, 97 Stat. 703; Pub. L. 102–83, § 6(b), Aug. 6, 1991, 105 Stat. 407, provided that:

“(a)(1) Notwithstanding any other provision of law, the service of any person as a member of the Women’s Air Forces Service Pilots (a group of Federal civilian employees attached to the United States Army Air Force during World War II), or the service of any person in any other similarly situated group the members of which rendered service to the Armed Forces of the United States in a capacity considered civilian employment or contractual service at the time such service was rendered, shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs if the Secretary of Defense, pursuant to regulations which the Secretary shall prescribe—

“(A) after a full review of the historical records and all other available evidence pertaining to the service of any such group, determines, on the basis of judicial and other appropriate precedent, that the service of such group constituted active military service, and

“(B) in the case of any such group with respect to which such Secretary has made an affirmative determination that the service of such group constituted active military service, issues to each member of such group a discharge from such service under honorable conditions where the nature and duration of the service of such member so warrants.

Discharges issued pursuant to the provisions of the first sentence of this paragraph shall designate as the date of discharge that date, as determined by the Secretary of Defense, on which such service by the person concerned was terminated.

“(2) In making a determination under clause (A) of paragraph (1) of this subsection with respect to any group described in such paragraph, the Secretary of Defense may take into consideration the extent to which—

“(A) such group received military training and acquired a military capability or the service performed by such group was critical to the success of a military mission,

“(B) the members of such group were subject to military justice, discipline, and control,

“(C) the members of such group were permitted to resign,

“(D) the members of such group were susceptible to assignment for duty in a combat zone, and

“(E) the members of such group had reasonable expectations that their service would be considered to be active military service.

**TITLE 38 - Section 107 - Certain service deemed not to be active service**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscp.html>).*

“(b)(1) No benefits shall be paid to any person for any period prior to the date of enactment of this title [Nov. 23, 1977] as a result of the enactment of subsection (a) of this section.

“(2) The provisions of section 106 (a)(2) of title 38, United States Code, relating to election of benefits, shall be applicable to persons made eligible for benefits, under laws administered by the Secretary of Veterans Affairs, as a result of implementation of the provisions of subsection (a) of this section.

“(c) Under regulations prescribed by the Secretary of Defense, any person who is issued a discharge under honorable conditions pursuant to the implementation of subsection (a) of this section may be awarded any campaign or service medal warranted by such person’s service.”

[Section 1263(b) of Pub. L. 98–94 provided that: “The amendment made by subsection (a) [enacting subsec. (c) set out above] shall apply to all persons issued discharges under honorable conditions pursuant to section 401 of the GI Bill Improvements Act of 1977 [Pub. L. 95–202, set out above] whether such discharges are awarded before, on, or after the date of the enactment of this Act [Sept. 24, 1983].”]

[Amendment of subsec. (a)(1)(B), set out above, by Pub. L. 96–466, effective Oct. 1, 1980, see section 802(h) of Pub. L. 96–466, set out as an Effective Date of 1980 Amendment note under section 3452 of this title.]

.....

**§ 107. Certain service deemed not to be active service**

(a) Service before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, shall not be deemed to have been active military, naval, or air service for the purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or the service of any other person in the Armed Forces, except benefits under—

- (1) contracts of National Service Life Insurance entered into before February 18, 1946;
- (2) chapter 10 of title 37; and
- (3) chapters 11, 13 (except section 1312 (a)), 23, and 24 (to the extent provided for in section 2402 (8)) of this title.

Except as provided in subsection (c) or (d), payments under such chapters shall be made at a rate of \$0.50 for each dollar authorized, and where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at a rate of \$0.50 for each dollar. Any payments made before February 18, 1946, to any such member under such laws conferring rights, benefits, or privileges shall not be deemed to have been invalid by reason of the circumstance that such member’s service was not service in the Armed Forces or any component thereof within the meaning of any such law.

(b) Service in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 shall not be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Secretary except—

- (1) with respect to contracts of National Service Life Insurance entered into
  - (A) before May 27, 1946,
  - (B) under section 620 or 621 of the National Service Life Insurance Act of 1940, or
  - (C) under section 1922 of this title; and
- (2) chapters 11, 13 (except section 1312 (a)), 23, and 24 (to the extent provided for in section 2402 (8)) of this title.

Except as provided in subsection (c) or (d), payments under such chapters shall be made at a rate of \$0.50 for each dollar authorized, and where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at a rate of \$0.50 for each dollar.

- (c) In the case of benefits under subchapters II and IV of chapter 11 of this title and subchapter II of chapter 13 (except section 1312 (a)) of this title paid by reason of service described in subsection (a) or (b) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of the applicable subsection shall not apply.
- (d) (1) With respect to benefits under chapter 23 of this title, in the case of an individual described in paragraph (2), the second sentence of subsection (a) or (b), as otherwise applicable, shall not apply.
- (2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after November 1, 2000, or whose service is described in subsection (b) and who dies after the date of the enactment of the Veterans Benefits Act of 2003, if the individual, on the individual's date of death—
- (A) is a citizen of, or an alien lawfully admitted for permanent residence in, the United States;
- (B) is residing in the United States; and
- (C) either—
- (i) is receiving compensation under chapter 11 of this title; or
- (ii) if the individual's service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1111; Pub. L. 87–268, § 1(b), Sept. 21, 1961, 75 Stat. 566; Pub. L. 89–641, § 2(a), Oct. 11, 1966, 80 Stat. 885; Pub. L. 97–295, § 4(4), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 99–576, title VII, § 701(6), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102–83, §§ 4(a)(1), 5 (c)(1), Aug. 6, 1991, 105 Stat. 403, 406; Pub. L. 103–446, title V, § 507(a), Nov. 2, 1994, 108 Stat. 4664; Pub. L. 106–377, § 1(a)(1) [title V, § 501(a)(1)], Oct. 27, 2000, 114 Stat. 1441, 1441A–57; Pub. L. 106–419, title III, §§ 331(b), 332 (a), Nov. 1, 2000, 114 Stat. 1856; Pub. L. 107–14, § 8(a)(1), June 5, 2001, 115 Stat. 34; Pub. L. 107–330, title III, § 308(g)(2), Dec. 6, 2002, 116 Stat. 2828; Pub. L. 108–183, title II, §§ 211(a), 212 (a), Dec. 16, 2003, 117 Stat. 2657.)

## References in Text

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in subsec. (b), is section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

Sections 620 and 621 of the National Service Life Insurance Act of 1940, referred to in subsec. (b)(1), are sections 620 and 621 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, § 10, 65 Stat. 36, which enacted sections 820 and 821 of former Title 38, Pensions, Bonuses, and Veterans' Relief, which were repealed and the provisions thereof reenacted as sections 722 (a) and 723 [now 1922(a) and 1923] of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

The date of the enactment of the Veterans Benefits Act of 2003, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 108–183, which was approved Dec. 16, 2003.

## Amendments

2003—Subsec. (b). Pub. L. 108–183, § 212(a)(2), inserted “or (d)” after “subsection (c)” in second sentence.

Pub. L. 108–183, § 211(a)(1), substituted “Except as provided in subsection (c), payments” for “Payments” in second sentence.

Subsec. (b)(2). Pub. L. 108–183, § 212(a)(1), substituted a comma for “and” after “chapters 11” and inserted “, 23, and 24 (to the extent provided for in section 2402 (8))” after “(except section 1312 (a))”.

Subsec. (c). Pub. L. 108–183, § 211(a)(2), substituted “in subsection (a) or (b)” for “in subsection (a)” and “of the applicable subsection” for “of subsection (a)” and inserted “and subchapter II of chapter 13 (except section 1312 (a)) of this title” after “chapter 11 of this title”.

Subsec. (d)(1). Pub. L. 108–183, § 212(a)(3), inserted “or (b), as otherwise applicable,” after “subsection (a)”.

**TITLE 38 - Section 107 - Certain service deemed not to be active service**

*NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

Subsec. (d)(2). Pub. L. 108–183, § 212(a)(4), inserted “or whose service is described in subsection (b) and who dies after the date of the enactment of the Veterans Benefits Act of 2003,” after “November 1, 2000,” in introductory provisions.

2002—Subsec. (d)(2). Pub. L. 107–330 substituted “November 1, 2000,” for “the date of the enactment of this subsection” in introductory provisions.

2001—Subsec. (a). Pub. L. 107–14, § 8(a)(1)(A), inserted “or (d)” after “subsection (c)” in concluding provisions.

Subsecs. (c), (d). Pub. L. 107–14, § 8(a)(1)(B), (C), redesignated subsec. (c) relating to the inapplicability of the second sentence of subsec. (a) to an individual described in paragraph (2) as (d) and substituted “With respect to benefits under chapter 23 of this title, in” for “In” in par. (1).

2000—Subsec. (a). Pub. L. 106–419, § 332(a)(1), which directed substitution of “Subject to subsection (c), payments” for “Payments”, could not be executed because “Payments” did not appear subsequent to the amendment by Pub. L. 106–377, § 1(a)(1) [title V, § 501(a)(1)(A)]. See below.

Pub. L. 106–377, § 1(a)(1) [title V, § 501(a)(1)(A)], substituted “Except as provided in subsection (c), payments” for “Payments” in concluding provisions.

Subsec. (a)(3). Pub. L. 106–419, § 331(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “chapters 11, 13 (except section 1312 (a)), and 23 of this title.”

Subsec. (c). Pub. L. 106–419, § 332(a)(2), added subsec. (c) relating to the inapplicability of the second sentence of subsec. (a) to an individual described in paragraph (2).

Pub. L. 106–377, § 1(a)(1) [title V, § 501(a)(1)(B)], added subsec. (c) relating to the inapplicability of the second sentence of subsec. (a) to cases of benefits under subchapters II and IV of chapter 11 of this title paid to United States citizens or to permanent resident aliens.

1994—Subsecs. (a), (b). Pub. L. 103–446 substituted “rate of” for “rate in pesos as is equivalent to” and for “rate in Philippine pesos as is equivalent to” in second sentence.

1991—Subsec. (a)(3). Pub. L. 102–83, § 5(c)(1), substituted “1312(a)” for “412(a)”.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted “1922” for “722” in par. (1)(C) and “1312(a)” for “412(a)” in par. (2).

Pub. L. 102–83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

1986—Subsec. (a). Pub. L. 99–576 substituted “that such member’s” for “that his” in last sentence.

1982—Subsec. (a)(2). Pub. L. 97–295 substituted “chapter 10 of title 37” for “the Missing Persons Act”.

1966—Pub. L. 89–641 increased the specified dollar/peso rate for payments from one peso for each dollar otherwise authorized to a rate in Philippine pesos equivalent to \$0.50 for each dollar.

1961—Pub. L. 87–268 substituted “section 412 (a)” for “sections 412” wherever appearing.

### **Effective Date of 2003 Amendment**

Pub. L. 108–183, title II, § 211(b), Dec. 16, 2003, 117 Stat. 2657, provided that: “The amendments made by subsection (a) [amending this section] shall apply to benefits paid for months beginning after the date of the enactment of this Act [Dec. 16, 2003].”

Pub. L. 108–183, title II, § 212(c), Dec. 16, 2003, 117 Stat. 2658, provided that: “The amendments made by this section [amending this section and section 2402 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Dec. 16, 2003].”

### **Effective Date of 2001 Amendment**

Pub. L. 107–14, § 8(a)(1), June 5, 2001, 115 Stat. 34, provided that the amendment made by section 8 (a)(1) is effective Nov. 1, 2000.

### **Effective Date of 2000 Amendments**

Pub. L. 106–419, title III, § 331(c), Nov. 1, 2000, 114 Stat. 1856, provided that: “The amendments made by this section [amending this section and section 2402 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Nov. 1, 2000].”

Pub. L. 106–419, title III, § 332(b), Nov. 1, 2000, 114 Stat. 1856, provided that: “No benefits shall accrue to any person for any period before the date of the enactment of this Act [Nov. 1, 2000] by reason of the amendments made by subsection (a) [amending this section].”

Pub. L. 106–377, § 1(a)(1) [title V, § 501(a)(2)], Oct. 27, 2000, 114 Stat. 1441, 1441A–57, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 27, 2000] and shall apply to benefits paid for months beginning on or after that date.”

### **Effective Date of 1994 Amendment**

Section 507(c) of Pub. L. 103–446 provided that: “The amendments made by this section [amending this section and sections 3532 and 3565 of this title] shall apply with respect to payments made after December 31, 1994.”

### **Effective Date of 1966 Amendment**

Section 2(b) of Pub. L. 89–641 provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [Oct. 11, 1966].”

### **Effective Date of 1961 Amendment**

Amendment by Pub. L. 87–268 effective Oct. 1, 1961, see section 3 of Pub. L. 87–268, set out as a note under section 1312 of this title.

## **Payments to Eligible Persons Who Served in the United States Armed Forces in the Far East During World War II**

Pub. L. 111–5, div. A, title X, § 1002, Feb. 17, 2009, 123 Stat. 200, provided that:

“(a) Findings.—Congress makes the following findings:

“(1) The Philippine islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War.

“(2) During World War II, Filipinos served in a variety of units, some of which came under the direct control of the United States Armed Forces.

“(3) The regular Philippine Scouts, the new Philippine Scouts, the Guerrilla Services, and more than 100,000 members of the Philippine Commonwealth Army were called into the service of the United States Armed Forces of the Far East on July 26, 1941, by an executive order of President Franklin D. Roosevelt.

“(4) Even after hostilities had ceased, wartime service of the new Philippine Scouts continued as a matter of law until the end of 1946, and the force gradually disbanded and was disestablished in 1950.

“(5) Filipino veterans who were granted benefits prior to the enactment of the so-called Rescissions Acts of 1946 (Public Laws 79–301 [60 Stat. 6] and 79–391 [60 Stat. 221]) currently receive full benefits under laws administered by the Secretary of Veterans Affairs, but under section 107 of title 38, United States Code, the service of certain other Filipino veterans is deemed not to be active service for purposes of such laws.

“(6) These other Filipino veterans only receive certain benefits under title 38, United States Code, and, depending on where they legally reside, are paid such benefit amounts at reduced rates.

“(7) The benefits such veterans receive include service-connected compensation benefits paid under chapter 11 of title 38, United States Code, dependency indemnity compensation survivor benefits paid under chapter 13 of title 38, United States Code, and burial benefits under chapters 23 and 24 of title 38, United States Code, and such benefits are paid to beneficiaries at the rate of \$0.50 per dollar authorized, unless they lawfully reside in the United States.

“(8) Dependents’ educational assistance under chapter 35 of title 38, United States Code, is also payable for the dependents of such veterans at the rate of \$0.50 per dollar authorized, regardless of the veterans’ residency.

“(b) Compensation Fund.—

“(1) In General.—There is in the general fund of the Treasury a fund to be known as the ‘Filipino Veterans Equity Compensation Fund’ (in this section referred to as the ‘compensation fund’).

“(2) Availability of Funds.—Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary of Veterans Affairs without fiscal year limitation to make payments to eligible persons in accordance with this section.

“(c) Payments.—

“(1) In General.—The Secretary may make a payment from the compensation fund to an eligible person who, during the one-year period beginning on the date of the enactment of this Act [Feb. 17, 2009], submits to the Secretary a claim for benefits under this section. The application for the claim shall contain such information and evidence as the Secretary may require.

**TITLE 38 - Section 107 - Certain service deemed not to be active service**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

“(2) Payment to Surviving Spouse.—If an eligible person who has filed a claim for benefits under this section dies before payment is made under this section, the payment under this section shall be made instead to the surviving spouse, if any, of the eligible person.

“(d) Eligible Persons.—An eligible person is any person who—

“(1) served—

“(A) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

“(B) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538 [543])[enacting section 637 of former Title 10, Army and Air Force]; and

“(2) was discharged or released from service described in paragraph (1) under conditions other than dishonorable.

“(e) Payment Amounts.—Each payment under this section shall be—

“(1) in the case of an eligible person who is not a citizen of the United States, in the amount of \$9,000; and

“(2) in the case of an eligible person who is a citizen of the United States, in the amount of \$15,000.

“(f) Limitation.—The Secretary may not make more than one payment under this section for each eligible person described in subsection (d).

“(g) Clarification of Treatment of Payments Under Certain Laws.—Amounts paid to a person under this section—

“(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

“(2) shall not be included in income or resources for purposes of determining—

“(A) eligibility of an individual to receive benefits described in section 3803 (c)(2)(C) of title 31, United States Code, or the amount of such benefits;

“(B) eligibility of an individual to receive benefits under title VIII of the Social Security Act [42 U.S.C. 1001 et seq.], or the amount of such benefits; or

“(C) eligibility of an individual for, or the amount of benefits under, any other Federal or federally assisted program.

“(h) Release.—

“(1) In General.—Except as provided in paragraph (2), the acceptance by an eligible person or surviving spouse, as applicable, of a payment under this section shall be final, and shall constitute a complete release of any claim against the United States by reason of any service described in subsection (d).

“(2) Payment of Prior Eligibility Status.—Nothing in this section shall prohibit a person from receiving any benefit (including health care, survivor, or burial benefits) which the person would have been eligible to receive based on laws in effect as of the day before the date of the enactment of this Act [Feb. 17, 2009].

“(i) Recognition of Service.—The service of a person as described in subsection (d) is hereby recognized as active military service in the Armed Forces for purposes of, and to the extent provided in, this section.

“(j) Administration.—

“(1) The Secretary shall promptly issue application forms and instructions to ensure the prompt and efficient administration of the provisions of this section.

“(2) The Secretary shall administer the provisions of this section in a manner consistent with applicable provisions of title 38, United States Code, and other provisions of law, and shall apply the definitions in section 101 of such title in the administration of such provisions, except to the extent otherwise provided in this section.

“(k) Reports.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President’s budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible persons receiving benefits, the amounts paid out of the compensation fund, and the administration of the compensation fund for the most recent fiscal year for which such data is available.

“(l) Authorization of Appropriation.—There is authorized to be appropriated to the compensation fund \$198,000,000, to remain available until expended, to make payments under this section.”

**Refund of Erroneously Deducted NSLI Premium to Philippine Veterans on Proper Application**

Section 1 of Pub. L. 89-641 provided for refund of erroneously deducted insurance premiums to Philippine armed forces members in service of the United States Armed Forces, such refund to be made upon receipt of an application within two years after Oct. 11, 1966. In event of death of such member, refund was to be made only to widow or widower, children or parents of such member, in that order, with no refunds to heirs or legal representatives.

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**§ 108. Seven-year absence presumption of death**

- (a) No State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Secretary.
- (b) If evidence satisfactory to the Secretary is submitted establishing the continued and unexplained absence of any individual from that individual’s home and family for seven or more years, and establishing that after diligent search no evidence of that individual’s existence after the date of disappearance has been found or received, the death of such individual as of the date of the expiration of such period shall be considered as sufficiently proved.
- (c) Except in a suit brought pursuant to section 1984 of this title, the finding of death made by the Secretary shall be final and conclusive.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1112; Pub. L. 99-576, title VII, § 701(7), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102-83, §§ 4(a)(1), (b)(1), (2)(E), 5 (c)(1), Aug. 6, 1991, 105 Stat. 403-406.)

**Amendments**

1991—Subsec. (a). Pub. L. 102-83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

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

Subsec. (c). Pub. L. 102-83, § 5(c)(1), substituted “1984” for “784”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1986—Subsec. (b). Pub. L. 99-576 substituted “that individual’s” for “his” in two places.

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**§ 109. Benefits for discharged members of allied forces**

- (a) (1) In consideration of reciprocal services extended to the United States, the Secretary, upon request of the proper officials of the government of any nation allied or associated with the United States in World War I (except any nation which was an enemy of the United States during World War II), or in World War II, may furnish to discharged members of the armed forces of such government, under agreements requiring reimbursement in cash of expenses so incurred, at such rates and under such regulations as the Secretary may prescribe, medical, surgical, and dental treatment, hospital care, transportation and traveling expenses, prosthetic appliances, education, training, or similar benefits authorized by the laws of such nation for its veterans, and services required in extending such benefits. Hospitalization in a Department facility shall not be afforded under this section, except in emergencies, unless there are available beds surplus to the needs of veterans of this country. The Secretary may also pay the court costs and other expenses incident to the proceedings taken for the commitment of such discharged members who are mentally incompetent to institutions for the care or treatment of the insane.
- (2) The Secretary, in carrying out the provisions of this subsection, may contract for necessary services in private, State, and other Government hospitals.

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

- (3) All amounts received by the Department as reimbursement for such services shall be credited to the current appropriation of the Department from which expenditures were made under this subsection.
- (b) Persons who served in the active service in the armed forces of any government allied with the United States in World War II and who at time of entrance into such active service were citizens of the United States shall, by virtue of such service, and if otherwise qualified, be entitled to the benefits of chapters 31 and 37 of this title in the same manner and to the same extent as veterans of World War II are entitled. No such benefit shall be extended to any person who is not a resident of the United States at the time of filing claim, or to any person who has applied for and received the same or any similar benefit from the government in whose armed forces such person served.
- (c) (1) Any person who served during World War I or World War II as a member of any armed force of the Government of Czechoslovakia or Poland and participated while so serving in armed conflict with an enemy of the United States and has been a citizen of the United States for at least ten years shall, by virtue of such service, and upon satisfactory evidence thereof, be entitled to hospital and domiciliary care and medical services within the United States under chapter 17 of this title to the same extent as if such service had been performed in the Armed Forces of the United States unless such person is entitled to, or would, upon application thereof, be entitled to, payment for equivalent care and services under a program established by the foreign government concerned for persons who served in its armed forces in World War I or World War II.  
(2) In order to assist the Secretary in making a determination of proper service eligibility under this subsection, each applicant for the benefits thereof shall furnish an authenticated certification from the French Ministry of Defense or the British War Office as to records in either such Office which clearly indicate military service of the applicant in the Czechoslovakian or Polish armed forces and subsequent service in or with the armed forces of France or Great Britain during the period of World War I or World War II.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1112; Pub. L. 94–491, Oct. 14, 1976, 90 Stat. 2363; Pub. L. 99–576, title VII, § 701(8), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102–83, § 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

### Amendments

1991—Subsec. (a)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (a)(2). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (a)(3). Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in two places.

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

1986—Subsec. (b). Pub. L. 99–576 substituted “such person” for “he”.

1976—Subsec. (c). Pub. L. 94–491 added subsec. (c).

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## § 110. Preservation of disability ratings

A rating of total disability or permanent total disability which has been made for compensation, pension, or insurance purposes under laws administered by the Secretary, and which has been continuously in force for twenty or more years, shall not be reduced thereafter, except upon a showing that such rating was based on fraud. A disability which has been continuously rated at or above evaluation for twenty or more years for compensation purposes under laws administered by the Secretary shall not thereafter be rated at less than such evaluation, except upon a showing that

such rating was based on fraud. The mentioned period shall be computed from the date determined by the Secretary as the date on which the status commenced for rating purposes.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1113; Pub. L. 87–825, § 6, Oct. 15, 1962, 76 Stat. 950; Pub. L. 88–445, § 1(a), (b), Aug. 19, 1964, 78 Stat. 464; Pub. L. 91–32, June 23, 1969, 83 Stat. 38; Pub. L. 102–83, § 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405.)

### **Amendments**

1991—Pub. L. 102–83 substituted “Secretary” for “Administrator” and substituted “administered by the Secretary” for “administered by the Veterans’ Administration” in two places.

1969—Pub. L. 91–32 substituted “evaluation” for “percentage” wherever appearing.

1964—Pub. L. 88–445 substituted “Preservation of disability ratings” for “Preservation of total disability ratings” in section catchline, and inserted sentence directing that a disability which has been continuously rated at or above any percentage for twenty or more years for compensation purposes shall not thereafter be rated at less than such percentage, except upon a showing that such rating was based on fraud.

1962—Pub. L. 87–825 provided for computation of the period from the date the Administrator determines as the date the status commenced for rating purposes.

### **Effective Date of 1969 Amendment**

Section 1 of Pub. L. 91–32 provided that the amendment made by that section is effective Aug. 19, 1964.

### **Effective Date of 1962 Amendment**

Section 7 of Pub. L. 87–825 provided that: “This Act [see Tables for classification] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [Oct. 15, 1962], but no payments shall be made by reason of this Act for any period before such effective date. Payments for any period before such effective date shall be made under prior laws and regulations. The provisions of this Act with respect to reductions and discontinuances shall be applicable only where the event requiring such reduction or discontinuance occurs on or after such effective date. If such event occurred before such effective date, action shall be taken pursuant to the prior laws and regulations.”

.....

## **§ 111. Payments or allowances for beneficiary travel**

(a) Under regulations prescribed by the President pursuant to the provisions of this section, the Secretary may pay the actual necessary expense of travel (including lodging and subsistence), or in lieu thereof an allowance based upon mileage traveled, of any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care. In addition to the mileage allowance authorized by this section, there may be allowed reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls.

(b) (1) Except as provided in subsection (c) of this section and notwithstanding subsection (g)(2)(A) of this section or any other provision of law, if, with respect to any fiscal year, the Secretary exercises the authority under this section to make any payments, the Secretary shall make the payments provided for in this section to or for the following persons for travel during such fiscal year for examination, treatment, or care for which the person is eligible:

- (A) A veteran or other person whose travel is in connection with treatment or care for a service-connected disability.
- (B) A veteran with a service-connected disability rated at 30 percent or more.
- (C) A veteran receiving pension under section 1521 of this title.
- (D) A veteran



*TITLE 38 - Section 111 - Payments or allowances for beneficiary travel*

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

- (1)** The mileage allowance authorized by subsection (a) of this section.
- (2)** Actual local travel expenses.
- (3)** The expense of hiring an automobile or ambulance, or the fee authorized for the services of a nonemployee attendant.
- (e)** When any person entitled to mileage under this section requires an attendant (other than an employee of the Department) in order to perform such travel, the attendant may be allowed expenses of travel upon the same basis as such person.
- (f)** The Secretary may provide for the purchase of printed reduced-fare requests for use by veterans and their authorized attendants when traveling at their own expense to or from any Department facility.
- (g)**
  - (1)** Subject to paragraph (3), in determining the amount of allowances or reimbursement to be paid under this section, the Secretary shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707 (b) of title 5.
  - (2)** In no event shall payment be provided under this section—
    - (A)** unless the person claiming reimbursement has been determined, pursuant to regulations which the Secretary shall prescribe, to be unable to defray the expenses of such travel (except with respect to a person receiving benefits for or in connection with a service-connected disability under this title, a veteran receiving or eligible to receive pension under section 1521 of this title, or a person whose annual income, determined in accordance with section 1503 of this title, does not exceed the maximum annual rate of pension which would be payable to such person if such person were eligible for pension under section 1521 of this title);
    - (B)** to reimburse for the cost of travel by privately owned vehicle in any amount in excess of the cost of such travel by public transportation unless
      - (i)** public transportation is not reasonably accessible or would be medically inadvisable, or
      - (ii)** the cost of such travel is not greater than the cost of public transportation; and
    - (C)** in excess of the actual expense incurred by such person as certified in writing by such person.
  - (3)** Subject to the availability of appropriations, the Secretary may modify the amount of allowances or reimbursement to be paid under this section using a mileage reimbursement rate in excess of that prescribed under paragraph (1).
- (h)** The Secretary, in consultation and coordination with the Secretary of Transportation and appropriate representatives of veterans' service organizations, shall take all appropriate steps to facilitate the establishment and maintenance of a program under which such organizations, or individuals who are volunteering their services to the Department, would take responsibility for the transportation, without reimbursement from the Department, to Department facilities of veterans (primarily those residing in areas which are geographically accessible to such facilities) who seek services or benefits from the Department under chapter 17 or other provisions of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1113; Pub. L. 86–590, July 5, 1960, 74 Stat. 329; Pub. L. 89–358, § 4(g), Mar. 3, 1966, 80 Stat. 24; Pub. L. 89–455, June 18, 1966, 80 Stat. 208; Pub. L. 94–581, title I, § 101, Oct. 21, 1976, 90 Stat. 2842; Pub. L. 96–151, title II, § 201(a), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 97–295, § 4(5), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100–322, title I, § 108(a), (b)(1), (c)–(e)(1), May 20, 1988, 102 Stat. 496–498; Pub. L. 102–83, §§ 4(a)(3), (4), (6), (b)(1), (2)(E), 5 (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–446, title XII, § 1201(e)(1), Nov. 2, 1994, 108 Stat. 4685; Pub. L. 110–387, title IV, § 401(a)(1), (b), Oct. 10, 2008, 122 Stat. 4122.)

## **Amendments**

2008—Subsec. (c)(2). Pub. L. 110–387, § 401(a)(1)(B), struck out “, except as provided in paragraph (5) of this subsection,” after “shall not”.

Subsec. (c)(5). Pub. L. 110–387, § 401(a)(1)(A), struck out par. (5) which read as follows: “Whenever the Secretary increases or decreases the rates of allowances or reimbursement to be paid under this section, the Secretary shall, effective on the date on which such increase or decrease takes effect, adjust proportionately the dollar amounts specified in paragraphs (1) and (2) of this subsection as such amounts may have been increased or decreased pursuant to this paragraph before such date.”

Subsec. (g)(1). Pub. L. 110–387, § 401(b)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “In carrying out the purposes of this section, the Secretary, in consultation with the Administrator of General Services, the Secretary of Transportation, the Comptroller General of the United States, and representatives of organizations of veterans, shall conduct periodic investigations of the actual cost of travel (including lodging and subsistence) to beneficiaries while traveling to or from a Department facility or other place pursuant to the provisions of this section, and the estimated cost of alternative modes of travel, including public transportation and the operation of privately owned vehicles. The Secretary shall conduct such investigations immediately following any alteration in the rates described in paragraph (3)(C) of this subsection, and, in any event, immediately following the enactment of this subsection and not less often than annually thereafter, and based thereon, shall determine rates of allowances or reimbursement to be paid under this section.”

Subsec. (g)(3). Pub. L. 110–387, § 401(b)(2), (3), added par. (3) and struck out former par. (3) which related to the Secretary’s review and analysis of factors in conducting investigations and determining rates of mileage allowance or reimbursement.

Subsec. (g)(4). Pub. L. 110–387, § 401(b)(2), struck out par. (4) which read as follows: “Before determining rates or adjusting amounts under this section and not later than sixty days after any alteration in the rates described in paragraph (3)(C) of this subsection, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report containing the rates and amounts the Secretary proposes to establish or continue with a full justification therefor in terms of each of the limitations and factors set forth in this section.”

1994—Subsec. (b)(3)(B). Pub. L. 103–446 substituted “a Department facility” for “the Department facility”.

1991—Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b)(1)(C), (D). Pub. L. 102–83, § 5(c)(1), substituted “1521” for “521” in subpar. (C) and “1503” for “503” and “1521” for “521” in subpar. (D).

Subsec. (b)(1)(E), (F). Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b)(3)(B). Pub. L. 102–83, § 4(a)(6), substituted “Department facility” for “Veteran’s Administration facility”.

Subsec. (c)(1), (2). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (c)(3). Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (c)(4), (5). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (e). Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (f). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (g)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for first and third references to “Administrator”.

Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (g)(2)(A). Pub. L. 102–83, § 5(c)(1), substituted “1521” for “521” in two places and “1503” for “503”.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (g)(3), (4). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (h). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for first reference to “Administrator”.

Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

**TITLE 38 - Section 111 - Payments or allowances for beneficiary travel**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

1988—Pub. L. 100–322, § 108(e)(1), substituted “Payments or allowances for beneficiary travel” for “Travel expenses” in section catchline.

Subsecs. (b), (c). Pub. L. 100–322, § 108(a)(2), added subsecs. (b) and (c). Former subsecs. (b) and (c) redesignated (d) and (e), respectively.

Subsec. (d). Pub. L. 100–322, § 108(a)(1), (d), redesignated subsec. (b) as (d), and in par. (1) substituted “The mileage” for “the mileage” and “of this section.” for “hereof;”, in par. (2) substituted “Actual” for “actual” and a period for a semicolon, and in par. (3) substituted “The expense” for “the expense”. Former subsec. (d) redesignated (f).

Subsecs. (e), (f). Pub. L. 100–322, § 108(a)(1), redesignated subsecs. (c) and (d) as (e) and (f), respectively. Former subsec. (e) redesignated (g).

Subsec. (g). Pub. L. 100–322, § 108(a)(1), (c), redesignated subsec. (e) as (g), and in par. (4) substituted “Before determining rates or adjusting amounts” for “Before determining rates” and “containing the rates and amounts” for “containing the rates”.

Subsec. (h). Pub. L. 100–322, § 108(b)(1), added subsec. (h).

1982—Subsec. (e)(4). Pub. L. 97–295 substituted “and” for “, and not later than sixty days after the effective date of this subsection, and thereafter” after “under this section”.

1979—Subsec. (e)(2)(A). Pub. L. 96–151 substituted provisions respecting determinations pursuant to regulations prescribed by the Administrator, subject to applicable exceptions, for provisions respecting determinations based on annual declarations and certifications by persons claiming reimbursements, subject to applicable exceptions.

1976—Subsec. (a). Pub. L. 94–581, § 101(1), inserted “pursuant to the provisions of this section” after “President”.

Subsec. (e). Pub. L. 94–581, § 101(2), added subsec. (e).

1966—Subsec. (a). Pub. L. 89–358 substituted reference to chapter 34 for 33.

Subsec. (b). Pub. L. 89–455 authorized the prepayment of actual local travel expenses and the expense of hiring an automobile or ambulance, or the fee authorized for the services of a nonemployee attendant.

1960—Subsec. (a). Pub. L. 86–590 allowed reimbursement for actual cost of ferry fares, and bridge, road, and tunnel tolls.

### **Effective Date of 2008 Amendment**

Pub. L. 110–387, title IV, § 401(d), Oct. 10, 2008, 122 Stat. 4123, provided that: “The amendments made by this section [amending this section] shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act [Oct. 10, 2008].”

### **Effective Date of 1988 Amendment**

Section 108(g) of Pub. L. 100–322 provided that: “The amendments made by subsection (a) [amending this section] shall take effect with respect to travel performed after June 30, 1988.”

### **Effective Date of 1979 Amendment**

Section 206 of title II of Pub. L. 96–151 provided that: “Except as otherwise provided in section 205 (b), the amendments made by this title [amending this section and sections 601, 614, and 628 [now 1701, 1714, and 1728] of this title] shall take effect on January 1, 1980.”

### **Effective Date of 1976 Amendment**

Section 211 of Pub. L. 94–581 provided that: “Except as otherwise provided in this Act, the amendments made by this Act [see Tables for classification] to title 38, United States Code, shall take effect on October 1, 1976, or on the date of enactment [Oct. 21, 1976], whichever is later.”

### **Transition Provision for 1988 Amendment**

Section 108(f) of Pub. L. 100–322 provided that: “In determining for the purposes of subsection (b)(1) of section 111 of title 38, United States Code, as amended by subsection (a), whether during fiscal year 1988 the Administrator has exercised the authority under that section to make payments there shall be disregarded any exercise of authority under that section before the date of the enactment of this Act [May 20, 1988].”

### **Reinstatement of Amount of Deduction Specified by Statute**

Pub. L. 110–387, title IV, § 401(a)(2), Oct. 10, 2008, 122 Stat. 4122, provided that: “Notwithstanding any adjustment made by the Secretary of Veterans Affairs under paragraph (5) of section 111 (c) of title 38, United States Code, as such paragraph was in effect before the date of the enactment of this Act [Oct. 10, 2008], the amount deducted under paragraph (1) of such section 111 (c) on or after such date shall be the amount specified in such paragraph.”

### **Interim Guidelines for Beneficiary Travel Between January 1, 1984, and the Promulgation of Regulations by Administrator of Veterans’ Affairs**

Pub. L. 98–160, title I, § 108, Nov. 21, 1983, 97 Stat. 999, provided that promulgation of guidelines pending issuance of regulations covering the travel of beneficiaries during an interim period beginning Jan. 1, 1984, and directed that a report be made to Congress not later than Apr. 1, 1984, regarding travel payments.

### **Availability of Funds for Travel of Eligible Veterans, Dependents, or Survivors**

Pub. L. 96–330, title IV, § 406, Aug. 26, 1980, 94 Stat. 1052, provided that: “No provision of law enacted after the date of the enactment of this Act [Aug. 26, 1980] which imposes any restriction or limitation on the availability of funds for the travel and transportation of officers and employees of the executive branch of the Government and their dependents, or on the transportation of things of such officers and employees and their dependents, shall be applicable to the travel of eligible veterans, dependents, or survivors, for which reimbursement is authorized under title 38, United States Code, pursuant to the terms and conditions of section 111 of such title, unless such provision is expressly made applicable to the travel of such veterans, dependents, or survivors.”

### **Executive Order No. 10810**

Ex. Ord. No. 10810, Apr. 22, 1959, 24 F.R. 3179, as amended by Ex. Ord. No. 10881, July 6, 1960, 25 F.R. 6414, which prescribed regulations governing allowances, was superseded by Ex. Ord. No. 11142, Feb. 12, 1964, 29 F.R. 2479.

### **Executive Order No. 11142**

Ex. Ord. No. 11142, Feb. 12, 1964, 29 F.R. 2479, which prescribed regulations governing allowances, was superseded by Ex. Ord. No. 11302, Sept. 6, 1966, 31 F.R. 11741, set out below.

### **Ex. Ord. No. 11302. Regulations Governing Allowances**

Ex. Ord. No. 11302, Sept. 6, 1966, 31 F.R. 11741, as amended Ex. Ord. No. 11429, Sept. 9, 1968, 33 F.R. 12817; Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, provided:

By virtue of the authority vested in me by Section 111 of Title 38 of the United States Code, as amended by the Act of June 18, 1966 (Public Law 89–455), it is hereby ordered as follows:

Section 1. The Administrator of Veterans’ Affairs may authorize or approve the payment of the actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans’ Administration traveling to or from a Veterans’ Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. The Administrator may authorize or approve such payment to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

Sec. 2. The Administrator of Veterans’ Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance, in such amount per mile as the Administrator shall from time to time fix pursuant to 38 U.S.C. 111 as affected by this order, to any claimant or beneficiary of the Veterans’ Administration traveling to or from a Veterans’ Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

Sec. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans’ Administration for the performance of travel specified in Section 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

Sec. 4. Payment of the following expenses or allowances in connection with vocational rehabilitation, counseling, or upon termination of examination, treatment, or care, may be made before the completion of travel:

- a. The mileage allowance and fare and tolls authorized by Section 2 hereof.
- b. Actual local travel expenses.

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

c. The expense of hiring an automobile or ambulance, or the fee authorized for services of a non-employee attendant.

Sec. 5. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

Sec. 6. Executive Order No. 11142 of February 12, 1964, is hereby superseded.

.....

## § 112. Presidential memorial certificate program

(a) At the request of the President the Secretary may conduct a program for honoring the memory of deceased veterans, discharged under honorable conditions, by preparing and sending to eligible recipients a certificate bearing the signature of the President and expressing the country's grateful recognition of the veteran's service in the Armed Forces. The award of a certificate to one eligible recipient will not preclude authorization of another certificate if a request is received from some other eligible recipient.

(b) For the purpose of this section an "eligible recipient" means the next of kin, a relative or friend upon request, or an authorized service representative acting on behalf of such relative or friend.

(c) A certificate may not be furnished under the program under subsection (a) on behalf of a deceased person described in section 2411 (b) of this title.

(Added Pub. L. 89-88, § 1(a), July 24, 1965, 79 Stat. 264; amended Pub. L. 102-83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405; Pub. L. 107-330, title II, § 201(a), Dec. 6, 2002, 116 Stat. 2823.)

### Amendments

2002—Subsec. (c). Pub. L. 107-330 added subsec. (c).

1991—Subsec. (a). Pub. L. 102-83 substituted "Secretary" for "Administrator".

### Effective Date of 2002 Amendment

Pub. L. 107-330, title II, § 201(d), Dec. 6, 2002, 116 Stat. 2823, provided that: "The amendments made by this section [amending this section and sections 2301 and 2306 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Dec. 6, 2002]."

.....

## § 113. Treatment of certain programs under sequestration procedures

(a) The following programs shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

(1) Benefits under chapter 21 of this title, relating to specially adapted housing and mortgage-protection life insurance for certain veterans with service-connected disabilities.

(2) Benefits under section 2307 of this title, relating to burial benefits for veterans who die as the result of a service-connected disability.

(3) Benefits under chapter 39 of this title, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

(4) Assistance and services under chapter 31 of this title, relating to training and rehabilitation for certain veterans with service-connected disabilities.

(5) Benefits under chapter 35 of this title, relating to educational assistance for survivors and dependents of certain veterans with service-connected disabilities.

(6) Benefits under subchapters I, II, and III of chapter 37 of this title, relating to housing loans for certain veterans and for the spouses and surviving spouses of certain veterans.

(b) The following accounts of the Department shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or

any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

- (1) The following life insurance accounts:
  - (A) The National Service Life Insurance Fund authorized by section 1920 of this title.
  - (B) The Service-Disabled Veterans Insurance Fund authorized by section 1922 of this title.
  - (C) The Veterans Special Life Insurance Fund authorized by section 1923 of this title.
  - (D) The Veterans Reopened Insurance Fund authorized by section 1925 of this title.
  - (E) The United States Government Life Insurance Fund authorized by section 1955 of this title.
  - (F) The Veterans Insurance and Indemnity appropriation authorized by section 1919 of this title.
- (2) The following revolving fund accounts:
  - (A) The Department of Veterans Affairs Special Therapeutic and Rehabilitation Activities Fund established by section 1718 (c) of this title.
  - (B) The Veterans' Canteen Service revolving fund authorized by section 7804 of this title.
- (c)
  - (1) A benefit under section 2301, 2302, 2303, 2306, or 2308 of this title that is subject to reduction under a sequestration order or sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect on the date of the death of the veteran concerned.
  - (2) A benefit paid to, or on behalf of, an eligible veteran for pursuit of a program of education or training under chapter 30, 31, 34, 35, or 36 of this title that is subject to a sequestration order or a sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect during the period of education or training for which the benefit is paid.
  - (3) In implementation of a sequestration order or law with respect to each account from which a benefit described in paragraph (1) or (2) of this subsection is paid (including the making of determinations of the amounts by which such benefits are to be reduced), the total of the amounts (as estimated by the Secretary after consultation with the Director of the Congressional Budget Office) by which payments of such benefit will be reduced by reason of such paragraph after the last day of the period during which such order or law is in effect shall be deemed to be additional reductions in the payments of such benefit made, and in new budget authority for such payments, during such period.
- (d) In computing the amount of new budget authority by which a budget account of the Department is to be reduced for a fiscal year under a report of the Director of the Office of Management and Budget, or under an order of the President under part C of the Balanced Budget and Emergency Deficit Control Act of 1985, the base from which the amount of the reduction for such account is determined shall be established without regard to any amount of new budget authority in such account (determined under section 251(a)(6)<sup>1</sup> of such Act) for any of the programs listed in subsection (a) of this section.
- (e) This section applies without regard to any other provision of law (whether enacted before, on, or after the date of the enactment of this section) unless such Act expressly provides that it is enacted as a limitation to this section.
- (f) For the purposes of this section:
  - (1) The term "sequestration" means a reduction in spending authority and loan guarantee commitments generally throughout the Government under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law.
  - (2) The term "sequestration law" means a law enacted with respect to a sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law (under the procedures specified in that Act or otherwise).
  - (3) The term "sequestration order" means an order of the President issued under part C of such Act.

## Footnotes

<sup>1</sup> See References in Text note below.

(Added Pub. L. 99–576, title VI, § 601(a)(1), Oct. 28, 1986, 100 Stat. 3287; amended Pub. L. 100–198, § 12(a), Dec. 21, 1987, 101 Stat. 1325; Pub. L. 100–322, title IV, § 411(b), (c), May 20, 1988, 102 Stat. 547; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; Pub. L. 102–83, §§ 4(a)(2)(B)(i), (3), (4), (b)(1), (2)(E), 5 (c)(1), Aug. 6, 1991, 105 Stat. 403–406.)

## References in Text

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsecs. (a), (b), (d), and (f), is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended. Part C of the Act is classified generally to subchapter I (§ 900 et seq.) of chapter 20 of Title 2, The Congress. Section 251 of the Act is classified to section 901 of Title 2, and was amended generally by Pub. L. 101–508, title XIII, § 13101(a), Nov. 5, 1990, 104 Stat. 1388–577. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

The date of the enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 99–576, which was approved Oct. 28, 1986.

## Amendments

1991—Subsec. (a)(2). Pub. L. 102–83, § 5(c)(1), substituted “2307” for “907”.

Subsec. (b). Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in introductory provisions.

Subsec. (b)(1). Pub. L. 102–83, § 5(c)(1), substituted “1920” for “720” in subpar. (A), “1922” for “722” in subpar. (B), “1923” for “723” in subpar. (C), “1925” for “725” in subpar. (D), “1955” for “755” in subpar. (E), and “1919” for “719” in subpar. (F).

Subsec. (b)(2)(A). Pub. L. 102–83, § 5(c)(1), substituted “1718(c)” for “618(c)”.

Pub. L. 102–83, § 4(a)(2)(B)(i), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

Subsec. (b)(2)(B). Pub. L. 102–40 substituted “7804” for “4204”.

Subsec. (c)(1). Pub. L. 102–83, § 5(c)(1), substituted “2301, 2302, 2303, 2306, or 2308” for “901, 902, 903, 906, or 908”.

Subsec. (c)(3). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (d). Pub. L. 102–83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

1988—Subsec. (a)(4), (5). Pub. L. 100–322, § 411(b), struck out “(but only with respect to fiscal year 1987)” before period at end.

Subsec. (d). Pub. L. 100–322, § 411(c), substituted “a report of the Director of the Office of Management and Budget” for “a joint report of the Directors of the Office of Management and Budget and the Congressional Budget Office”.

1987—Subsec. (a)(6). Pub. L. 100–198, § 12(a)(1), added par. (6).

Subsec. (c)(2). Pub. L. 100–198, § 12(a)(3), substituted “31, 34, 35, or 36” for “34, or 36”.

Subsecs. (e) to (g). Pub. L. 100–198, § 12(a)(2), redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out former subsec. (e) which read as follows: “If a final order issued by the President pursuant to a law providing for the cancellation of loan guarantee commitments imposes a limitation on the total amount of loans that may be guaranteed under chapter 37 of this title in any fiscal year, the Administrator shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a monthly report (not later than the 10th day of each month during the remainder of such fiscal year following the issuance of such final order) providing the following information:

“(1) The total amount of the loans for which commitments of guarantees were made under such chapter during the preceding month.

“(2) The total amount of the loans for which commitments were made during the fiscal year through the end of such preceding month.

“(3) The Administrator’s estimates as to the total amounts of the loans for which commitments would, in the absence of any limits on such commitments or guarantees, be made during (A) the month in which the report is required to be submitted, and (B) the succeeding months of the fiscal year.”

**Effective Date of 1987 Amendment**

Section 12(b) of Pub. L. 100–198 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on November 19, 1987.”

**Effective Date**

Section 601(b) of Pub. L. 99–576 provided that: “Section 113 of title 38, United States Code (as added by subsection (a)), shall apply with respect to a sequestration order issued, or a sequestration law enacted, for a fiscal year after fiscal year 1986.”

**Restoration of Certain Revolving Funds**

Section 411(a) of Pub. L. 100–322 provided that:

“(1) Notwithstanding section 601(b) of the Veterans’ Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99–576) [set out as a note above], section 113 (b)(2) of title 38, United States Code, shall apply with respect to a sequestration order issued, or a sequestration law enacted, for any fiscal year after fiscal year 1985.

“(2) The Secretary of the Treasury shall take such action as is necessary to implement paragraph (1). Not later than 60 days after the date of the enactment of this Act [May 20, 1988], the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the action taken by the Secretary pursuant to that paragraph.”

.....

**§ 114. Multiyear procurement**

(a) The Secretary may enter into a multiyear contract for the procurement of supplies or services if the Secretary makes each of the following determinations:

- (1) Appropriations are available for obligations that are necessary for total payments that would be required during the fiscal year in which the contract is entered into, plus the estimated amount of any cancellation charge payable under the contract.
- (2) The contract is in the best interest of the United States by reason of the effect that use of a multiyear, rather than one-year, contract would have in—
  - (A) reducing costs;
  - (B) achieving economies in contract administration or in any other Department activities;
  - (C) increasing quality of performance by or service from the contractors; or
  - (D) encouraging effective competition.
- (3) During the proposed contract period—
  - (A) there will be a continuing or recurring need for the supplies or services being procured;
  - (B) there is not a substantial likelihood of substantial changes in the need for such supplies or services in terms of the total quantity of such supplies or services or of the rate of delivery of such supplies or services; and
  - (C) the specifications for the supplies or services are expected to be reasonably stable.
- (4) The risks relating to the prospective contractor’s ability to perform in accordance with the specifications and other terms of the contract are not excessive.
- (5) The use of a multiyear contract will not inhibit small business concerns in competing for the contract.
- (6) In the case of the procurement of a pharmaceutical item for which a patent has expired less than four years before the date on which the solicitation of offers is issued, there is no substantial likelihood that increased competition among potential contractors would occur during the term of the contract as the result of the availability of generic equivalents increasing during the term of the contract.

(b) (1) A multiyear contract authorized by this section shall contain—

- (A) a provision that the obligation of the United States under the contract during any fiscal year which is included in the contract period and is subsequent to the fiscal year during which the contract is entered into is contingent on the availability of sufficient appropriations (as determined by the Secretary pursuant to paragraph (2)(A) of this subsection) if, at the time the contract is entered into, appropriations are not available to cover the total estimated payments that will be required during the full term of the contract; and
- (B) notwithstanding section 1502 (a) of title 31, a provision for the payment of reasonable cancellation charges to compensate the contractor for nonrecurring, unrecovered costs, if any, if the performance is cancelled pursuant to the provision required by subparagraph (A) of this paragraph.
- (2) (A) If, during a fiscal year after the fiscal year during which a multiyear contract is entered into under this section, the Secretary determines that, in light of other funding needs involved in the operation of Department programs, the amount of funds appropriated for such subsequent fiscal year is not sufficient for such contract, the Secretary shall cancel such contract pursuant to the provisions required by paragraph (1)(A) of this subsection.
- (B) Cancellation charges under a multiyear contract shall be paid from the appropriated funds which were originally available for performance of the contract or the payment of cancellation costs unless such funds are not available in an amount sufficient to pay the entire amount of the cancellation charges payable under the contract. In a case in which such funds are not available in such amount, funds available for the procurement of supplies and services for use for the same purposes as the supplies or services procured through such contract shall be used to the extent necessary to pay such cost.
- (c) Nothing in this section shall be construed so as to restrict the Secretary's exercise of the right to terminate for convenience a contract under any other provision of law which authorizes multiyear contracting.
- (d) The Secretary shall prescribe regulations for the implementation of this section.
- (e) For the purposes of this section:
- (1) The term "appropriations" has the meaning given that term in section 1511 of title 31.
- (2) The term "multiyear contract" means a contract which by its terms is to remain in effect for a period which extends beyond the end of the fiscal year during which the contract is entered into but not beyond the end of the fourth fiscal year following such fiscal year. Such term does not include a contract for construction or for a lease of real property.
- (3) The term "nonrecurring, unrecovered costs" means those costs reasonably incurred by the contractor in performing a multiyear contract which (as determined under regulations prescribed under subsection (d) of this section) are generally incurred on a one-time basis.

(Added Pub. L. 100-322, title IV, § 404(a), May 20, 1988, 102 Stat. 545; amended Pub. L. 101-237, title VI, § 601(a), (b)(1), Dec. 18, 1989, 103 Stat. 2094; Pub. L. 102-83, § 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

### **Amendments**

1991—Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places in introductory provisions.

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

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

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

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

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

**TITLE 38 - Section 115 - Acquisition of real property**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

- Subsec. (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.
- 1989—Pub. L. 101–237, § 601(b)(1), struck out “for certain medical items” after “Multiyear procurement” in section catchline.
- Subsec. (a). Pub. L. 101–237, § 601(a)(1), struck out “for use in Veterans’ Administration health-care facilities” after “supplies or services”.
- Subsec. (b)(2)(A). Pub. L. 101–237, § 601(a)(2), struck out “health-care” before “programs, the amount”.
- Subsec. (e)(2) to (4). Pub. L. 101–237, § 601(a)(3), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “The term ‘cancel’ or ‘cancellation’ refers to the termination of a contract by the Administrator as required under paragraph (2)(B)(i) of this subsection.”

.....

**§ 115. Acquisition of real property**

For the purposes of sections 314, 315, 316, and 2406 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

- (1) before title to the property is approved under section 3111 of title 40; and
- (2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.

(Added Pub. L. 102–86, title IV, § 402(a), Aug. 14, 1991, 105 Stat. 422; amended Pub. L. 102–83, § 5(c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–446, title XII, § 1201(d)(1), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 107–217, § 3(j)(1), Aug. 21, 2002, 116 Stat. 1300.)

**Amendments**

- 2002—Par. (1). Pub. L. 107–217 substituted “section 3111 of title 40” for “section 355 of the Revised Statutes (40 U.S.C. 255)”.
- 1994—Pub. L. 103–446 substituted “sections 314, 315, 316,” for “sections 230” in introductory provisions.
- 1991—Pub. L. 102–83 substituted “2406” for “1006” in introductory provisions.

.....

**§ 116. Reports to Congress: cost information**

Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

- (1) a statement of the cost of preparing the report; and
- (2) a brief explanation of the methodology used in preparing that cost statement.

(Added Pub. L. 106–419, title IV, § 403(d)(1)(A), Nov. 1, 2000, 114 Stat. 1864.)

**Effective Date**

Pub. L. 106–419, title IV, § 403(d)(2), Nov. 1, 2000, 114 Stat. 1864, provided that: “Section 116 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act [Nov. 1, 2000].”

.....

**§ 117. Advance appropriations for certain medical care accounts**

(a) **In General.**— For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

- (1) be made available for that fiscal year; and

NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

(b) **Estimates Required.**— The Secretary shall include in documents submitted to Congress in support of the President’s budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

(c) **Medical Care Accounts.**— For purposes of this section, the term “medical care accounts of the Department” means the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

- (1) Medical Services.
- (2) Medical Support and Compliance.
- (3) Medical Facilities.

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

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

### **Comptroller General Review of the Accuracy of VA Medical Care Budget Submission in Relation to Baseline Health Care Model Projection**

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

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

“(b) **Reports.**—

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

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

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

“(B) The basis for such assessment.

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

“(3) **Availability to the public.**—Each report submitted under this subsection shall also be made available to the public.”

## CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS

Sec.

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

### Prior Provisions

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

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

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

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

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

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

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

**TITLE 38 - PART I - CHAPTER 3 DEPARTMENT OF VETERANS AFFAIRS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

Section 213, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89–785, title III, § 302, Nov. 7, 1966, 80 Stat. 1376; Pub. L. 91–24, § 2(c), June 11, 1969, 83 Stat. 33; Pub. L. 99–576, title VII, § 701(11), Oct. 28, 1986, 100 Stat. 3291, related to contracts and acceptance of personal services. See section 513 of this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**TITLE 38 - Section 301 - Department**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

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

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

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

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

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

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

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

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

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

**Amendments**

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

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

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

1998—Pub. L. 105-368, title IV, § 403(c)(1)(B), Nov. 11, 1998, 112 Stat. 3338, substituted “Under Secretary for Memorial Affairs” for “Director of the National Cemetery System” in item 307.

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

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

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

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

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

.....

**§ 301. Department**

- (a) The Department of Veterans Affairs is an executive department of the United States.
- (b) The purpose of the Department is to administer the laws providing benefits and other services to veterans and the dependents and the beneficiaries of veterans.
- (c) The Department is composed of the following:

- (1) The Office of the Secretary.
- (2) The Veterans Health Administration.
- (3) The Veterans Benefits Administration.
- (4) The National Cemetery Administration.
- (5) The Board of Veterans' Appeals.
- (6) The Veterans' Canteen Service.
- (7) The Board of Contract Appeals.
- (8) Such other offices and agencies as are established or designated by law or by the President or the Secretary.
- (9) Any office, agency, or activity under the control or supervision of any element named in paragraphs (1) through (8).

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

### **Prior Provisions**

Prior section 301 was renumbered section 1101 of this title.

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

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

### **Amendments**

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

### **Order of Succession**

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

### **Department of Veterans Affairs Franchise Fund**

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

### **Renaming of Veterans Health Services and Research Administration**

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

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

*NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscp.html>).*

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

## **Department of Veterans Affairs Act**

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

“SECTION 1. SHORT TITLE.

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

“SEC. 2. ESTABLISHMENT OF VETERANS’ ADMINISTRATION AS AN EXECUTIVE DEPARTMENT.

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

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

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

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

“SEC. 7. VETERANS BENEFITS ADMINISTRATION.

“The establishment within the Veterans’ Administration known as the Department of Veterans’ Benefits is hereby redesignated as the Veterans Benefits Administration of the Department of Veterans Affairs.

“SEC. 8. OFFICE OF THE GENERAL COUNSEL.

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

“(b) Continuation of Service of General Counsel.—The individual serving on the effective date of this Act [Mar. 15, 1989] as the General Counsel of the Veterans’ Administration may act as the General Counsel of the Department of Veterans Affairs until a person is appointed under this Act to that office.

“SEC. 9. OFFICE OF THE INSPECTOR GENERAL.

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

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

“SEC. 10. REFERENCES.

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

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

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

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

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

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

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

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

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

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

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

“SEC. 11. SAVINGS PROVISIONS.

“(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

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

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

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

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

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

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

“(e) Property and Resources.—The contracts, liabilities, records, property, and other assets and interests of the Veterans’ Administration shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department of Veterans Affairs.

“(f) Compensation for Continued Service.—Any person—

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

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

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

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

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

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

“SEC. 14. ADDITIONAL CONFORMING AMENDMENTS.

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

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

“SEC. 18. EFFECTIVE DATE.

“(a) In General.—Except as provided in subsection (b), this Act shall take effect on March 15, 1989.

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

.....

**§ 302. Seal**

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

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

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

**Prior Provisions**

Prior section 302 was renumbered section 1102 of this title.

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

.....

**§ 303. Secretary of Veterans Affairs**

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

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

**Prior Provisions**

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

**Notice to Congressional Veterans Committees of Certain Transfers of Funds**

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

**National Center on War-Related Illnesses and Post-Deployment Health Issues**

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

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

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

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

"(b) Recommendations and Report.—With respect to such a center, an agreement under this section shall provide for the Academy (or other entity) to—

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

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

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

### **Specification in Budget Submissions of Funds for Certain Veterans Benefits**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b) Report on Feasibility.—If the Secretary of Veterans Affairs or the Secretary of Labor determines that, with respect to any services or benefits referred to in subsection (a), it is not feasible to identify an estimated dollar amount to be obligated for furnishing such services or benefits only to veterans described in that subsection for any fiscal year, the Secretary of Veterans Affairs and the Secretary of Labor shall, with respect to an appropriation request for such fiscal year relating to such services or benefits, report to the Committees on Veterans’ Affairs of the Senate and the House of Representatives the reasons for the infeasibility. The report shall be submitted contemporaneously with the budget submission for such fiscal year. The report shall specify (1) the information, systems, equipment, or personnel

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

that would be required in order for it to be feasible for the Secretary of Veterans Affairs or the Secretary of Labor to identify such amount, and (2) the actions to be taken in order to ensure that it will be feasible to make such an estimate in connection with the submission of the budget request for the next fiscal year.”

### Information and Training Concerning AIDS Prevention

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

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

“(b) Required Elements of Information Program.—In conducting the program under subsection (a), the Secretary shall—

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

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

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

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

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

### Emergency Preparedness Functions

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

.....

## § 304. Deputy Secretary of Veterans Affairs

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

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

### Prior Provisions

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

**Order of Succession**

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

.....

**§ 305. Under Secretary for Health**

- (a) (1) There is in the Department an Under Secretary for Health, who is appointed by the President, by and with the advice and consent of the Senate.
- (2) The Under Secretary for Health shall be appointed without regard to political affiliation or activity and solely—
  - (A) on the basis of demonstrated ability in the medical profession, in health-care administration and policy formulation, or in health-care fiscal management; and
  - (B) on the basis of substantial experience in connection with the programs of the Veterans Health Administration or programs of similar content and scope.
- (b) The Under Secretary for Health is the head of, and is directly responsible to the Secretary for the operation of, the Veterans Health Administration.
- (c) (1) Whenever a vacancy in the position of Under Secretary for Health occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.
- (2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:
  - (A) Three persons representing clinical care and medical research and education activities affected by the Veterans Health Administration.
  - (B) Two persons representing veterans served by the Veterans Health Administration.
  - (C) Two persons who have experience in the management of veterans health services and research programs, or programs of similar content and scope.
  - (D) The Deputy Secretary of Veterans Affairs.
  - (E) The Chairman of the Special Medical Advisory Group established under section 7312 of this title.
  - (F) One person who has held the position of Under Secretary for Health (including service as Chief Medical Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the commission.
- (3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Health. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.
- (4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

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

### Prior Provisions

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

### Amendments

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

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

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

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

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

1992—Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director” wherever appearing.

1991—Subsec. (d)(2)(F). Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

### Change of Name

Section 302(a) of Pub. L. 102-405 provided that: “The position of Chief Medical Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Health of the Department of Veterans Affairs.”

Section 302(e) of Pub. L. 102-405 provided that: “Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Department of Veterans Affairs—

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

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

.....

## § 306. Under Secretary for Benefits

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

(1) fiscal management; and

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

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

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

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

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

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

- (C) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.
  - (D) The Deputy Secretary of Veterans Affairs.
  - (E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.
  - (F) One person who has held the position of Under Secretary for Benefits (including service as Chief Benefits Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the commission.
- (3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Benefits. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.
- (4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

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

### Prior Provisions

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

### Amendments

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

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

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

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

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

### Change of Name

Section 302(b) of Pub. L. 102-405 provided that: "The position of Chief Benefits Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Benefits of the Department of Veterans Affairs."

## § 307. Under Secretary for Memorial Affairs

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

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

### Prior Provisions

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

### Amendments

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

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

.....

## § 308. Assistant Secretaries; Deputy Assistant Secretaries

- (a) There shall be in the Department not more than seven Assistant Secretaries. Each Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.
- (b) The Secretary shall assign to the Assistant Secretaries responsibility for the administration of such functions and duties as the Secretary considers appropriate, including the following functions:
- (1) Budgetary and financial functions.
  - (2) Personnel management and labor relations functions.
  - (3) Planning, studies, and evaluations.
  - (4) Management, productivity, and logistic support functions.
  - (5) Information management functions as required by section 3506 of title 44.
  - (6) Capital facilities and real property program functions.
  - (7) Equal opportunity functions.
  - (8) Functions regarding the investigation of complaints of employment discrimination within the Department.
  - (9) Functions regarding intergovernmental, public, and consumer information and affairs.
  - (10) Procurement functions.
  - (11) Operations, preparedness, security, and law enforcement functions.
- (c) Whenever the President nominates an individual for appointment as an Assistant Secretary, the President shall include in the communication to the Senate of the nomination a statement of the particular functions of the Department specified in subsection (b), and any other functions of the Department, the individual will exercise upon taking office.
- (d) (1) There shall be in the Department such number of Deputy Assistant Secretaries, not exceeding 19, as the Secretary may determine. Each Deputy Assistant Secretary shall be appointed by the Secretary and shall perform such functions as the Secretary prescribes.
- (2) At least two-thirds of the number of positions established and filled under paragraph (1) shall be filled by individuals who have at least five years of continuous service in the Federal civil service in the executive branch immediately preceding their appointment as a Deputy Assistant Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—
- (A) of a confidential, policy-determining, policy-making, or policy-advocating character;
  - (B) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132 (a)(7) of title 5; or
  - (C) to which such individual was appointed by the President.

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

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

**Prior Provisions**

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

**Amendments**

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

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

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

.....

**§ 309. Chief Financial Officer**

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

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

**Prior Provisions**

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

.....

**§ 310. Chief Information Officer**

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

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

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

**Prior Provisions**

Prior section 310 was renumbered section 1110 of this title.

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

**Amendments**

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

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

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

### Effective Date of 1996 Amendment

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

## § 311. General Counsel

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

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

### Prior Provisions

Prior section 311 was renumbered section 1111 of this title.

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

## § 312. Inspector General

(a) There is in the Department an Inspector General, who is appointed by the President, by and with the advice and consent of the Senate, as provided in the Inspector General Act of 1978 (5 U.S.C. App.). The Inspector General performs the functions, has the responsibilities, and exercises the powers specified in that Act.

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

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

### References in Text

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

### Prior Provisions

Prior section 312 was renumbered section 1112 of this title.

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

### Amendments

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

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

.....

**§ 312A. Director of Construction and Facilities Management**

**(a) In General.—**

- (1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.
- (2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132 (a)(8) of title 5.
- (3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).
- (4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

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

- (1) holds an undergraduate or master’s degree in architectural design or engineering; and
- (2) has substantive professional experience in the area of construction project management.

**(c) Responsibilities.—**

- (1) The Director of Construction and Facilities Management shall—
  - (A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and
  - (B) perform such other functions as the Secretary shall prescribe.
- (2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:
  - (A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.
  - (B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.
  - (C) Management of the short-term and long-term leasing of real property by the Department.
  - (D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.
  - (E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.

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

.....

**§ 313. Availability of appropriations**

- (a) Funds appropriated to the Department may remain available until expended.
- (b) Funds appropriated to the Department may not be used for a settlement of more than \$1,000,000 on a construction contract unless—
  - (1) the settlement is audited by an entity outside the Department for reasonableness and appropriateness of expenditures; and
  - (2) the settlement is provided for specifically in an appropriation law.

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

**Prior Provisions**

Prior section 313 was renumbered section 1113 of this title.

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

.....

**§ 314. Central Office**

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

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

**Prior Provisions**

Prior section 314 was renumbered section 1114 of this title.

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

.....

**§ 315. Regional offices**

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

(b) The Secretary may maintain a regional office in the Republic of the Philippines until December 31, 2010.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 384; amended Pub. L. 102–291, § 1(a), May 20, 1992, 106 Stat. 178; Pub. L. 103–210, § 2(c), Dec. 20, 1993, 107 Stat. 2497; Pub. L. 103–446, title V, § 502, Nov. 2, 1994, 108 Stat. 4663; Pub. L. 106–117, title VIII, § 802, Nov. 30, 1999, 113 Stat. 1586; Pub. L. 108–183, title II, § 213, Dec. 16, 2003, 117 Stat. 2658; Pub. L. 111–117, div. E, title II, § 228, Dec. 16, 2009, 123 Stat. 3307.)

**Prior Provisions**

Prior section 315 was renumbered section 1115 of this title.

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

**Amendments**

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

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

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

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

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

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

**Effective Date of 1992 Amendment**

Section 1(b) of Pub. L. 102–291 provided that: “The amendment made by subsection (a) [amending this section] shall take effect as of September 30, 1991.”

**Ratification of Maintenance of Office During Lapsed Period**

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

.....

**§ 316. Colocation of regional offices and medical centers**

- (a) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the colocation of at least three regional offices with medical centers of the Department—
  - (1) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or
  - (2) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such colocation.
- (b) (1) In carrying out this section and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) or (2) of subsection (a).
  - (2) Such real property shall be used as the site of a facility—
    - (A) constructed and owned by the lessee of such real property; and
    - (B) leased under subsection (c)(1) to the Department for such use and such other activities as the Secretary determines are appropriate.
- (c) (1) The Secretary may enter into a lease for the use of any facility described in subsection (b)(2) for not more than 35 years under such terms and conditions as may be in the best interests of the Department.
  - (2) Each agreement for such a lease shall provide—
    - (A) that the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and
    - (B) that the ownership of the facility shall vest in the United States at the end of such lease.
- (d) (1) The Secretary may sublease any space in such a facility to another party at a rate not less than—
  - (A) the rental rate paid by the Secretary for such space under subsection (c); plus
  - (B) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.
  - (2) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.
- (e) The Secretary shall use the receipts of any payment for the lease of real property under subsection (b) for the payment of the lease of a facility under subsection (c).
- (f) (1) Subject to paragraph (3)(A), the Secretary shall, not later than April 18, 1990, issue an invitation for offers with respect to three colocations to be carried out under this section. The invitation shall include, with respect to each such colocation, at least the following:
  - (A) Identification of the site to be developed.
  - (B) Minimum office space requirements for regional office activities.
  - (C) Design criteria of the facility to be constructed.
  - (D) A plan for meeting the security and parking needs for the facility and its occupants and visitors.
  - (E) A statement of current and projected rents and other costs for regional office activities.

- (F) The estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility.
  - (G) A plan for securing appropriate licenses, easements, and rights-of-way.
  - (H) A list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.
- (2) Subject to paragraph (3)(B), the Secretary shall—
- (A) not later than one year after the date on which the invitation is issued under paragraph (1), enter into an agreement to carry out one colocation under this subsection; and
  - (B) within 180 days after entering into the agreement referred to in subparagraph (A), enter into agreements to carry out two additional colocations,
- unless the Secretary determines that it is not economically feasible for the Department to undertake them, taking into consideration all of the tangible and intangible benefits associated with such colocations.
- (3) The Secretary shall—
- (A) at least 10 days before the issuance or other publication of the invitation referred to in paragraph (1), submit a copy of the invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and
  - (B) at least 30 days before entering into an agreement under paragraph (2), submit a copy to the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under paragraph (1).
- (g) The authority to enter into an agreement under this section shall expire on September 30, 1992.
- (Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 384.)

**Prior Provisions**  
Prior section 316 was renumbered section 1116 of this title.  
.....

**§ 317. Center for Minority Veterans**

- (a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.
- (b) The Director shall be a career or noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.
- (c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.
- (d) The Director shall perform the following functions with respect to veterans who are minorities:
  - (1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.
  - (2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.
  - (3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

- (4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.
  - (5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.
  - (6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.
  - (7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.
  - (8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.
  - (9) Publicize the results of medical research which are of particular significance to veterans who are minorities.
  - (10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a-2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.
  - (11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.
  - (12) Perform such other duties consistent with this section as the Secretary shall prescribe.
- (e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.
- (f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—
- (1) detailed information on the budget for the Center;
  - (2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and
  - (3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.
- (g) In this section—
- (1) The term "veterans who are minorities" means veterans who are minority group members.
  - (2) The term "minority group member" has the meaning given such term in section 544 (d) of this title.

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

### **Prior Provisions**

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

**Amendments**

- 1996—Subsec. (b). Pub. L. 104–275, § 501(a), inserted “career or” before “noncareer”.
- Subsec. (d)(10) to (12). Pub. L. 104–275, § 501(b), added pars. (10) and (11) and redesignated former par. (10) as (12).
- Subsec. (g). Pub. L. 104–275, § 501(c), added subsec. (g).

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**§ 318. Center for Women Veterans**

- (a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.
- (b) The Director shall be a career or noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.
- (c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.
- (d) The Director shall perform the following functions with respect to veterans who are women:
  - (1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.
  - (2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.
  - (3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.
  - (4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.
  - (5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.
  - (6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.
  - (7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.
  - (8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.
  - (9) Publicize the results of medical research which are of particular significance to veterans who are women.
  - (10) Advise the Secretary and other appropriate officials on the effectiveness of the Department’s efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on particular health conditions affecting women’s health which should be studied as part of the Department’s medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.
  - (11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.
  - (12) Perform such other duties consistent with this section as the Secretary shall prescribe.

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NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

- (e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.
- (f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—
  - (1) detailed information on the budget for the Center;
  - (2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and
  - (3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

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

### Prior Provisions

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

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

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

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

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

Prior section 356, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1125, provided for a minimum rating for veterans with arrested tuberculosis, prior to repeal by Pub. L. 90–493, § 4, Aug. 19, 1968, 82 Stat. 809, but repeal not applicable in case of veteran who on Aug. 19, 1968, was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest.

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

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

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

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

### Amendments

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

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

### Assessment of Use by Women Veterans of Department of Veterans Affairs Health Services

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

“(a) Reports to Under Secretary for Health.—The Center for Women Veterans of the Department of Veterans Affairs (established under section 509 of Public Law 103–446 [enacting this section and section 317 of this title and repealing former section 317 of this title]), in consultation with the Advisory Committee on Women Veterans, shall assess the

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

use by women veterans of health services through the Department of Veterans Affairs, including counseling for sexual trauma and mental health services. The Center shall submit to the Under Secretary for Health of the Department of Veterans Affairs a report not later than April 1, 1997, and April 1 of each of the two following years, on—

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

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

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

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

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

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

.....

### **§ 319. Office of Employment Discrimination Complaint Adjudication**

- (a)
  - (1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.
  - (2) The Director shall be a career appointee in the Senior Executive Service.
  - (3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.
- (b)
  - (1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.
  - (2) No person may make any ex parte communication to the Director or to any employee of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.
- (c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.
- (d)
  - (1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of the General Counsel.
  - (2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.
  - (3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department.

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

#### **Effective Date**

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

## Reports on Implementation

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

.....

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

### (a) Joint Executive Committee.—

(1) There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee (hereinafter in this section referred to as the "Committee").

(2) The Committee is composed of—

(A) the Deputy Secretary of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate; and

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

### (b) Administrative Matters.—

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

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

### (c) Recommendations.—

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

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

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

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

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

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

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

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

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

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

### Effective Date

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

### Joint Program for Development and Evaluation of Integrated Healing Care Practices for Members of the Armed Forces and Veterans

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

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

“(b) Source of DOD Funds.—Amounts authorized to be appropriated by this Act [see Tables for classification] for the Defense Health Program may be used for the program under subsection (a).”

.....

## § 321. Office of Survivors Assistance

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

- (1) to survivors and dependents of deceased veterans; and
- (2) to survivors and dependents of deceased members of the Armed Forces.

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

(c) **Guidance From Stakeholders.**— In establishing the Office, the Secretary shall seek guidance from interested stakeholders.

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

(e) **Inclusion of Information on Office in Annual Report on Department Activities.**— The Secretary shall include in each annual Performance and Accountability report submitted by the Secretary to Congress a description of the activities of the Office during the fiscal year covered by such report.

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

.....

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

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

(b) **Responsibilities of Director.**— Subject to the direction of the Secretary, the Director—

- (1) shall establish and carry out qualifying programs and events;
- (2) may provide for sponsorship by the Department of qualifying programs and events;

- (3) may provide for, facilitate, and encourage participation by disabled veterans in qualifying programs and events;
  - (4) shall, to the extent feasible, cooperate with the United States Paralympics, Inc., and its partners to promote the participation of disabled veterans and disabled members of the Armed Forces in sporting events sponsored by the United States Paralympics, Inc., and its partners;
  - (5) shall seek sponsorships and donations from the private sector to defray costs of carrying out the responsibilities of the Director to the maximum extent feasible; and
  - (6) may carry out such other responsibilities as the Secretary determines are appropriate.
- (c) Qualifying Program or Event.**— For purposes of this section, a qualifying program or event is a sports program or other event in which disabled veterans and disabled members of the Armed Forces participate and that is approved by the Secretary as being consistent with the goals and missions of the Department.
- (d) Monthly Assistance Allowance.**—
- (1) Subject to the availability of appropriations for such purpose, the Secretary may provide a monthly assistance allowance to a veteran with a disability invited by the United States Paralympics, Inc., to compete for a slot on, or selected for, the Paralympic Team for any month in which the veteran is training or competing in any event sanctioned by the United States Paralympics, Inc., or who is residing at a United States Paralympics, Inc., training center.
  - (2) The amount of the monthly assistance payable to a veteran under paragraph (1) shall be equal to the monthly amount of subsistence allowance that would be payable to the veteran under chapter 31 of this title if the veteran were eligible for and entitled to rehabilitation under such chapter.
  - (3) In providing assistance under this subsection, the Secretary shall give priority to veterans with service-connected disabilities.
  - (4) There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2010 through 2013.
- (e) Limitation on Statutory Construction.**— Nothing in this section shall be construed as a limitation on disabled sports and special events supported by the Department as of the date of the enactment of this section.

(Added Pub. L. 110–389, title VII, § 703(a), Oct. 10, 2008, 122 Stat. 4183.)

### References in Text

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

### Findings and Purpose

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

“(a) Findings.—Congress makes the following findings:

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

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

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

**TITLE 38 - PART I - CHAPTER 5 AUTHORITY AND DUTIES OF THE SECRETARY**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

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

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

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

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

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

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

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

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

## **CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY**

### **SUBCHAPTER I—GENERAL AUTHORITIES**

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### **Amendments**

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

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

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

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

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

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

## SUBCHAPTER I—GENERAL AUTHORITIES

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### § 501. Rules and regulations

- (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.

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

#### 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, § 2(a).

.....

### § 502. Judicial review of rules and regulations

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.

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

#### 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, § 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”.

.....

**§ 503. Administrative error; equitable relief**

(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, 2009.

(Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 386; amended Pub. L. 106-419, title IV, § 403(c)(1), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 109-233, title IV, § 403, June 15, 2006, 120 Stat. 411.)

**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, § 2(a).

**Amendments**

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.”

.....

**§ 505. Opinions of Attorney General**

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

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

**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, § 2(a).

.....

**§ 510. Authority to reorganize offices**

- (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.

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

### **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, § 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, § 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, § 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].”

.....

**§ 511. Decisions of the Secretary; finality**

(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.

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

**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, § 2(a).

**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.

.....

**§ 512. Delegation of authority; assignment of functions and duties**

(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.

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

**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, § 2(a).

.....

**§ 513. Contracts and personal services**

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.

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

**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, § 2(a).

.....

**§ 515. Administrative settlement of tort claims**

- (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.

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

**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, § 2(a).

.....

**§ 516. Equal employment responsibilities**

- (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.

**TITLE 38 - Section 516 - Equal employment responsibilities**

*NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

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

### **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.

**TITLE 38 - PART I - CHAPTER 5 - SUBCHAPTER II SPECIFIED FUNCTIONS**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

“(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.”

## SUBCHAPTER II—SPECIFIED FUNCTIONS

.....

### § 521. Assistance to certain rehabilitation activities

(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.

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

#### 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, § 2(a).

.....

### § 521A. Assistance for United States Paralympics, Inc.

(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.

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

### **Deadline for Memorandum of Understanding**

Pub. L. 110–389, title VII, § 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, § 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.”

.....

**§ 522. Studies of rehabilitation of disabled persons**

- (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.

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

**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, § 2(a).

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

- (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.

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

**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, § 2(a).

.....

**§ 525. Publication of laws relating to veterans**

- (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

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

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.

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

**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, § 2(a).

.....

**§ 527. Evaluation and data collection**

(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.

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

**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, § 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, § 108, Nov. 2, 1994, 108 Stat. 4653; Pub. L. 105-368, title I, §§ 104, 106, Nov. 11, 1998, 112 Stat. 3323, 3325, 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:

**TITLE 38 - Section 527 - Evaluation and data collection**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

“(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.**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

“(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.

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

“(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 March 1 of each year, 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, § 107, Oct. 9, 1992, 106 Stat. 1976, as amended by Pub. L. 103–446, title X, § 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, § 202(c)(2), Nov. 21, 1997, 111 Stat. 2287.

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## **§ 529. Annual report to Congress**

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.

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

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see http://www.law.cornell.edu/uscode/uscprint.html).

**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, § 2(a).

Prior section 531, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1137; Pub. L. 90-77, title I, § 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, § 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.

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

(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.

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

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**§ 531. Requirement relating to naming of Department property**

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.

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

**Effective Date**

Pub. L. 105-368, title X, § 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]."

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**§ 532. Authority to advertise in national media**

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).

(Added Pub. L. 110–389, title VIII, § 809(a), Oct. 10, 2008, 122 Stat. 4189.)

## SUBCHAPTER III—ADVISORY COMMITTEES

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### § 541. Advisory Committee on Former Prisoners of War

- (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.

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

#### Prior Provisions

Prior section 541 was renumbered section 1541 of this title.

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).

Provisions similar to those in this section were contained in section 221 of this title prior to repeal by Pub. L. 102-83, § 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.

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## § 542. Advisory Committee on Women Veterans

- (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; and
  - (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.
- (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.

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

### **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, § 2(a).

### **Amendments**

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, § 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, § 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, § 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 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.

## 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.

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## § 543. Advisory Committee on Prosthetics and Special-Disabilities Programs

- (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.

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

### Prior Provisions

Prior section 543 was renumbered section 1543 of this title.

### 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.”

## 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.

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## § 544. Advisory Committee on Minority Veterans

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

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

- (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.

(Added Pub. L. 103–446, title V, § 510(a), Nov. 2, 1994, 108 Stat. 4668; amended Pub. L. 104–275, title V, § 501(e)(2), (f), Oct. 9, 1996, 110 Stat. 3341; Pub. L. 106–117, title VIII, § 803, Nov. 30, 1999, 113 Stat. 1586; Pub. L. 108–183, title VII, § 703, Dec. 16, 2003, 117 Stat. 2671; Pub. L. 110–389, title VIII, § 808, Oct. 10, 2008, 122 Stat. 4189.)

### **Prior Provisions**

Prior section 544, added Pub. L. 90–77, title I, § 108(a), Aug. 31, 1967, 81 Stat. 180; amended Pub. L. 91–588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 93–527, § 5, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94–169, title I, § 105, Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94–432, title II, § 205, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95–204, title I, § 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, § 112(a)(1), title IV, § 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, § 4, Aug. 29, 1950, 73 Stat. 434. See sections 1542 and 1543 of this title.

### **Amendments**

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, § 501(e)(2), inserted “, including the Center for Minority Veterans” before period at end.

| Subsec. (e). Pub. L. 104–275, § 501(f), substituted “December 31, 1999” for “December 31, 1997”.

.....

**§ 545. Advisory Committee on the Readjustment of Veterans**

- (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.

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

- (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.

(Added Pub. L. 104–262, title III, § 333(a)(1), Oct. 9, 1996, 110 Stat. 3199; amended Pub. L. 107–14, § 8(a)(16), June 5, 2001, 115 Stat. 35.)

## 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.

## 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, § 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, § 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.

*TITLE 38 - Section 545 - Advisory Committee on the Readjustment of Veterans*

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

“(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.

**TITLE 38 - Section 545 - Advisory Committee on the Readjustment of Veterans**

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“(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.

**TITLE 38 - Section 545 - Advisory Committee on the Readjustment of Veterans**

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“(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.”

.....

## § 546. Advisory Committee on Disability Compensation

### (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.

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

## 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.

## 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, § 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, § 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, § 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, §§ 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, § 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, § 2, Sept. 30, 1966, 80 Stat. 859; Pub. L. 91–24, § 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, § 2(a), Dec. 30, 1969, 83 Stat. 836; amended Pub. L. 93–82, title IV, § 403(b), Aug. 2, 1973, 87 Stat. 196, authorized appropriations to be used for making grants to States which had submitted and

**TITLE 38 - PART I - CHAPTER 7 EMPLOYEES**

*NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

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, §§ 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.

## CHAPTER 7—EMPLOYEES

Sec.

- 701. Placement of employees in military installations.
- 703. Miscellaneous authorities respecting employees.
- 705. Telephone service for medical officers and facility directors.
- 707. Benefits for employees at overseas offices who are United States citizens.
- 709. Employment restrictions.
- 711. Grade reductions.
- [712. Repealed.]

### Amendments

2001—Pub. L. 107–103, title V, § 509(a)(2), Dec. 27, 2001, 115 Stat. 997, struck out item 712 “Full-time equivalent positions: limitation on reduction”.

1994—Pub. L. 103–446, title XI, § 1102(b), Nov. 2, 1994, 108 Stat. 4681, added item 712.

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### § 701. Placement of employees in military installations

The Secretary may place employees of the Department in such Army, Navy, and Air Force installations as may be considered advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 394.)

#### Prior Provisions

Prior sections 701 and 702 were renumbered sections 1901 and 1902 of this title, respectively.

Provisions similar to those in this section were contained in section 231 of this title prior to repeal by Pub. L. 102–83, § 2(a).

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### § 703. Miscellaneous authorities respecting employees

- (a) The Secretary may furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties.
- (b) The Secretary may transport children of Department employees located at isolated stations to and from school in available Government-owned automotive equipment.
- (c) The Secretary may provide recreational facilities, supplies, and equipment for the use of patients in hospitals and employees in isolated installations.
- (d) The Secretary may provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual educational information and descriptive material. For the purposes of the preceding sentence, the Secretary may purchase or rent equipment.
- (e) The Secretary may reimburse employees for the cost of repairing or replacing their personal property damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of their official duties.
- (f) (1) The Secretary, upon determining that an emergency situation exists and that such action is necessary for the effective conduct of the affairs of the Department, may use Government-owned, or leased, vehicles to transport employees to and from their place of employment and the nearest adequate public transportation or, if such public transportation is either unavailable or not feasible to use, to and from their place of employment and their home.

(2) The Secretary shall establish reasonable rates to cover the cost of the service rendered under this subsection, and all proceeds collected therefrom shall be applied to the applicable appropriation.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 394.)

**Prior Provisions**

Prior sections 703 and 704 were renumbered sections 1903 and 1904 of this title, respectively.

Provisions similar to those in this section were contained in section 233 of this title prior to repeal by Pub. L. 102–83, § 2(a).

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**§ 705. Telephone service for medical officers and facility directors**

The Secretary may pay for official telephone service and rental in the field whenever incurred in case of official telephones for directors of centers, hospitals, independent clinics, domiciliaries, and medical officers of the Department where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations prescribed by the Secretary.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 395.)

**Prior Provisions**

Prior sections 705 and 706 were renumbered sections 1905 and 1906 of this title, respectively.

Provisions similar to those in this section were contained in section 234 of this title prior to repeal by Pub. L. 102–83, § 2(a).

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**§ 707. Benefits for employees at overseas offices who are United States citizens**

(a) The Secretary may, under such rules and regulations as may be prescribed by the President or the President’s designee, provide to personnel of the Department who are United States citizens and are assigned by the Secretary to the Department offices in the Republic of the Philippines allowances and benefits similar to those provided by the following provisions of law:

- (1) Section 905 of the Foreign Service Act of 1980 (relating to allowances to provide for the proper representation of the United States).
- (2) Sections 901(1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980 (relating to travel expenses).
- (3) Section 901(13) of the Foreign Service Act of 1980 (relating to transportation of automobiles).
- (4) Section 903 of the Foreign Service Act of 1980 (relating to the return of personnel to the United States on leave of absence).
- (5) Section 904(d) of the Foreign Service Act of 1980 (relating to payments by the United States of expenses for treating illness or injury of officers or employees and dependents requiring hospitalization).
- (6) Section 5724a (c) of title 5 (relating to subsistence expenses for 60 days in connection with the return to the United States of the employee and such employee’s immediate family).
- (7) Section 5724a (d) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).

**TITLE 38 - Section 707 - Benefits for employees at overseas offices who are United Stat...**

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(b) The authority in subsection (a) supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Department provided by title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 395; amended Pub. L. 104–201, div. A, title XVII, § 1723(a)(2), Sept. 23, 1996, 110 Stat. 2759.)

## References in Text

The Foreign Service Act of 1980, referred to in subsecs. (a)(1)–(5) and (b), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of Title 22, Foreign Relations and Intercourse. Sections 901, 903, 904(d), and 905 of the Foreign Service Act of 1980 are classified to sections 4081, 4083, 4084 (d), and 4085, respectively of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

## Prior Provisions

Prior sections 707 and 708 were renumbered sections 1907 and 1908 of this title, respectively.

Provisions similar to those in this section were contained in section 235 of this title prior to repeal by Pub. L. 102–83, § 2(a).

## Amendments

1996—Subsec. (a)(6). Pub. L. 104–201, § 1723(a)(2)(A), substituted “Section 5724a (c)” for “Section 5724a (a)(3)”.

Subsec. (a)(7). Pub. L. 104–201, § 1723(a)(2)(B), substituted “Section 5724a (d)” for “Section 5724a (a)(4)”.

## Effective Date of 1996 Amendment

Amendment by Pub. L. 104–201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104–201, set out as a note under section 5722 of Title 5, Government Organization and Employees.

## Ex. Ord. No. 12228. Allowances for Personnel on Foreign Duty

Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, as amended by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, provided:

By the authority vested in me as President of the United States of America by Sections 7 and 8 of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, as amended (20 U.S.C. 905–906), Section 235 [see 707] of Title 38 of the United States Code, and Section 301 of Title 3 of the United States Code, and in order to delegate authority with respect to allowances for Veterans Administration [now Department of Veterans Affairs] personnel and to update existing authorities, it is hereby ordered as follows:

1–101. Payment of the additional compensation authorized by Section 8(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, as amended, shall be governed by the regulations contained in Executive Order No. 10000, as amended [set out as a note under section 5941 of Title 5, Government Organization and Employees], which govern the payment of additional compensation in foreign areas (referred to as foreign post differential), subject to the provisions of Section 8(b) of that Act (20 U.S.C. 906 (a)(2) and (b)).

1–102. The following functions vested in the President are delegated to the Secretary of State:

(a) That part of the functions in Section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act which consists of the authority to prescribe regulations relating to quarters and quarters allowances (20 U.S.C. 905 (a)).

(b) The authority in Section 8(a)(1) of the Defense Department Overseas Teachers Pay and Personnel Practices Act to prescribe regulations relating to cost of living allowances (20 U.S.C. 906 (a)(1)).

(c) The following authority in Section 235 [see 707] of Title 38 of the United States Code to prescribe rules and regulations:

(1) Section 235 (2) [see 707(2)], except as that section pertains to an allowance similar to that provided for in Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081 (6));

(2) Section 235 (3) [see 707(3)];

(3) Section 235 (5) [see 707(5)];

(4) Section 235 (6) [see 707(6)]; and

(5) Section 235 (7) [see 707(7)].

1–103. The following functions vested in the President by Section 235 [see 707] of Title 38 of the United States Code are delegated to the Administrator of the Veterans Administration [now Secretary of Veterans Affairs]. The authority with respect to the allowances or benefits of paragraphs (1) and (4) of Section 235 [see 707(1), (4)] which are similar to the benefits and allowances provided in the sections of the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], designated in those paragraphs.

1–104. Executive Order No. 10853 [not classified to Code], as amended, is revoked. The rules and regulations which were prescribed by the Secretary of State or the Administrator of the Veterans Administration [now Secretary of Veterans Affairs] pursuant to Executive Order No. 10853, as amended, and which would be valid if issued pursuant to this Order, shall be deemed to have been issued under this Order.

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## § 709. Employment restrictions

- (a) (1) Notwithstanding section 3134 (d) of title 5, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not at any time exceed 5 percent of the average number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year.
- (2) For purposes of this subsection, the average number of senior executives employed in Senior Executive Service positions in the Department during a fiscal year shall be equal to 25 percent of the sum of the total number of senior executives employed in Senior Executive Service positions in the Department on the last day of each quarter of such fiscal year.
- (b) The number of positions in the Department which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at any time exceed the equivalent of 15 positions.
- (c) (1) Political affiliation or activity may not be taken into account in connection with the appointment of any person to any position in or to perform any service for the Department or in the assignment or advancement of any employee in the Department.
- (2) Paragraph (1) shall not apply—
- (A) to the appointment of any person by the President under this title, other than the appointment of the Under Secretary for Health, the Under Secretary for Benefits, and the Inspector General; or
- (B) to the appointment of any person to
- (i) a Senior Executive Service position as a noncareer appointee, or
- (ii) a position that is excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of the position.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 395; amended Pub. L. 102–405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984.)

### Prior Provisions

Prior sections 709 and 710 were renumbered sections 1909 and 1910 of this title, respectively.

Provisions similar to those in this section were contained in section 12 of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, § 3(3).

### Amendments

1992—Subsec. (c)(2)(A). Pub. L. 102–405 substituted “Under Secretary for Health” for “Chief Medical Director” and “Under Secretary for Benefits” for “Chief Benefits Director”.

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## § 711. Grade reductions

(a) The Secretary may not implement a grade reduction described in subsection (b) unless the Secretary first submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a detailed plan for such reduction and a detailed justification for the plan. The report shall include a determination by the Secretary (together with data supporting such determination) that, in the personnel area concerned, the Department has a disproportionate number of employees at the salary grade or grades selected for reduction in comparison to the number of such employees at the salary levels involved who perform comparable functions in other departments and agencies of the Federal Government and in non-Federal entities. Any grade reduction described in such report may not take effect until the end of a period of 90 calendar days (not including any day on which either House of Congress is not in session) after the report is received by the committees.

(b) A grade reduction referred to in subsection (a) is a systematic reduction, for the purpose of reducing the average salary cost for Department employees described in subsection (c), in the number of such Department employees at a specific grade level.

(c) The employees referred to in subsection (b) are—

(1) health-care personnel who are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services;

(2) individuals who meet the definition of professional employee as set forth in section 7103 (a)(15) of title 5; and

(3) individuals who are employed as computer specialists.

(d) Not later than the 45th day after the Secretary submits a report under subsection (a), the Comptroller General shall, upon request of either of such Committees, submit to such committees a report on the Secretary's compliance with such subsection. The Comptroller General shall include in the report the Comptroller General's opinion as to the accuracy of the Secretary's determination (and of the data supporting such determination) made under such subsection.

(e) In the case of Department employees not described in subsection (c), the Secretary may not in any fiscal year implement a systematic reduction for the purpose of reducing the average salary cost for such Department employees that will result in a reduction in the number of such Department employees at any specific grade level at a rate greater than the rate of the reductions systematically being made in the numbers of employees at such grade level in all other agencies and departments of the Federal Government combined.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 396; amended Pub. L. 103–446, title XII, § 1201(e)(5), Nov. 2, 1994, 108 Stat. 4685; Pub. L. 104–316, title I, § 119, Oct. 19, 1996, 110 Stat. 3836.)

### Prior Provisions

Prior section 711 was renumbered section 1911 of this title.

Provisions similar to those in this section were contained in former section 210 (b)(3) of this title prior to repeal by Pub. L. 102–83, § 2(a).

Prior sections 712 to 729, 740 to 763, 765 to 779, 781 to 788, and 801 to 806 were renumbered sections 1912 to 1929, 1940 to 1963, 1965 to 1979, 1981 to 1988, and 2101 to 2106 of this title, respectively.

### Amendments

1996—Subsec. (d). Pub. L. 104–316 inserted “, upon request of either of such Committees,” after “the Comptroller General shall” in first sentence.

1994—Subsec. (d). Pub. L. 103–446 substituted “committees” for “Committees”.

**TITLE 38 - PART I - CHAPTER 9 SECURITY AND LAW  
ENFORCEMENT ON PROPERTY UNDER THE JURISD...**

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**§ 712. Repealed. Pub. L. 107–103, title V, § 509(a)(1), Dec. 27, 2001, 115 Stat. 997]**

Section, added Pub. L. 103–446, title XI, § 1102(a), Nov. 2, 1994, 108 Stat. 4680; amended Pub. L. 104–262, title III, § 303, Oct. 9, 1996, 110 Stat. 3194; Pub. L. 105–33, title VIII, § 8023(e), Aug. 5, 1997, 111 Stat. 667; Pub. L. 105–368, title X, § 1005(b)(1), Nov. 11, 1998, 112 Stat. 3364, limited reduction of full-time equivalent positions in the Department of Veterans Affairs during the period beginning on Nov. 2, 1994, and ending on Sept. 30, 1999.

CHAPTER 9—SECURITY AND LAW ENFORCEMENT ON PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT

Sec.

- 901. Authority to prescribe rules for conduct and penalties for violations.
902. Enforcement and arrest authority of Department police officers.
903. Uniform allowance.
904. Equipment and weapons.
905. Use of facilities and services of other law enforcement agencies.

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§ 901. Authority to prescribe rules for conduct and penalties for violations

- (a) (1) The Secretary shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on Department property.
(2) In this chapter, the term "Department property" means land and buildings that are under the jurisdiction of the Department and are not under control of the Administrator of General Services.
(b) Regulations under subsection (a) shall include—
(1) rules for conduct on Department property; and
(2) the penalties, within the limits specified in subsection (c), for violations of such rules.
(c) Whoever violates any rule prescribed by regulation under subsection (b)(1) shall be fined in accordance with title 18 or imprisoned not more than six months, or both.
(d) The rules prescribed under subsection (a), together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.
(e) The Secretary shall consult with the Attorney General before prescribing regulations under this section.

(Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 397.)

Prior Provisions

Prior section 901 was renumbered section 2301 of this title.

Provisions similar to those in this section were contained in section 218 (a) of this title prior to repeal by Pub. L. 102-83, § 2(a).

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§ 902. Enforcement and arrest authority of Department police officers

- (a) (1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property, enforce—
(A) Federal laws;
(B) the rules prescribed under section 901 of this title; and
(C) subject to paragraph (2), traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Department property is located.
(2) A law described in subparagraph (C) of paragraph (1) may be enforced under such subparagraph only as authorized by an express grant of authority under applicable State or local law.

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- (3) Subject to regulations prescribed under subsection (b), a Department police officer may make arrests on Department property for a violation of a Federal law or any rule prescribed under section 901 (a) of this title.
- (b) The Secretary shall prescribe regulations with respect to Department police officers. Such regulations shall include—
  - (1) policies with respect to the exercise by Department police officers of the enforcement and arrest authorities provided by this section;
  - (2) the scope and duration of training that is required for Department police officers, with particular emphasis on dealing with situations involving patients; and
  - (3) rules limiting the carrying and use of weapons by Department police officers.
- (c) The Secretary shall consult with the Attorney General before prescribing regulations under paragraph (1) of subsection (b).
- (d) Rates of basic pay for Department police officers may be increased by the Secretary under section 7455 of this title.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 397.)

### Prior Provisions

Prior section 902 was renumbered section 2302 of this title.

Provisions similar to those in this section were contained in section 218 (b) of this title prior to repeal by Pub. L. 102–83, § 2(a).

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## § 903. Uniform allowance

- (a) The Secretary may pay an allowance under this section for the purchase of uniforms to any Department police officer who is required to wear a prescribed uniform in the performance of official duties.
- (b) The amount of the allowance that the Secretary may pay under this section—
  - (1) may be based on estimated average costs or actual costs;
  - (2) may vary by geographic regions; and
  - (3) except as provided in subsection (c), may not exceed \$200 in a fiscal year for any police officer.
- (c) The amount of an allowance under this section may be increased to an amount up to \$400 for not more than one fiscal year in the case of any Department police officer. In the case of a person who is appointed as a Department police officer on or after January 1, 1990, an allowance in an amount established under this subsection shall be paid at the beginning of such person’s employment as such an officer. In the case of any other Department police officer, an allowance in an amount established under this subsection shall be paid upon the request of the officer.
- (d) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this section shall repay to the Department a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such an allowance, as the case may be.
- (e) An allowance may not be paid to a Department police officer under this section and under section 5901 of title 5 for the same fiscal year.

(Added Pub. L. 102–83, § 2(a), Aug. 6, 1991, 105 Stat. 398.)

**Prior Provisions**

Prior section 903 was renumbered section 2303 of this title.

Provisions similar to those in this section were contained in section 218 (c) of this title prior to repeal by Pub. L. 102-83, § 2(a).

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**§ 904. Equipment and weapons**

The Secretary shall furnish Department police officers with such weapons and related equipment as the Secretary determines to be necessary and appropriate.

(Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 399.)

**Prior Provisions**

Prior section 904 was renumbered section 2304 of this title.

Provisions similar to those in this section were contained in section 218 (d) of this title prior to repeal by Pub. L. 102-83, § 2(a).

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**§ 905. Use of facilities and services of other law enforcement agencies**

With the permission of the head of the agency concerned, the Secretary may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.

(Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 399.)

**Prior Provisions**

Prior section 905 was renumbered section 2305 of this title.

Provisions similar to those in this section were contained in section 218 (e) of this title prior to repeal by Pub. L. 102-83, § 2(a).

Prior sections 906 to 908 and 1000 to 1010 were renumbered sections 2306 to 2308 and 2400 to 2410 of this title, respectively.