

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

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

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

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

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

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

#### EFFECTIVE DATE

Pub. L. 108-136, div. A, title V, §583(d)(2), Nov. 24, 2003, 117 Stat. 1492, provided that: "If this Act is enacted on or after October 1, 2003, the amendments made by this section [enacting this section and amending section 811 of this title] shall take effect on the date of the enactment of this Act [Nov. 24, 2003]."

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

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

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

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

#### § 321. Office of Survivors Assistance

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

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

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

(b) ADVISORY DUTIES.—The Office shall serve as a primary advisor to the Secretary on all

matters related to the policies, programs, legislative issues, and other initiatives affecting the survivors and dependents described in subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The amount of the monthly assistance payable to a veteran under paragraph (1) shall be

equal to the monthly amount of subsistence allowance that would be payable to the veteran under chapter 31 of this title if the veteran were eligible for and entitled to rehabilitation under such chapter.

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

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

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

- (1) American Samoa.
- (2) Guam.
- (3) Puerto Rico.
- (4) The Northern Mariana Islands.
- (5) The United States Virgin Islands.

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

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

#### REFERENCES IN TEXT

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

#### AMENDMENTS

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

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

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

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

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

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

#### EFFECTIVE DATE OF 2013 AMENDMENT

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

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

“(b) RATIFICATION.—If this Act is not enacted on or before September 30, 2013, any actions undertaken by

the Department of Veterans Affairs under the authorities extended by this Act during the period beginning on such date and ending on the date of the enactment of this Act [Sept. 30, 2013] shall be deemed ratified.”

#### FINDINGS AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

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- Sec.  
501. Rules and regulations.  
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503. Administrative error; equitable relief.  
505. Opinions of Attorney General.  
510. Authority to reorganize offices.  
511. Decisions of the Secretary; finality.  
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521. Assistance to certain rehabilitation activities.  
512A.<sup>1</sup> Adaptive sports programs for disabled veterans and members of the Armed Forces.  
522. Studies of rehabilitation of disabled persons.  
523. Coordination and promotion of other programs affecting veterans and their dependents.  
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531. Requirement relating to naming of Department property.  
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### SUBCHAPTER III—ADVISORY COMMITTEES

541. Advisory Committee on Former Prisoners of War.  
542. Advisory Committee on Women Veterans.  
543. Advisory Committee on Prosthetics and Special-Disabilities Programs.  
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#### AMENDMENTS

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

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

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

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

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

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

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

<sup>1</sup> So in original. Probably should be “521A.” See 2013 Amendment note below.

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

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

### SUBCHAPTER I—GENERAL AUTHORITIES

#### § 501. Rules and regulations

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