

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-315 applicable to fiscal years beginning on and after Oct. 1, 2017, see section 601(c) of Pub. L. 114-315, set out as a note under section 1105 of Title 31, Money and Finance.

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-235, div. I, title II, §244(b), Dec. 16, 2014, 128 Stat. 2569, provided that: "Section 117 of title 38, United States Code, shall apply as follows:

"(1) With respect to an account described in paragraph (4), (5), or (6) of subsection (c) of such section, as redesignated by subsection (a) of this section, for each fiscal year beginning with fiscal year 2011.

"(2) With respect to an account described in paragraph (1), (2), or (3) of such subsection (c), as added by subsection (a) of this section, for each fiscal year beginning with 2017."

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

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

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

"(b) REPORTS.—

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

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

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

"(B) The basis for such assessment.

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

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

§ 118. Submission of reports to Congress in electronic form

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

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

(c) REPORT DEFINED.—For purposes of this section, the term "report" includes any certifi-

cation, notification, or other communication in writing.

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

CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS

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

PRIOR PROVISIONS

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

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

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

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

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

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

decisions of Administrator and opinions of Attorney General. See sections 505 and 511 of this title.

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

Section 213, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89-785, title III, §302, Nov. 7, 1966, 80 Stat. 1376; Pub. L. 91-24, §2(c), June 11, 1969, 83 Stat. 33; Pub. L. 99-576, title VII, §701(11), Oct. 28, 1986, 100 Stat. 3291, related to contracts and acceptance of personal services. See section 513 of this title.

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

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

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

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

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

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

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

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

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

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

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

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

Section 230, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 86-103, July 23, 1959, 73 Stat. 224; Pub. L. 87-815, §5, Oct. 15, 1962, 76 Stat. 927; Pub. L. 91-338, July 16, 1970, 84 Stat. 437; Pub. L. 93-82, title IV, §401, Aug. 2, 1973, 87 Stat. 196; Pub. L. 95-520, §2, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96-22, title V, §503(a), June 13, 1979, 93 Stat. 65; Pub. L. 96-385, title V, §501, Oct. 7, 1980, 94 Stat. 1533;

Pub. L. 97-295, §4(6), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 99-108, §1, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99-166, title IV, §402, Dec. 3, 1985, 99 Stat. 957; Pub. L. 99-576, title VII, §701(13), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 100-689, title V, §501(a), Nov. 18, 1988, 102 Stat. 4179; Pub. L. 101-237, title VI, §603(a), Dec. 18, 1989, 103 Stat. 2095, related to Central Office and regional offices. See sections 314 to 316 of this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENTS

2017—Pub. L. 115-41, title I, §101(c), June 23, 2017, 131 Stat. 865, added item 323.

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

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

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

1998—Pub. L. 105-368, title IV, §403(c)(1)(B), Nov. 11, 1998, 112 Stat. 3338, substituted "Under Secretary for Memorial Affairs" for "Director of the National Cemetery System" in item 307.

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

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

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

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

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

§ 301. Department

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

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

(c) The Department is composed of the following:

- (1) The Office of the Secretary.
- (2) The Veterans Health Administration.
- (3) The Veterans Benefits Administration.
- (4) The National Cemetery Administration.
- (5) The Board of Veterans' Appeals.
- (6) The Veterans' Canteen Service.
- (7) The Board of Contract Appeals.

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

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

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

PRIOR PROVISIONS

Prior section 301 was renumbered section 1101 of this title.

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

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

AMENDMENTS

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

ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of Veterans Affairs are

unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13247, Dec. 18, 2001, 66 F.R. 66271, listed in a table under section 3345 of Title 5, Government Organization and Employees.

DEPARTMENT OF VETERANS AFFAIRS PERSONNEL
TRANSPARENCY

Pub. L. 115-182, title V, §505, June 6, 2018, 132 Stat. 1477, provided that:

“(a) PUBLICATION OF STAFFING AND VACANCIES.—

“(1) WEBSITE REQUIRED.—Subject to paragraph (2) and not later than 90 days after the date of the enactment of this Act [June 6, 2018], the Secretary of Veterans Affairs shall make publicly available on an Internet website of the Department of Veterans Affairs the following information, which shall, subject to subparagraph (D), be displayed by departmental component or, in the case of information relating to Veterans Health Administration positions, by medical facility:

“(A) The number of personnel encumbering positions.

“(B) The number of accessions and separation actions processed during the quarter preceding the date of the publication of the information.

“(C) The number of vacancies, by occupation.

“(D) The percentage of new hires for the Department who were hired within the time-to-hire target of the Office of Personnel Management, disaggregated by administration.

“(2) EXCEPTIONS.—The Secretary may withhold from publication under paragraph (1) information relating to law enforcement, information security, or such positions in the Department that the Secretary determines to be sensitive.

“(3) UPDATE OF INFORMATION.—The Secretary shall update the information on the website required under paragraph (1) on a quarterly basis.

“(4) TREATMENT OF CONTRACTOR POSITIONS.—Any Department of Veterans Affairs position that is filled with a contractor may not be treated as a Department position for purposes of the information required to be published under paragraph (1).

“(5) INSPECTOR GENERAL REVIEW.—On a semi-annual basis, the Inspector General of the Department shall review the administration of the website required under paragraph (1) and make recommendations relating to the improvement of such administration.

“(b) REPORT TO CONGRESS.—The Secretary of Veterans Affairs shall submit to Congress an annual report on the steps the Department is taking to achieve full staffing capacity. Each such report shall include the amount of additional funds necessary to enable the Department to reach full staffing capacity.”

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