

Editorial Notes

AMENDMENTS

2015—Subsec. (b)(2). Pub. L. 114-92, §561(1), inserted “a subordinate Job Training and Post-Service Placement Executive Committee,” before “such other committees”.

Subsec. (d)(2). Pub. L. 114-92, §561(3), inserted “, including with respect to job training and post-service placement” before period at end.

Subsec. (e). Pub. L. 114-92, §561(2), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 108-136, div. A, title V, §583(d)(2), Nov. 24, 2003, 117 Stat. 1492, provided that: “If this Act is enacted on or after October 1, 2003, the amendments made by this section [enacting this section and amending section 8111 of this title] shall take effect on the date of the enactment of this Act [Nov. 24, 2003].”

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

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

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

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

§ 321. Office of Survivors Assistance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) MONTHLY ASSISTANCE ALLOWANCE.—(1) Subject to the availability of appropriations for such purpose, the Secretary may provide a monthly assistance allowance to—

(A) 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; and

(B) a veteran with a VA service-connected disability rated as 30 percent or greater by the Department of Veterans Affairs who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.

(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 2022.

(e) APPLICABILITY TO COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.—The provi-

sions 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; Pub. L. 114-58, title IV, §402, Sept. 30, 2015, 129 Stat. 534; Pub. L. 114-223, div. A, title II, §249, Sept. 29, 2016, 130 Stat. 892; Pub. L. 114-228, title IV, §403, Sept. 29, 2016, 130 Stat. 940; Pub. L. 115-62, title IV, §403, Sept. 29, 2017, 131 Stat. 1164; Pub. L. 115-251, title I, §163, Sept. 29, 2018, 132 Stat. 3171; Pub. L. 116-159, div. E, title IV, §5401, Oct. 1, 2020, 134 Stat. 751.)

Editorial Notes

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

2020—Subsec. (d)(4). Pub. L. 116-159 substituted “2022” for “2020”.

2018—Subsec. (d)(4). Pub. L. 115-251 substituted “2020” for “2019”.

2017—Subsec. (d)(4). Pub. L. 115-62 substituted “2019” for “2017”.

2016—Subsec. (d)(1). Pub. L. 114-223 substituted “allowance to—” for “allowance to”, inserted subpar. (A) designation before “a veteran with a disability”, and added subpar. (B).

Subsec. (d)(4). Pub. L. 114-228 substituted “2017” for “2016”.

2015—Subsec. (d)(4). Pub. L. 114-58 substituted “2016” for “2015”.

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).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

References to the United States Olympic Committee deemed to refer to the United States Olympic and Paralympic Committee, see section 220502(c) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

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 [now United States Olympic and Paralympic 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 [now United States Olympic and Paralympic 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.”

§ 323. Office of Accountability and Whistleblower Protection

(a) ESTABLISHMENT.—There is established in the Department an office to be known as the “Office of Accountability and Whistleblower Protection” (in this section referred to as the “Office”).

(b) HEAD OF OFFICE.—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title.

(2) The head of the Office shall be known as the “Assistant Secretary for Accountability and Whistleblower Protection”.

(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

(c) FUNCTIONS.—(1) The functions of the Office are as follows:

(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

(C) Receiving whistleblower disclosures.

(D) Referring whistleblower disclosures received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower disclosure is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety.

(E) Receiving and referring disclosures from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by

the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower disclosures, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

(iii) a supervisory employee, if the allegation involves retaliation against an employee for making a whistleblower disclosure.

(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower disclosures.

(3) In any case in which the Assistant Secretary receives a whistleblower disclosure from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

(d) STAFF AND RESOURCES.—The Secretary shall ensure that the Assistant Secretary has such staff, resources, and access to information as may be necessary to carry out the functions of the Office.

(e) RELATION TO OFFICE OF GENERAL COUNSEL.—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

(f) REPORTS.—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Office during the calendar year in which the report is submitted.

(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following: