

(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G), including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.

(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

(I) the process by which concerns are reported to the Office; and

(II) the protection of whistleblowers within the Department.

(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action.

(g) DEFINITIONS.—In this section:

(1) The term “supervisory employee” means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

(2) The term “whistleblower” means one who makes a whistleblower disclosure.

(3) The term “whistleblower disclosure” means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

(A) a violation of a law, rule, or regulation; or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(Added Pub. L. 115–41, title I, §101(a), June 23, 2017, 131 Stat. 863.)

CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

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Editorial Notes

AMENDMENTS

2021—Pub. L. 116–315, title V, §5303(b), title VII, §7002(a)(2), Jan. 5, 2021, 134 Stat. 5041, 5057, added items 533 and 547.

2015—Pub. L. 114–58, title VI, §601(2), Sept. 30, 2015, 129 Stat. 538, which directed amendment of this analysis by striking item “521A” and adding item 521A, was executed by striking item 512A “Adaptive sports programs for disabled veterans and members of the Armed Forces” and adding item 521A, to reflect the probable intent of Congress.

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.

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.)

Editorial Notes

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.)

Editorial Notes

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, 2022.

(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; Pub. L. 111-275, title VIII, §808, Oct. 13, 2010, 124 Stat. 2893; Pub. L. 113-175, title IV, §403, Sept. 26, 2014, 128 Stat. 1905; Pub. L. 114-58, title IV, §404, Sept. 30, 2015, 129 Stat. 535; Pub. L. 114-228, title IV, §404, Sept. 29, 2016, 130 Stat. 940; Pub. L. 115-62, title IV, §404, Sept. 29, 2017, 131 Stat. 1164; Pub. L. 115-251, title I, §164, Sept. 29, 2018, 132 Stat. 3171; Pub. L. 116-159, div. E, title IV, §5402, Oct. 1, 2020, 134 Stat. 751.)

Editorial Notes

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

2020—Subsec. (c). Pub. L. 116-159 substituted “December 31, 2022” for “December 31, 2020”.