

“(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 fre-

quently 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.)

#### Editorial Notes

##### 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 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.

#### § 547. Advisory Committee on Tribal and Indian Affairs

(a) ESTABLISHMENT.—(1) The Secretary shall establish an advisory committee to provide advice and guidance to the Secretary on matters relating to Indian tribes, tribal organizations, and Native American veterans.

(2) The advisory committee established under paragraph (1) shall be known as the "Advisory Committee on Tribal and Indian Affairs" (in this section referred to as the "Committee").

(3) The Committee shall facilitate, but not supplant, government-to-government consultation between the Department and Indian tribes or tribal organizations.

(4) The Secretary shall consult with Indian tribes or tribal organizations in developing a charter for the Committee.

(b) MEMBERSHIP.—(1) The Committee shall be comprised of 15 voting members selected by the Secretary from among individuals nominated as specified under this subsection.

(2) In selecting members under paragraph (1), the Secretary shall ensure that—

(A) at least one member of each of the 12 service areas of the Indian Health Service is represented in the membership of the Committee nominated by Indian tribes or tribal organizations;

(B) at least one member of the Committee represents the Native Hawaiian veteran community nominated by a Native Hawaiian Organization;

(C) at least one member of the Committee represents urban Indian organizations nominated by a national urban Indian organization; and

(D) not fewer than half of the members are veterans, unless the Secretary determines that an insufficient number of qualified veterans were nominated under paragraph (1).

(3) No member of the Committee may be an employee of the Federal Government.

(c) TERMS; VACANCIES.—(1) A member of the Committee shall be appointed for a term of two years.

(2) The Secretary shall fill a vacancy in the Committee in the same manner as the original appointment within 180 days.

(d) MEETINGS.—(1)(A) Except as provided in subparagraph (B), the Committee shall meet in person with the Secretary, or the Secretary's designee, not less frequently than twice each year and hold monthly conference calls as necessary.

(B) During a public health emergency (as defined in section 20003 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136)), meetings under subparagraph (A) may be conducted virtually.

(2)(A) Representatives of relevant Federal agencies may attend meetings of the Committee and provide information to the Committee.

(B) One representative of the Office of Tribal Government Relations of the Department shall attend at each meeting of the Committee.

(C) Representatives attending meetings under this paragraph shall not be considered voting members of the Committee.

(D) A representative attending a meeting or providing information under this paragraph may not receive additional compensation for services performed with respect to the Committee.

(e) SUBCOMMITTEES.—(1) The Committee may establish subcommittees.

(2) The Secretary may, in consultation with the Committee, appoint a member to a subcommittee established under paragraph (1) who is not a member of the Committee.

(3) Such subcommittees may enhance the function of the Committee, but may not supersede the authority of the Committee or provide direct advice or work products to the Department.

(f) DUTIES.—The duties of the Committee are as follows:

(1) To advise the Secretary on ways the Department can improve the programs and services of the Department to better serve Native American veterans.

(2) To identify for the Department evolving issues of relevance to Indian tribes, tribal organizations, and Native American veterans relating to programs and services of the Department.

(3) To propose clarifications, recommendations, and solutions to address issues raised at tribal, regional, and national levels, especially regarding any tribal consultation reports.

(4) To provide a forum for Indian tribes, tribal organizations, urban Indian organizations, Native Hawaiian organizations, and the Department to discuss issues and proposals for changes to Department regulations, policies, and procedures.