Code, see Short Title note set out under section 900 of Title 2 and Tables.

Statutory Notes and Related Subsidiaries

AUTHORITY TO USE APPROPRIATIONS TO ENHANCE CLAIMS PROCESSING CAPACITY AND AUTOMATION

Pub. L. 117–168, title VII, §701(a), Aug. 10, 2022, 136 Stat. 1794, provided that: “The Secretary of Veterans Affairs may use, from amounts appropriated to the Cost of War Toxic Exposures Fund established by section 324 of title 38, United States Code, as added by section 805 of this Act, such amounts as may be necessary to continue the modernization, development, and expansion of capabilities and capacity of information technology systems and infrastructure of the Veterans Benefits Administration, including for claims automation, to support expected increased claims processing for newly eligible veterans pursuant to this Act” (see Short Title of 2022 Amendment note set out under section 901 of this title)."

CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

SUBCHAPTER I—GENERAL AUTHORITIES

Sec. 501. Rules and regulations.


Sec. 503. Administrative error; equitable relief.

Sec. 504. Opinions of Attorney General.

Sec. 505. Administrative error; equitable relief.

Sec. 506. Judicial review of rules and regulations.

Sec. 507. Assistance to certain rehabilitation activities.

Sec. 508. Adaptive sports programs for disabled veterans and members of the Armed Forces.

Sec. 509. Studies of rehabilitation of disabled persons.

Sec. 510. Authority to reorganize offices.

Sec. 511. Decisions of the Secretary; finality.

Sec. 512. Delegation of authority; assignment of functions and duties.

Sec. 513. Contracts and personal services.

Sec. 514. Administrative settlement of tort claims.

Sec. 515. Equal employment responsibilities.

Sec. 516. Quarterly reports to Congress on conferences sponsored by the Department.

SUBCHAPTER II—SPECIFIED FUNCTIONS

Sec. 521. Assistance to certain rehabilitation activities.

Sec. 521A. Adaptive sports programs for disabled veterans and members of the Armed Forces.

Sec. 522. Studies of rehabilitation of disabled persons.

Sec. 523. Coordination and promotion of other programs affecting veterans and their dependents.

Sec. 524. Publication of laws relating to veterans.

Sec. 525. Evaluation and data collection.

Sec. 526. Annual report to Congress.

Sec. 527. Annual report on program and expenditures for domestic response to weapons of mass destruction.

Sec. 528. Requirements relating to naming of Department property.

Sec. 529. Authority to advertise in national media; VetStar Award Program.

Sec. 530. Anti-harassment and anti-sexual assault policy.

SUBCHAPTER III—ADVISORY COMMITTEES

Sec. 541. Advisory Committee on Former Prisoners of War.

Sec. 542. Advisory Committee on Women Veterans.

Sec. 543. Advisory Committee on Prosthetics and Special-Disabilities Programs.

Sec. 544. Advisory Committee on Minority Veterans.

Sec. 545. Advisory Committee on the Readjustment of Veterans.

Sec. 546. Advisory Committee on Disability Compensation.

Sec. 547. Advisory Committee on Tribal and Indian Affairs.

Sec. 548. Advisory Committee on United States Outstanding Areas and Freely Associated States.

Editorial Notes

AMENDMENTS


2015—Pub. L. 114–58, title VI, §601(2), Sept. 30, 2015, 129 Stat. 536, which directed amendment of this analysis by striking item “521A” and adding item 521A, was executed by striking item 521A “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(b)(2), Dec. 20, 2013, 127 Stat. 662, which directed amendment of this analysis by striking item 521A and adding item “521A”, was executed by striking item 521A “Authority for United States Olympic Committee” and adding item 521A in the position for item 521A, to reflect the probable intent of Congress.


§ 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

\* So in original. Probably should be followed by a period.
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.


§ 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.


§ 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, 2024.


§ 505. Opinions of Attorney General

The Secretary may require the opinion of the Attorney General on any question of law arising in the administration of the Department.