

(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.)

### § 324. Cost of War Toxic Exposures Fund

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States an account to be known as the “Cost of War Toxic Exposures Fund” (the “Fund”), to be administered by the Secretary.

(b) DEPOSITS.—There shall be deposited in the Fund such amounts as may be appropriated to the Fund pursuant to subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund for fiscal year 2023 and each subsequent fiscal year such sums as are necessary to increase funding, over the fiscal year 2021 level, for investment in—

(1) the delivery of veterans’ health care associated with exposure to environmental hazards in the active military, naval, air, or space service in programs administered by the Under Secretary for Health;

(2) any expenses incident to the delivery of veterans’ health care and benefits associated with exposure to environmental hazards in the active military, naval, air, or space service, including administrative expenses, such as information technology and claims processing and appeals, and excluding leases as authorized or approved under section 8104 of this title; and

(3) medical and other research relating to exposure to environmental hazards.

(d) BUDGET SCOREKEEPING.—(1) Immediately upon enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, expenses authorized to be appropriated to the Fund in subsection (c) shall be estimated for fiscal year 2023 and each subsequent fiscal year and treated as budget authority that is considered to be direct spending—

(A) in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907);

(B) by the Chairman of the Committee on the Budget of the Senate and the Chair of the Committee on the Budget of the House of Representatives, as appropriate, for purposes of budget enforcement in the Senate and the House of Representatives;

(C) under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), including in the reports required by section 308(b) of such Act (2 U.S.C. 639);<sup>1</sup> and

(D) for purposes of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.).

(2) No amount appropriated to the Fund in fiscal year 2023 or any subsequent fiscal year pursuant to this section shall be counted as discretionary budget authority and outlays or as direct spending for any estimate of an appropriation Act under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) and any other Act.

(3) Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the Fund shall be treated as if it were an account designated as “Appropriated Entitlements and Mandatories for Fiscal Year 1997” in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217.

(e) ESTIMATES FOR CONGRESSIONAL CONSIDERATION.—The Secretary shall include in documents submitted to Congress in support of the President’s budget submitted pursuant to section 1105 of title 31 detailed estimates of the sums described in subsection (c) for the applicable fiscal year.

(f) PROCEDURES FOR ESTIMATES.—The Secretary may, after consultation with the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, establish policies and procedures for developing the annual detailed estimates required by subsection (e).

(Added Pub. L. 117-168, title VIII, §805(a), Aug. 10, 2022, 136 Stat. 1804.)

### Editorial Notes

#### REFERENCES IN TEXT

The Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, referred to in subsec. (d)(1), is Pub. L. 117-168, Aug. 10, 2022, 136 Stat. 1759, also known as the Honoring our PACT Act of 2022. For complete classification of this Act to the Code, see Short Title of 2022 Amendment note set out under section 101 of this title and Tables.

The Congressional Budget Act of 1974, referred to in subsec. (d)(1)(C), (3), is titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 298. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Statutory Pay-As-You-Go Act of 2010, referred to in subsec. (d)(1)(D), is title I of Pub. L. 111-139, Feb. 12, 2010, 124 Stat. 8, which is classified principally to chapter 20A (§931 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 931 of Title 2 and Tables.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (d)(2), is Pub. L.

<sup>1</sup> So in original. Probably should be “639(b)”;.

93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (d)(3), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the 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 101 of this title]."

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### Editorial Notes

#### AMENDMENTS

2022—Pub. L. 117-263, div. E, title LI, §5102(a), Dec. 23, 2022, 136 Stat. 3205, added item 548.

Pub. L. 117-137, §1(b), June 7, 2022, 136 Stat. 1255, added item 531 and struck out former item 531 "Requirement relating to naming of Department property".

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;