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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION

-HEAD-

CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION

-MISC1-

SUBCHAPTER I - ORGANIZATION; GENERAL

Sec.

7701. Organization of the Administration.

7703. Functions of the Administration.

SUBCHAPTER II - QUALITY ASSURANCE

7731. Establishment.

7732. Functions.

7732A. Employee certification.

7733. Personnel.

7734. Annual report to Congress.

AMENDMENTS

2008 - Pub. L. 110-389, title II, Sec. 225(a)(2), Oct. 10, 2008, 122 Stat. 4158, added item 7732A.

2006 - Pub. L. 109-233, title IV, Sec. 402(d)(2), June 15, 2006, 120 Stat. 411, substituted "QUALITY ASSURANCE" for "VETERANS OUTREACH SERVICES PROGRAM" in item for subchapter II and struck out former items 7721 "Purpose; definitions", 7722 "Outreach services", 7723 "Veterans assistance offices", 7724 "Outstationing of counseling and outreach personnel", 7725 "Use of other agencies", 7726 "Annual report to Congress", 7727 "Outreach for eligible dependents", and subchapter III "QUALITY ASSURANCE".

2001 - Pub. L. 107-14, Sec. 6(b)(2), June 5, 2001, 115 Stat. 31, added item 7727.

1999 - Pub. L. 106-117, title VIII, Sec. 801(a)(2), Nov. 30, 1999, 113 Stat. 1586, added heading for subchapter III and items 7731 to 7734.

-End-

-CITE-

38 USC SUBCHAPTER I - ORGANIZATION; GENERAL

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER I - ORGANIZATION; GENERAL

-HEAD-

SUBCHAPTER I - ORGANIZATION; GENERAL

-End-

-CITE-

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER I - ORGANIZATION; GENERAL

-HEAD-

Sec. 7701. Organization of the Administration

-STATUTE-

(a) There is in the Department of Veterans Affairs a Veterans Benefits Administration. The primary function of the Veterans Benefits Administration is the administration of nonmedical benefits programs of the Department which provide assistance to veterans and their dependents and survivors.

(b) The Veterans Benefits Administration is under the Under Secretary for Benefits, who is directly responsible to the Secretary for the operations of the Administration. The Under Secretary for Benefits may be referred to as the Chief Benefits Director.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 399; amended Pub. L. 102-405, title III, Sec. 302(c)(1), (3), Oct. 9, 1992, 106 Stat. 1984.)

-MISC1-

AMENDMENTS

1992 - Subsec. (b). Pub. L. 102-405 substituted "Under Secretary for Benefits" for "Chief Benefits Director" and inserted at end "The Under Secretary for Benefits may be referred to as the Chief Benefits Director."

-End-

-CITE-

38 USC Sec. 7703

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER I - ORGANIZATION; GENERAL

-HEAD-

Sec. 7703. Functions of the Administration

-STATUTE-

The Veterans Benefits Administration is responsible for the administration of the following programs of the Department:

- (1) Compensation and pension programs.
- (2) Vocational rehabilitation and educational assistance programs.
- (3) Veterans' housing loan programs.
- (4) Veterans' and servicemembers' life insurance programs.
- (5) Outreach programs and other veterans' services programs.

-SOURCE-

(Added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 399.)

-End-

-CITE-

38 USC SUBCHAPTER II - QUALITY ASSURANCE

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER II - QUALITY ASSURANCE

-HEAD-

SUBCHAPTER II - QUALITY ASSURANCE

-MISC1-

PRIOR PROVISIONS

A prior subchapter II of this chapter, consisting of sections 7721 to 7727, related to the veterans outreach services program, prior to repeal by Pub. L. 109-233, title IV, Sec. 402(c), June 15, 2006, 120 Stat. 411. See chapter 63 of this title.

Section 7721, added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 400; amended Pub. L. 107-14, Sec. 6(a), June 5, 2001, 115 Stat. 30, stated purpose of program and defined "other governmental programs" and "eligible dependent" for purposes of the subchapter. See section 6301 of this title.

Section 7722, added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 400; amended Pub. L. 102-590, Sec. 5, Nov. 10, 1992, 106 Stat. 5139; Pub. L. 107-103, title III, Sec. 304, Dec. 27, 2001, 115 Stat. 992, directed Secretary to provide outreach services. See section 6303 of this title.

Section 7723, added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 401; amended Pub. L. 107-103, title III, Sec. 301, Dec. 27, 2001, 115 Stat. 991; Pub. L. 108-183, title III, Sec. 309(c)(1), Dec. 16, 2003, 117 Stat. 2663, directed Secretary to establish and maintain veterans assistance offices. See section 6304 of this title.

Section 7724, added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 401, related to outstationing of counseling and outreach personnel. See section 6305 of this title.

Section 7725, added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 401, related to use of other agencies. See section 6306 of this title.

Section 7726, added Pub. L. 102-83, Sec. 2(b), Aug. 6, 1991, 105 Stat. 402, related to the required annual report to Congress. See section 6308 of this title.

Section 7727, added Pub. L. 107-14, Sec. 6(b)(1), June 5, 2001, 115 Stat. 31, related to outreach for eligible dependents. See section 6307 of this title.

AMENDMENTS

2006 - Pub. L. 109-233, title IV, Sec. 402(d)(1), June 15, 2006, 120 Stat. 411, redesignated subchapter III of this chapter as this subchapter.

-End-

-CITE-

38 USC Sec. 7731

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER II - QUALITY ASSURANCE

-HEAD-

Sec. 7731. Establishment

-STATUTE-

(a) The Secretary shall carry out a quality assurance program in the Veterans Benefits Administration. The program may be carried out through a single quality assurance division in the Administration or through separate quality assurance entities for each of the principal organizational elements (known as "services") of the Administration.

(b) The Secretary shall ensure that any quality assurance entity established and operated under subsection (a) is established and operated so as to meet generally applicable governmental standards for independence and internal controls for the performance of quality reviews of Government performance and results.

(c)(1) The Secretary shall enter into a contract with an independent third-party entity to conduct, during the three-year period beginning on the date of the enactment of the Veterans' Benefits Improvement Act of 2008, an assessment of the quality assurance program carried out under subsection (a).

(2) The assessment conducted under paragraph (1) shall evaluate the following:

(A) The quality and accuracy of the work of employees of the Veterans Benefits Administration, using a statistically valid sample of such employees and a statistically valid sample of such work.

(B) The performance of each regional office of the Veterans Benefits Administration.

(C) The accuracy of the disability ratings assigned under the schedule for rating disabilities under section 1155 of this title.

(D) The consistency of disability ratings among regional offices of the Veterans Benefits Administration, based on a sample of specific disabilities.

(E) The performance of employees and managers of the Veterans Benefits Administration.

(3) The Secretary shall develop a mechanism for the automated gathering and producing of data that can be used to monitor and assess trends relating to the items described in paragraph (2).

(4)(A) Beginning on the date that is six months after the date of the enactment of the Veterans' Benefits Improvement Act of 2008, the Secretary shall -

(i) for each claim for disability compensation under laws administered by the Secretary submitted to the Secretary on or after such date, retain, monitor, and store in an accessible format the data described in subparagraph (B); and

(ii) develop a demographic baseline for the data retained, monitored, and stored under subparagraph (A).

(B) The data described in this subparagraph includes the following:

- (i) For each claim for disability compensation under laws administered by the Secretary submitted by a claimant -
 - (I) the State in which the claimant resided when the claim was submitted;
 - (II) the decision of the Secretary with respect to the claim and each issue claimed; and
 - (III) the regional office and individual employee of the Department responsible for rating the claim.
- (ii) The State in which the claimant currently resides.
- (iii) Such other data as the Secretary determines is appropriate for monitoring the accuracy and consistency of decisions with respect to such claims.

(5) Nothing in this subsection shall be construed to require the Secretary to replace the quality assurance program under subsection (a) that was in effect on the day before the date of the enactment of this subsection.

-SOURCE-

(Added Pub. L. 106-117, Sec. 801(a)(1), Nov. 30, 1999, 113 Stat. 1585; amended Pub. L. 110-389, title II, Sec. 224(a), Oct. 10, 2008, 122 Stat. 4157.)

-REFTEXT-

REFERENCES IN TEXT

The date of the enactment of the Veterans' Benefits Improvement Act of 2008 and the date of the enactment of this subsection, referred to in subsec. (c)(1), (4)(A), (5), mean the date of enactment of Pub. L. 110-389, which was approved Oct. 10, 2008.

-MISC1-

AMENDMENTS

2008 - Subsec. (c). Pub. L. 110-389 added subsec. (c).

EFFECTIVE DATE

Pub. L. 106-117, title VIII, Sec. 801(b), Nov. 30, 1999, 113 Stat. 1586, provided that: "Subchapter III [now Subchapter II] of chapter 77 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act [Nov. 30, 1999]."

-End-

-CITE-

38 USC Sec. 7732

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER II - QUALITY ASSURANCE

-HEAD-

Sec. 7732. Functions

-STATUTE-

The Under Secretary for Benefits, acting through the quality assurance entities established under section 7731(a), shall on an ongoing basis perform and oversee quality reviews of the functions of each of the principal organizational elements of the Veterans Benefits Administration.

-SOURCE-

(Added Pub. L. 106-117, Sec. 801(a)(1), Nov. 30, 1999, 113 Stat. 1585.)

-End-

-CITE-

38 USC Sec. 7732A 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER II - QUALITY ASSURANCE

-HEAD-

Sec. 7732A. Employee certification

-STATUTE-

(a) Development of Certification Examination. - (1) The Secretary shall provide for an examination of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary.

(2) In developing the examination required by paragraph (1), the Secretary shall -

(A) consult with appropriate individuals or entities, including examination development experts, interested stakeholders, and employee representatives; and

(B) consider the data gathered and produced under section 7731(c)(3) of this title.

(b) Employee and Manager Requirement. - The Secretary shall require appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary to take the examination provided under subsection (a).

-SOURCE-

(Added Pub. L. 110-389, title II, Sec. 225(a)(1), Oct. 10, 2008, 122 Stat. 4158.)

-MISC1-

DEADLINES FOR IMPLEMENTATION

Pub. L. 110-389, title II, Sec. 225(a)(3), Oct. 10, 2008, 122 Stat. 4158, provided that: "The Secretary of Veterans Affairs shall

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"(A) develop an updated certification examination required under section 7732A of title 38, United States Code, as added by

subsection (a), not later than one year after the date of the enactment of this Act [Oct. 10, 2008]; and
"(B) begin administering such certification examination required under such section not later than 90 days after the date on which the development of such certification examination is complete."

-End-

-CITE-

38 USC Sec. 7733

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER II - QUALITY ASSURANCE

-HEAD-

Sec. 7733. Personnel

-STATUTE-

The Secretary shall ensure that the number of full-time employees of the Veterans Benefits Administration assigned to quality assurance functions under this subchapter is adequate to perform the quality assurance functions for which they have responsibility.

-SOURCE-

(Added Pub. L. 106-117, Sec. 801(a)(1), Nov. 30, 1999, 113 Stat. 1585.)

-End-

-CITE-

38 USC Sec. 7734

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 77 - VETERANS BENEFITS ADMINISTRATION
SUBCHAPTER II - QUALITY ASSURANCE

-HEAD-

Sec. 7734. Annual report to Congress

-STATUTE-

The Secretary shall include in the annual report to the Congress required by section 529 of this title a report on the quality assurance activities carried out under this subchapter. Each such report shall include -

- (1) an appraisal of the quality of services provided by the Veterans Benefits Administration, including -
 - (A) the number of decisions reviewed;
 - (B) a summary of the findings on the decisions reviewed;
 - (C) the number of full-time equivalent employees assigned to quality assurance in each division or entity;
 - (D) specific documentation of compliance with the standards

for independence and internal control required by section 7731(b) of this title; and

(E) actions taken to improve the quality of services provided and the results obtained;

(2) information with respect to the accuracy of decisions, including trends in that information; and

(3) such other information as the Secretary considers appropriate.

-SOURCE-

(Added Pub. L. 106-117, Sec. 801(a)(1), Nov. 30, 1999, 113 Stat. 1585.)

-End-