

Refusal to testify, concealment of material facts, or willfully inaccurate testimony in connection with an investigation or hearing may be ground for disciplinary action. An employee, however, will not be required to give testimony against himself or herself in any matter in which there is indication that he or she may be or is involved in a violation of law wherein there is a possibility of self-incrimination.

## PART 1—GENERAL PROVISIONS

### DEPARTMENT OF VETERANS AFFAIRS OFFICIAL SEAL AND DISTINGUISHING FLAG

Sec.

1.9 Description, use, and display of VA seal and flag.

### THE UNITED STATES FLAG FOR BURIAL PURPOSES

1.10 Eligibility for and disposition of the United States flag for burial purposes.

### QUARTERS FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES OVERSEAS

1.11 Quarters for Department of Veterans Affairs employees in Government-owned or -rented buildings overseas.

### PROGRAM EVALUATION

1.15 Standards for program evaluation.  
1.17 Evaluation of studies relating to health effects of dioxin and radiation exposure.

### SECURITY AND LAW ENFORCEMENT AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES

1.218 Security and law enforcement at VA facilities.

### PARKING FEES AT VA MEDICAL FACILITIES

1.300 Purpose.  
1.301 Definitions.  
1.302 Applicability and scope.  
1.303 Policy.

### RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS (VA) RECORDS RELATING TO DRUG ABUSE, ALCOHOLISM OR ALCOHOL ABUSE, INFECTION WITH THE HUMAN IMMUNODEFICIENCY VIRUS (HIV), OR SICKLE CELL ANEMIA

1.460 Definitions.  
1.461 Applicability.  
1.462 Confidentiality restrictions.  
1.463 Criminal penalty for violations.  
1.464 Minor patients.  
1.465 Incompetent and deceased patients.  
1.466 Security for records.  
1.467 Restrictions on the use of identification cards and public signs.

1.468 Relationship to Federal statutes protecting research subjects against compulsory disclosure of their identity.  
1.469 Patient access and restrictions on use.  
1.470-1.474 [Reserved]

### DISCLOSURES WITH PATIENT'S CONSENT

1.475 Form of written consent.  
1.476 Prohibition on redisclosure.  
1.477 Disclosures permitted with written consent.  
1.478 Disclosures to prevent multiple enrollments in detoxification and maintenance treatment programs; not applicable to records relating to sickle cell anemia or infection with the human immunodeficiency virus.  
1.479 Disclosures to elements of the criminal justice system which have referred patients.  
1.480-1.484 [Reserved]

### DISCLOSURES WITHOUT PATIENT CONSENT

1.485 Medical emergencies.  
1.486 Disclosure of information related to infection with the human immunodeficiency virus to public health authorities.  
1.487 Disclosure of information related to infection with the human immunodeficiency virus to the spouse or sexual partner of the patient.  
1.488 Research activities.  
1.489 Audit and evaluation activities.

### COURT ORDERS AUTHORIZING DISCLOSURES AND USE

1.490 Legal effect of order.  
1.491 Confidential communications.  
1.492 Order not applicable to records disclosed without consent to researchers, auditors and evaluators.  
1.493 Procedures and criteria for orders authorizing disclosures for noncriminal purposes.  
1.494 Procedures and criteria for orders authorizing disclosure and use of records to criminally investigate or prosecute patients.  
1.495 Procedures and criteria for orders authorizing disclosure and use of records to investigate or prosecute VA or employees of VA.  
1.496 Orders authorizing the use of undercover agents and informants to criminally investigate employees or agents of VA.  
1.497-1.499 [Reserved]

### RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS CLAIMANT RECORDS

1.500 General.  
1.501 Release of information by the Secretary.  
1.502 Disclosure of the amount of monetary benefits.

## Department of Veterans Affairs

Pt. 1

- 1.503 Disclosure of information to a veteran or his or her duly authorized representative as to matters concerning the veteran alone.
- 1.504 Disclosure of information to a widow, child, or other claimant.
- 1.505 Genealogy.
- 1.506 Disclosure of records to Federal Government departments, State unemployment compensation agencies, and the Office of Servicemembers' Group Life Insurance.
- 1.507 Disclosures to members of Congress.
- 1.508 Disclosure in cases where claimants are charged with or convicted of criminal offenses.
- 1.509 Disclosure to courts in proceedings in the nature of an inquest.
- 1.510 Disclosure to insurance companies cooperating with the Department of Justice in the defense of insurance suits against the United States.
- 1.511 Disclosure of claimant records in connection with judicial proceedings generally.
- 1.512 Disclosure of loan guaranty information.
- 1.513 Disclosure of information contained in Armed Forces service and related medical records in Department of Veterans Affairs custody.
- 1.514 Disclosure to private physicians and hospitals other than Department of Veterans Affairs.
- 1.514a Disclosure to private psychologists.
- 1.515 To commanding officers of State soldiers' homes.
- 1.516 Disclosure of information to undertaker concerning burial of a deceased veteran.
- 1.517 Disclosure of vocational rehabilitation and education information to educational institutions cooperating with the Department of Veterans Affairs.
- 1.518 Addresses of claimants.
- 1.519 Lists of names and addresses.
- 1.520 Confidentiality of social data.
- 1.521 Special restrictions concerning social security records.
- 1.522 Determination of the question as to whether disclosure will be prejudicial to the mental or physical health of claimant.
- 1.523 [Reserved]
- 1.524 Persons authorized to represent claimants.
- 1.525 Inspection of records by or disclosure of information to recognized representatives of organizations and recognized attorneys.
- 1.526 Copies of records and papers.
- 1.527 Administrative review.

### RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS OTHER THAN CLAIMANT RECORDS

- 1.550 General.

- 1.551 [Reserved]
- 1.552 Public access to information that affects the public when not published in the FEDERAL REGISTER as constructive notice.
- 1.553 Public access to other reasonably described records.
- 1.553a Time limits for Department of Veterans Affairs response to requests for records.
- 1.554 Exemptions from public access to agency records.
- 1.554a Predisclosure notification procedures for confidential commercial information.
- 1.555 Fees.
- 1.556 Requests for other reasonably described records.
- 1.557 Administrative review.
- 1.558-1.559 [Reserved]

### SAFEGUARDING PERSONAL INFORMATION IN DEPARTMENT OF VETERANS AFFAIRS RECORDS

- 1.575 Social security numbers in veterans' benefits matters.
- 1.576 General policies, conditions of disclosure, accounting of certain disclosures, and definitions.
- 1.577 Access to records.
- 1.578 [Reserved]
- 1.579 Amendment of records.
- 1.580 Administrative review.
- 1.581 [Reserved]
- 1.582 Exemptions.
- 1.583-1.584 [Reserved]

### NATIONAL CEMETERIES

- 1.600 [Reserved]
- 1.601 Advisory Committee on Cemeteries and Memorials.
- 1.602 Names for national cemetery activities.
- 1.603 Gifts and donations.
- 1.604-1.619 [Reserved]
- 1.620 Eligibility for burial.
- 1.621 Disinterments from national cemeteries.
- 1.622-1.628 [Reserved]
- 1.629 Monetary allowance in lieu of a Government-furnished outer burial receptacle.
- 1.630 Headstones and markers.
- 1.631 [Reserved]
- 1.632 Headstone and marker application required.
- 1.633 Group memorial monuments.

### INVENTIONS BY EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS

- 1.650 Purpose.
- 1.651 Definitions.
- 1.652 Criteria for determining rights to employee inventions.
- 1.653 Delegation of authority.
- 1.654 Patenting of inventions.
- 1.655 Government license in invention of employee.

**Pt. 1**

**38 CFR Ch. I (7-1-02 Edition)**

- 1.656 Information to be submitted by inventor.
- 1.657 Determination of rights.
- 1.658 Right of appeal.
- 1.659 Relationship to incentive awards program.
- 1.660 Expeditious handling.
- 1.661 Information to be kept confidential.
- 1.662 Provisions of regulations made a condition of employment.
- 1.663 Licensing of Government-owned inventions.
- 1.664-1.666 [Reserved]

**ADMINISTRATIVE CONTROL OF FUNDS**

- 1.670 Purpose.
- 1.671 Definitions.
- 1.672 Responsibilities.
- 1.673 Responsibility for violations of the administrative subdivision of funds.

**USE OF OFFICIAL MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN**

- 1.700 Purpose.
- 1.701 Contact person for missing children official mail program.
- 1.702 Policy.
- 1.703 Percentage estimate.
- 1.704 [Reserved]
- 1.705 Restrictions on use of missing children information.

**HOMELESS CLAIMANTS**

- 1.710 Homeless claimants: Delivery of benefits payments and correspondence.

**APPEALS FROM DECISIONS OF CONTRACTING OFFICERS UNDER THE CONTRACT DISPUTES ACT OF 1978**

- 1.780 Board of Contract Appeals—jurisdiction.
- 1.781 Organization and address of the Board.
- 1.782 Policy and procedure.
- 1.783 Rules of the Board.

**PART-TIME CAREER EMPLOYMENT PROGRAM**

- 1.891 Purpose of program.
- 1.892 Review of positions.
- 1.893 Establishing and converting part-time positions.
- 1.894 Annual goals and timetables.
- 1.895 Review and evaluation.
- 1.896 Publicizing vacancies.
- 1.897 Exceptions.

**STANDARDS FOR COLLECTION, COMPROMISE, SUSPENSION OR TERMINATION OF COLLECTION EFFORT, AND REFERRAL OF CIVIL CLAIMS FOR MONEY OR PROPERTY**

- 1.900 Prescription of standards.
- 1.901 Omissions not a defense.
- 1.902 Fraud, antitrust and tax claims excluded.
- 1.903 Settlement, waiver, or compromise under other statutory or regulatory authority.

- 1.904 Conversion claims.
- 1.905 Subdivision of claims not authorized.
- 1.906 Required administrative proceedings.
- 1.907 Definitions.

**STANDARDS FOR COLLECTION OF CLAIMS**

- 1.910 Aggressive collection action.
- 1.911 Collection of debts owed by reason of participation in a benefits program.
- 1.912 Collection by offset.
- 1.912a Collection by offset—from VA benefit payments.
- 1.913 Personal interview with debtor.
- 1.914 Contact with debtor's employing agency.
- 1.915 Suspension or revocation of eligibility.
- 1.916 Liquidation of collateral.
- 1.917 Collection in installments.
- 1.918 Exploration of compromise.
- 1.919 Interest.
- 1.920 Documentation of collection action.
- 1.921 Additional collection action.
- 1.922 Disclosure of debt information to consumer reporting agencies (CRA).
- 1.923 Contracting for collection services.
- 1.924 Use and disclosure of mailing addresses.
- 1.925 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund, Federal Employees Retirement System (FERS), final salary check, and lump sum leave payments.
- 1.926 Referral of VA debts.
- 1.927 Analysis of costs and prevention of debts.
- 1.928 Exemptions.
- 1.929 Reduction of debt through performance of work-study services.

**STANDARDS FOR COMPROMISE OF CLAIMS**

- 1.930 Scope and application.
- 1.931 Inability to pay.
- 1.932 Litigative possibilities.
- 1.933 Cost of collecting claim.
- 1.934 Enforcement policy.
- 1.935 Joint and several liability.
- 1.936 Settlement for a combination of reasons.
- 1.937 Further review of compromise offers.
- 1.938 Restrictions.

**STANDARDS FOR SUSPENDING OR TERMINATING COLLECTION ACTION**

- 1.940 Scope and application.
- 1.941 Suspension of collection activity.
- 1.942 Termination of collection activity.
- 1.943 Transfer of claims.

**REFERRALS TO GAO, DEPARTMENT OF JUSTICE, OR IRS**

- 1.950 Prompt referral.
- 1.951 Claims Collection Litigation Report.
- 1.952 Preservation of evidence.
- 1.953 Minimum amount of referrals to the Department of Justice.

## Department of Veterans Affairs

## § 1.9

1.954 Preliminary referrals to GAO.

### REGIONAL OFFICE COMMITTEES ON WAIVERS AND COMPROMISES

1.955 Regional office Committees on Waivers and Compromises.

1.956 Jurisdiction.

1.957 Committee authority.

1.958 Finality of decisions.

1.959 Records and certificates.

1.960 Legal and technical assistance.

1.961 Releases.

1.962 Waiver of overpayments.

1.963 Waiver; other than loan guaranty.

1.963a Waiver; erroneous payments of pay and allowances.

1.964 Waiver; loan guaranty.

1.965 Application of standard.

1.966 Scope of waiver decisions.

1.967 Refunds.

1.968 [Reserved]

1.969 Revision of waiver decisions.

1.970 Standards for compromise.

### SALARY OFFSET PROVISIONS

1.980 Scope.

1.981 Definitions.

1.982 Salary offsets of debts involving benefits under the laws administered by VA.

1.983 Notice requirements before salary offsets of debts not involving benefits under the laws administered by VA.

1.984 Request for a hearing.

1.985 Form, notice of, and conduct of hearing.

1.986 Result if employee fails to meet deadlines.

1.987 Review by hearing official or administrative law judge.

1.988 Written decision following a hearing requested under § 1.984.

1.989 Review of VA records related to the debt.

1.990 Written agreement to repay debt as alternative to salary offset.

1.991 Procedures for salary offset: when deductions may begin.

1.992 Procedures for salary offset.

1.993 Non-waiver of rights.

1.994 Refunds.

AUTHORITY: 38 U.S.C. 501(a), unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 1 appear at 61 FR 7216, Feb. 27, 1996; 62 FR 35970, July 3, 1997; 62 FR 47532, Sept. 9, 1997.

### DEPARTMENT OF VETERANS AFFAIRS OFFICIAL SEAL AND DISTINGUISHING FLAG

#### § 1.9 Description, use, and display of VA seal and flag.

(a) *General.* This section describes the official seal and distinguishing flag of the Department of Veterans Affairs, and prescribes the rules for their custody and use.

(b) *Definitions.*

(1) *VA* means all organizational units of the Department of Veterans Affairs.

(2) *Embossed seal* means an image of the official seal made on paper or other medium by using an embosser with a negative and positive die to create a raised impression.

(3) *Official seal* means the original(s) of the VA seal showing the exact form, content, and colors thereof.

(4) *Replica* means a copy of the official seal displaying the identical form, content, and colors thereof.

(5) *Reproduction* means a copy of the official seal displaying the identical form and content, reproduced in only one color.

(6) *Secretary* means the Secretary of Veterans Affairs.

(7) *Deputy Secretary* means the Deputy Secretary of Veterans Affairs.

(c) *Custody of official seal and distinguishing flags.* The Secretary or designee shall:

(1) Have custody of:

(i) The official seal and prototypes thereof, and masters, molds, dies, and other means of producing replicas, reproductions, and embossing seals and

(ii) Production, inventory, and loan records relating to items specified in paragraph (c)(1)(i) of this section, and

(2) Have custody of distinguishing flags, and be responsible for production, inventory, and loan records thereof.

(d) *Official Seal*—(1) *Description of official seal.* The Department of Veterans Affairs prescribes as its official seal, of which judicial notice shall be taken pursuant to 38 U.S.C. 302, the imprint illustrated below: