

(4) The Merit Systems Protection Board or administrative judge may not stay any removal or transfer under this section.

(5) During the period beginning on the date on which an individual appeals a removal from the civil service under subsection (d) and ending on the date that the administrative judge issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

(6) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board, and to any administrative judge to whom an appeal under this section is referred, such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

(f) RELATION TO TITLE 5.—(1) The authority provided by this section is in addition to the authority provided by section 3592 or subchapter V of chapter 75 of title 5.

(2) Section 3592(b)(1) of title 5 does not apply to an action to remove or transfer an individual under this section.

(g) DEFINITIONS.—In this section:

(1) The term “individual” means—

(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a) or section 7401(1) of this title.

(2) The term “misconduct” includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

(3) The term “senior executive position” means—

(A) with respect to a career appointee (as that term is defined in section 3132(a)(4) of title 5), a Senior Executive Service position (as such term is defined in section 3132(a)(2) of title 5); and

(B) with respect to an individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.

(Added Pub. L. 113–146, title VII, §707(a)(1), Aug. 7, 2014, 128 Stat. 1798.)

PRIOR PROVISIONS

Prior sections 713 to 729, 740 to 763, 765 to 779, 781 to 788, and 801 to 806 were renumbered sections 1913 to 1929, 1940 to 1963, 1965 to 1979, 1981 to 1988, and 2101 to 2106 of this title, respectively.

CONSTRUCTION

Pub. L. 113–146, title VII, §707(d), Aug. 7, 2014, 128 Stat. 1801, provided that:

“(1) IN GENERAL.—Nothing in this section [enacting this section and provisions set out as notes under this section] or section 713 of title 38, United States Code, as added by subsection (a), shall be construed to apply to an appeal of a removal, transfer, or other personnel action that was pending before the date of the enactment of this Act [Aug. 7, 2014].

“(2) RELATION TO TITLE 5.—With respect to the removal or transfer of an individual (as that term is defined in such section 713) employed at the Department of Veterans Affairs, the authority provided by such section 713 is in addition to the authority provided by sec-

tion 3592 or subchapter V of chapter 75 of title 5, United States Code.”

ESTABLISHMENT OF EXPEDITED REVIEW PROCESS

Pub. L. 113–146, title VII, §707(b), Aug. 7, 2014, 128 Stat. 1800, provided that:

“(1) IN GENERAL.—Not later than 14 days after the date of the enactment of this Act [Aug. 7, 2014], the Merit Systems Protection Board shall establish and put into effect a process to conduct expedited reviews in accordance with section 713(d) of title 38, United States Code.

“(2) INAPPLICABILITY OF CERTAIN REGULATIONS.—Section 1201.22 of title 5, Code of Federal Regulations, as in effect on the day before the date of the enactment of this Act, shall not apply to expedited reviews carried out under section 713(d) of title 38, United States Code.

“(3) WAIVER.—The Merit Systems Protection Board may waive any other regulation in order to provide for the expedited review required under section 713(d) of title 38, United States Code.

“(4) REPORT BY MERIT SYSTEMS PROTECTION BOARD.—Not later than 14 days after the date of the enactment of this Act, the Merit Systems Protection Board shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the actions the Board plans to take to conduct expedited reviews under section 713(d) of title 38, United States Code, as added by subsection (a). Such report shall include a description of the resources the Board determines will be necessary to conduct such reviews and a description of whether any resources will be necessary to conduct such reviews that were not available to the Board on the day before the date of the enactment of this Act.”

TEMPORARY EXEMPTION FROM CERTAIN LIMITATION ON INITIATION OF REMOVAL FROM SENIOR EXECUTIVE SERVICE

Pub. L. 113–146, title VII, §707(c), Aug. 7, 2014, 128 Stat. 1800, provided that: “During the 120-day period beginning on the date of the enactment of this Act [Aug. 7, 2014], an action to remove an individual from the Senior Executive Service at the Department of Veterans Affairs pursuant to section 7543 of title 5, United States Code, may be initiated, notwithstanding section 3592(b) of such title, or any other provision of law.”

CHAPTER 9—SECURITY AND LAW ENFORCEMENT ON PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT

Sec. 901.	Authority to prescribe rules for conduct and penalties for violations.
902.	Enforcement and arrest authority of Department police officers.
903.	Uniform allowance.
904.	Equipment and weapons.
905.	Use of facilities and services of other law enforcement agencies.

§901. Authority to prescribe rules for conduct and penalties for violations

(a)(1) The Secretary shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on Department property.

(2) In this chapter, the term “Department property” means land and buildings that are under the jurisdiction of the Department and are not under control of the Administrator of General Services.

(b) Regulations under subsection (a) shall include—

(1) rules for conduct on Department property; and

(2) the penalties, within the limits specified in subsection (c), for violations of such rules.

(c) Whoever violates any rule prescribed by regulation under subsection (b)(1) shall be fined in accordance with title 18 or imprisoned not more than six months, or both. The Secretary may prescribe by regulation a maximum fine less than that which would otherwise apply under the preceding sentence or a maximum term of imprisonment of a shorter period than that which would otherwise apply under the preceding sentence, or both. Any such regulation shall apply notwithstanding any provision of title 18 or any other law to the contrary.

(d) The rules prescribed under subsection (a), together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

(e) The Secretary shall consult with the Attorney General before prescribing regulations under this section.

(f)(1) The Secretary may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 397; amended Pub. L. 112-154, title I, §109, Aug. 6, 2012, 126 Stat. 1174.)

PRIOR PROVISIONS

Prior section 901 was renumbered section 2301 of this title.

Provisions similar to those in this section were contained in section 218(a) of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

2012—Subsec. (f). Pub. L. 112-154 added subsec. (f).

§ 902. Enforcement and arrest authority of Department police officers

(a)(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

(A) enforce Federal laws;

(B) enforce the rules prescribed under section 901 of this title;

(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultation with

affected Federal, State, or local law enforcement agencies; and

(F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) when engaged in duties authorized by other Federal statutes.

(2) Subject to regulations prescribed under subsection (b), a Department police officer may make arrests on Department property for a violation of a Federal law or any rule prescribed under section 901(a) of this title, and on any arrest warrant issued by competent judicial authority.

(b) The Secretary shall prescribe regulations with respect to Department police officers. Such regulations shall include—

(1) policies with respect to the exercise by Department police officers of the enforcement and arrest authorities provided by this section;

(2) the scope and duration of training that is required for Department police officers, with particular emphasis on dealing with situations involving patients; and

(3) rules limiting the carrying and use of weapons by Department police officers.

(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.

(d) Rates of basic pay for Department police officers may be increased by the Secretary under section 7455 of this title.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 397; amended Pub. L. 111-163, title X, §1001, May 5, 2010, 124 Stat. 1181.)

PRIOR PROVISIONS

Prior section 902 was renumbered section 2302 of this title.

Provisions similar to those in this section were contained in section 218(b) of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

2010—Subsec. (a)(1). Pub. L. 111-163, §1001(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property, enforce—

"(A) Federal laws;

"(B) the rules prescribed under section 901 of this title; and

"(C) subject to paragraph (2), traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Department property is located."

Subsec. (a)(2), (3). Pub. L. 111-163, §1001(1)(B), (C), redesignated par. (3) as (2), inserted "and on any arrest warrant issued by competent judicial authority" before the period, and struck out former par. (2) which read as follows: "A law described in subparagraph (C) of paragraph (1) may be enforced under such subparagraph only as authorized by an express grant of authority under applicable State or local law. Any such enforcement shall be by the issuance of a citation for violation of such law."

Subsec. (c). Pub. L. 111-163, §1001(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "The Secretary shall consult with the Attorney General before prescribing regulations under paragraph (1) of subsection (b)."