

Sec.

## SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

731. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.
732. Protection of whistleblowers as criteria in evaluation of supervisors.
733. Training regarding whistleblower disclosures. [734 to 736. Repealed.]

## SUBCHAPTER III—EXECUTIVE MANAGEMENT FELLOWSHIP PROGRAM

741. Executive Management Fellowship Program.

## AMENDMENTS

2018—Pub. L. 115-407, title V, § 501(b), Dec. 31, 2018, 132 Stat. 5376, which directed adding item 728 after item 728, was executed by adding item 728 after item 727 to reflect the probable intent of Congress.

Pub. L. 115-188, § 2(b), June 21, 2018, 132 Stat. 1491, which directed adding item 727 after item 725, was executed by adding item 727 after item 726 to reflect the probable intent of Congress.

Pub. L. 115-182, title V, § 501(b), June 6, 2018, 132 Stat. 1475, added item 726.

2017—Pub. L. 115-46, title II, §§ 202(c), 203(b), Aug. 12, 2017, 131 Stat. 962, added item 725 and added item for subchapter III and item 741.

Pub. L. 115-41, title I, § 102(b), title II, §§ 201(c), 202(b)(1), 203(a)(2), 204(b), 205(b), June 23, 2017, 131 Stat. 867, 869, 873, 875-877, substituted "removal, demotion, or suspension" for "removal" in item 713, added items 714, 719, 721, 723, and 731 to 733, and struck out former items 731 "Whistleblower complaint defined", 732 "Treatment of whistleblower complaints", and 733 "Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints", and items 734 "Evaluation criteria of supervisors and treatment of bonuses", 735 "Training regarding whistleblower complaints", and 736 "Reports to Congress".

2016—Pub. L. 114-315, title V, § 503(a)(2), Dec. 16, 2016, 130 Stat. 1568, added item 717.

Pub. L. 114-223, div. A, title II, § 247(a)(2)(B), (b)(2), Sept. 29, 2016, 130 Stat. 890, 891, added item for subchapter I, added item 715, and added item for subchapter II and items 731 to 736.

2014—Pub. L. 113-146, title VII, § 707(a)(2), Aug. 7, 2014, 128 Stat. 1800, added item 713.

2001—Pub. L. 107-103, title V, § 509(a)(2), Dec. 27, 2001, 115 Stat. 997, struck out item 712 "Full-time equivalent positions: limitation on reduction".

1994—Pub. L. 103-446, title XI, § 1102(b), Nov. 2, 1994, 108 Stat. 4681, added item 712.

## SUBCHAPTER I—GENERAL EMPLOYEE MATTERS

## AMENDMENTS

2016—Pub. L. 114-223, div. A, title II, § 247(a)(2)(A), Sept. 29, 2016, 130 Stat. 890, inserted subchapter heading.

**§ 701. Placement of employees in military installations**

The Secretary may place employees of the Department in such Army, Navy, and Air Force installations as may be considered advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

(Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 394.)

## PRIOR PROVISIONS

Prior sections 701 and 702 were renumbered sections 1901 and 1902 of this title, respectively.

Provisions similar to those in this section were contained in section 231 of this title prior to repeal by Pub. L. 102-83, § 2(a).

## REEMPLOYMENT OF FORMER EMPLOYEES AT DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 115-46, title II, § 204, Aug. 12, 2017, 131 Stat. 963, provided that:

"(a) IN GENERAL.—Notwithstanding sections 3309 through 3318 of title 5, United States Code, the Secretary of Veterans Affairs may noncompetitively appoint a qualified former career or career conditional employee to any position within the competitive service at the Department of Veterans Affairs that is one grade or equivalent higher than the grade or equivalent of the position at the Department most recently occupied by the employee.

"(b) LIMITATION.—The Secretary may not appoint a qualified former employee to a position that is more than one grade (or equivalent) higher than the position at the Department most recently occupied by the employee.

"(c) DEFINITION OF QUALIFIED FORMER EMPLOYEE.—For purposes of this section, the term 'qualified former employee' means any individual who—

"(1) formerly occupied any career or career conditional position at the Department of Veterans Affairs within 2 years before applying for reemployment at the Department;

"(2) voluntarily left such position, or was subject to a reduction in force, and had a satisfactory performance record while occupying such position; and

"(3) since leaving such position has maintained licensing requirements, related to the position, if any, and gained skill, knowledge, or other factors related to the position."

## PROMOTIONAL OPPORTUNITIES FOR TECHNICAL EXPERTS AT DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 115-46, title II, § 205, Aug. 12, 2017, 131 Stat. 963, provided that: "Not later than one year after the date of the enactment of this Act [Aug. 12, 2017], the Secretary of Veterans Affairs shall establish a promotional track system for employees of the Department of Veterans Affairs that the Secretary determines are technical experts pursuant to regulations prescribed by the Secretary for purposes of carrying out this section. Such system shall—

"(1) provide any such employee the opportunity to advance within the Department without being required to transition to a management position; and

"(2) for purposes of achieving career advancement—

"(A) provide for the establishment of new positions within the Department; and

"(B) notwithstanding any other provision of law, provide for increases in pay for any such employee."

## EMPLOYMENT OF STUDENTS AND RECENT GRADUATES BY DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 115-46, title II, § 206, Aug. 12, 2017, 131 Stat. 963, provided that:

"(a) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe regulations to allow for excepted service appointments of students and recent graduates leading to conversion to career or career conditional employment of a student or recent graduate of a qualifying educational institution, as defined by the Department.

"(b) APPLICABILITY.—The conversion authority described in subsection (a) shall be applicable to individuals in good standing who—

"(1) are employed in a qualifying internship or fellowship program at the Department;

"(2) are employed in the Department in a volunteer capacity and performing substantive duties comparable to those of individuals in internship or fellowship programs and meet the required number of hours for conversion;

"(3) are employed in the Department under a contract or agreement with an external nonprofit organi-

zation and performing substantive duties comparable to those of individuals in internship or fellowship programs;

“(4) have received educational assistance under chapter 33 of title 38, United States Code; or

“(5) graduated from a qualifying educational institution, as defined by the Department, and have not reached 30 years of age.

“(c) UNIFORMITY.—For the purposes of paragraphs (2) and (3) of subsection (b), hours of work performed by an individual employed shall be considered equal to those performed by an individual employed in a qualifying internship or fellowship program by the Department.”

#### RECRUITING DATABASE AT DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 115-46, title II, §208, Aug. 12, 2017, 131 Stat. 964, provided that:

“(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish a single database that lists—

“(1) each vacant position in the Department of Veterans Affairs that the Secretary determines is critical to the mission of the Department, difficult to fill, or both; and

“(2) each vacant position in the Department of Veterans Affairs for a mental health professional.

“(b) QUALIFIED APPLICANT.—If the Secretary determines that an applicant for a vacant position listed in the database established under subsection (a) is qualified for such position but does not select the applicant for such position, the Secretary, at the election of the applicant, may consider the applicant for other similar vacant positions listed in the database for which the applicant is qualified.

“(c) PROLONGED VACANCIES.—If the Secretary does not fill a vacant position listed in the database established under subsection (a) after a period determined appropriate by the Secretary, the Secretary—

“(1) may ensure that applicants described in subsection (b) are considered for such position; and

“(2) may use the database established under subsection (a) to assist in filling such position.

“(d) REPORT.—Not later than one year after the date of the enactment of this Act [Aug. 12, 2017], the Secretary shall submit to Congress a report on the use and efficacy of the database established under subsection (a).”

#### EXIT SURVEYS AT DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 115-46, title II, §211, Aug. 12, 2017, 131 Stat. 966, provided that:

“(a) EXIT SURVEYS REQUIRED.—

“(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop and carry out a standardized exit survey to be voluntarily completed by career and non-career employees and executives of the Department of Veterans Affairs who voluntarily separate from the Department.

“(2) CONSULTATION.—Such exit survey shall be developed in consultation with an appropriate non-Department entity with experience developing such surveys.

“(b) SURVEY CONTENT.—The survey shall include, at a minimum, the following:

“(1) Reasons for leaving the Department.

“(2) Efforts made by the supervisor of the employee to retain the individual.

“(3) The extent of job satisfaction and engagement during the employment.

“(4) The intent of [the] employee to either remain employed within the Federal Government or to leave employment with the Federal Government.

“(5) Such other matters as the Secretary determines appropriate.

“(c) ANONYMITY OF SURVEY CONTENT.—The Secretary shall ensure that data collected under subsection (a)—

“(1) is anonymized, including through the use of a location that allows for privacy;

“(2) is not directly visible by another employee; and

“(3) does not require the departing employee to input any personally identifiable data.

“(d) SHARING OF SURVEY DATA.—The Secretary shall ensure that the results of the survey required by subsection (a) are—

“(1) aggregated at the Veterans Integrated Service Network level; and

“(2) shared on an annual basis with directors and managers of facilities of the Department and the Veterans Integrated Service Networks.

“(e) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Aug. 12, 2017] and not less frequently than once each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the aggregate results of the exit survey under subsection (a) covering the year prior to the report.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

“(A) An analysis of the most common reasons employees choose to leave the Department.

“(B) The steps the Secretary is taking to improve retention, particularly for mission-critical occupations.

“(C) The demographic characteristics of employees choosing to leave the Department.

“(D) Any legislative barriers to improving employee retention.

“(E) The total number of employees who voluntarily separated from the Department and the number and percentage of whom took the exit survey under subsection (a).”

#### § 703. Miscellaneous authorities respecting employees

(a) The Secretary may furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties.

(b) The Secretary may transport children of Department employees located at isolated stations to and from school in available Government-owned automotive equipment.

(c) The Secretary may provide recreational facilities, supplies, and equipment for the use of patients in hospitals and employees in isolated installations.

(d) The Secretary may provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual educational information and descriptive material. For the purposes of the preceding sentence, the Secretary may purchase or rent equipment.

(e) The Secretary may reimburse employees for the cost of repairing or replacing their personal property damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of their official duties.

(f)(1) The Secretary, upon determining that an emergency situation exists and that such action is necessary for the effective conduct of the affairs of the Department, may use Government-owned, or leased, vehicles to transport employees to and from their place of employment and the nearest adequate public transportation or, if such public transportation is either unavailable or not feasible to use, to and from their place of employment and their home.

(2) The Secretary shall establish reasonable rates to cover the cost of the service rendered