

retary of Veterans Affairs (Secretary) to establish within the VA an Office of Accountability and Whistleblower Protection and to appoint a Special Assistant to serve as Executive Director of the Office.

SEC. 2. *Establishing a VA Office of Accountability and Whistleblower Protection.* (a) Within 45 days of the date of this order, and to the extent permitted by law, the Secretary shall establish in the VA the Office of Accountability and Whistleblower Protection (Office), and shall appoint a Special Assistant, reporting directly to the Secretary, to serve as Executive Director of the Office. The VA shall provide funding and administrative support for the Office, consistent with applicable law and subject to the availability of appropriations.

(b) To the extent permitted by law, the Office shall:

- (i) advise and assist the Secretary in using, as appropriate, all available authorities to discipline or terminate any VA manager or employee who has violated the public's trust and failed to carry out his or her duties on behalf of veterans, and to recruit, reward, and retain high-performing employees;

- (ii) identify statutory barriers to the Secretary's authority to discipline or terminate any employee who has jeopardized the health, safety, or well-being of a veteran, and to recruit, reward, and retain high-performing employees; and report such barriers to the Secretary for consideration as to the need for legislative changes;

- (iii) work closely with relevant VA components to ensure swift and effective resolution of veterans' complaints of wrongdoing at the VA; and

- (iv) work closely with relevant VA components to ensure adequate investigation and correction of wrongdoing throughout the VA, and to protect employees who lawfully disclose wrongdoing from retaliation.

(c) In establishing the Office, the Secretary shall consider, in addition to any other relevant factors:

- (i) whether some or all of the functions of the Office are currently performed by an existing VA office, component, or program;

- (ii) whether certain administrative capabilities necessary for operating the Office are redundant with those of another VA office, component, or program; and

- (iii) whether combining the Office with another VA office, component, or program may improve the VA's efficiency, effectiveness, or accountability.

SEC. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or

- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

### § 302. Seal

(a) The Secretary of Veterans Affairs shall cause a seal of office to be made for the Department of such device as the President shall approve. Judicial notice shall be taken of the seal.

(b) Copies of any public document, record, or paper belonging to or in the files of the Department, when authenticated by the seal and certified by the Secretary (or by an officer or employee of the Department to whom authority has been delegated in writing by the Secretary), shall be evidence equal with the original thereof.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 379.)

### Editorial Notes

#### PRIOR PROVISIONS

Prior section 302 was renumbered section 1102 of this title.

Provisions similar to those in this section were contained in section 202 of this title prior to repeal by Pub. L. 102-83, §2(a).

### § 303. Secretary of Veterans Affairs

There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 379.)

### Editorial Notes

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 210(a), (b)(1) of this title and in second and third sentences of section 2 of Pub. L. 100-527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102-83, §§2(a), 3(1).

### Statutory Notes and Related Subsidiaries

#### WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS DURING PUBLIC HEALTH EMERGENCIES

Pub. L. 116-136, div. B, title X, §20008, Mar. 27, 2020, 134 Stat. 588, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs may waive any limitation on pay for an employee of the Department of Veterans Affairs during a public health emergency for work done in support of response to the emergency.

“(b) REPORTING.—

“(1) IN GENERAL.—For each month that the Secretary waives a limitation under subsection (a), 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 on the waiver.

“(2) CONTENTS.—Each report submitted under paragraph (1) for a waiver or waivers in a month shall include the following:

“(A) Where the waiver or waivers were used, including in which component of the Department and, as the case may be, which medical center of the Department.

“(B) For how many employees the waiver or waivers were used, disaggregated by component of the Department and, if applicable, medical center of the Department.

“(C) The average amount by which each payment exceeded the waived pay limitation that was waived, disaggregated by component of the Department and, if applicable, medical center of the Department.

“(c) EMPLOYEE OF THE DEPARTMENT OF VETERANS AFFAIRS DEFINED.—In this section, the term ‘employee of the Department of Veterans Affairs’ includes any employee of the Department of Veterans Affairs, regardless of the authority under which the employee was hired.”