

(i) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(j) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs and the Committee on Indian Affairs of the Senate; and

(B) the Committee on Veterans’ Affairs and the Committee on Natural Resources of the House of Representatives.

(2) The term “Indian tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) The term “Native Hawaiian organization” means any organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization;

(C) has demonstrated experience working with Native Hawaiian veterans; and

(D) shall include the Office of Hawaiian Affairs.

(4) The term “Native American veteran” has the meaning given such term in section 3765 of this title.

(5) The term “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(6) The term “tribal organization” has the meaning given such term in section 3765 of this title.

(7) The term “urban Indian organization” has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(Added Pub. L. 116–315, title VII, §7002(a)(1), Jan. 5, 2021, 134 Stat. 5054.)

Editorial Notes

REFERENCES IN TEXT

Section 20003 of the Coronavirus Aid, Relief, and Economic Security Act, referred to in subsec. (d)(1)(B), is section 20003 of Pub. L. 116–136, div. B, title X, Mar. 27, 2020, 134 Stat. 585, which is set out as a Definition of “Public Health Emergency” note under section 303 of this title.

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (i), is section 14 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

Statutory Notes and Related Subsidiaries

DEADLINES FOR ESTABLISHMENT, INITIAL APPOINTMENTS, AND INITIAL MEETING

Pub. L. 116–315, title VII, §7002(b)–(d), Jan. 5, 2021, 134 Stat. 5057, provided that:

“(b) DEADLINE FOR ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish the advisory committee required by section 547 of title 38, United States Code, as added by subsection (a)(1), not later than 180 days after the date of the enactment of this Act [Jan. 5, 2021].

“(c) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than 90 days after the date on which the Secretary es-

tablishes the advisory committee required by such section, the Secretary shall appoint members under subsection (b)(1) of such section.

“(d) INITIAL MEETING.—Not later than 90 days after the date on which the Secretary establishes the advisory committee required by such section, such advisory committee shall hold its first meeting.”

CHAPTER 7—EMPLOYEES

SUBCHAPTER I—GENERAL EMPLOYEE MATTERS

Sec.	
701.	Placement of employees in military installations.
703.	Miscellaneous authorities respecting employees.
705.	Telephone service for medical officers and facility directors.
707.	Benefits for employees at overseas offices who are United States citizens.
709.	Employment restrictions.
711.	Grade reductions.
[712.	Repealed.]
713.	Senior executives: removal, demotion, or suspension based on performance or misconduct.
714.	Employees: removal, demotion, or suspension based on performance or misconduct.
715.	Congressional testimony by employees: treatment as official duty.
717.	Limitation on administrative leave.
719.	Reduction of benefits of employees convicted of certain crimes.
721.	Recoupment of bonuses or awards paid to employees of Department.
723.	Recoupment of relocation expenses paid on behalf of employees of Department.
725.	Annual performance plan for political appointees.
726.	Annual report on performance awards and bonuses awarded to certain high-level employees.
727.	Reassignment of senior executives.
728.	Misuse of Department purchase cards.

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.
------	--

Editorial Notes

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

Editorial Notes

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, Air Force, and Space 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, air, or space service.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 394; amended Pub. L. 116-283, div. A, title IX, §926(a)(4), (c), Jan. 1, 2021, 134 Stat. 3830, 3831.)

Editorial Notes

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).

AMENDMENTS

2021—Pub. L. 116-283 substituted “Air Force, and Space Force” for “and Air Force” and “air, or space service” for “or air service”.

Statutory Notes and Related Subsidiaries

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 organization 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: