

less of the authority under which the employee was hired.

(f) TERMINATION.—This section shall terminate on September 30, 2027.

(Added Pub. L. 117-168, title IX, §907, Aug. 10, 2022, 136 Stat. 1814.)

Editorial Notes

PRIOR PROVISIONS

A prior section 704 was renumbered section 1904 of this title.

§ 705. Telephone service for medical officers and facility directors

The Secretary may pay for official telephone service and rental in the field whenever incurred in case of official telephones for directors of centers, hospitals, independent clinics, domiciliaries, and medical officers of the Department where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations prescribed by the Secretary.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 395.)

Editorial Notes

PRIOR PROVISIONS

A prior section 705 was renumbered section 1905 of this title.

Provisions similar to those in this section were contained in section 234 of this title prior to repeal by Pub. L. 102-83, §2(a).

§ 706. Additional authority relating to recruitment and retention of personnel

(a) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a recruitment or relocation bonus under section 5753(e) of title 5 without regard to any requirements for certification or approval under that section.

(b) RETENTION BONUSES.—(1) The Secretary may pay a retention bonus under section 5754(f) of title 5 without regard to any requirement for certification or approval under that subsection.

(2) The Secretary may pay a retention bonus as specified in subsection (e)(2) of section 5754 of title 5 and may pay the bonus as a single lump-sum payment at the beginning of the full period of service required by an agreement under subsection (d) of such section.

(c) MERIT AWARDS.—The Secretary may grant a cash award under section 4502(b) of title 5 without regard to any requirement for certification or approval under that section.

(d) INCENTIVES FOR CRITICAL SKILLS.—(1) Subject to the provisions of this paragraph, the Secretary may provide a critical skill incentive to an employee in a case in which the Secretary determines—

(A) the employee possesses a high-demand skill or skill that is at a shortage;

(B) such skill is directly related to the duties and responsibilities of the employee's position; and

(C) employment of an individual with such skill in such position serves a critical mission-related need of the Department.

(2) An incentive provided to an employee under paragraph (1) may not to¹ exceed 25 percent of the basic pay of the employee.

(3) Provision of an incentive under paragraph (1) shall be contingent on the employee entering into a written agreement to complete a period of employment with the Department.

(4) An incentive provided under paragraph (1) shall not be considered basic pay for any purpose.

(5) The Secretary may prescribe conditions, including with respect to eligibility, and limitations on provision of incentive² under paragraph (1).

(6) Incentive³ provided under paragraph (1) shall not be included in the calculation of total amount of compensation under section 7431(e)(4) of this title.

(e) STUDENT LOAN REPAYMENTS.—(1) Subject to the provisions of this subsection, the Secretary may repay a student loan pursuant to section 5379(b) of title 5.

(2) Paragraph (2) of such section shall not apply to payment under this subsection.

(3) Payment under this subsection shall be made subject to such terms, limitations, or conditions as may be mutually agreed to by the Secretary and the employee concerned, except that the amount paid by the Secretary under this subsection may not exceed—

(A) \$40,000 for any employee in any calendar year; or

(B) a total of \$100,000 in the case of any employee.

(f) EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expedite hiring for college graduates under section 3115 of title 5 without regard to subsection (e) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

(2) The number of employees the Secretary may appoint under section 3115 of title 5 may not exceed the number equal to 25 percent of individuals that the Secretary appointed during the previous fiscal year to a position in the competitive service classified in a professional or administrative occupational category, at the GS-11 level, or an equivalent level, or below, under a competitive examining procedure.

(g) EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expedite hiring of post-secondary students under section 3116 of title 5, without regard to subsection (d) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

(2) The number of employees the Secretary may appoint under section 3116 of title 5 may not exceed the number equal to 25 percent of the number of students that the Secretary appointed during the previous fiscal year to a position at the GS-11 level, or an equivalent level, or below.

¹ So in original. The word "to" probably should not appear.

² So in original. Probably should be preceded by "an".

³ So in original. Probably should be "An incentive".

(h) **PAY AUTHORITY FOR CRITICAL POSITIONS.**—(1) Subject to the provisions of this subsection, the Secretary may authorize the fixing of the rate of pay for a critical position in the Department consistent with the authorities and requirements of section 5377 of title 5 that apply to the Office of Personnel Management.

(2) The Secretary may fix the rate of pay for a critical position under this subsection in excess of the limitation set forth by section 5377(d)(2) of such title.

(3) Basic pay may not be fixed under this subsection at a rate greater than the rate payable for the Vice President of the United States established under section 104 of title 3, except upon written approval of the President.

(4) Notwithstanding section 5377(f) of title 5, the Secretary may authorize the exercise of authority under this subsection with respect to up to 200 positions at any time.

(i) **RATES OF SPECIAL PAY.**—(1) The Secretary may establish a rate for special pay under section 5305(a)(1) of title 5.

(2) In applying such section to the Secretary's authority under paragraph (1)—

(A) "50 percent" shall be substituted for "30 percent"; and

(B) "level II of the Executive Schedule" shall be substituted for "level IV of the Executive Schedule".

(j) **WAIVER OF LIMITATIONS ON CERTAIN PAYMENTS UNDER PAY COMPARABILITY SYSTEM.**—The Secretary may waive the limitation in section 5307 of title 5 for an employee or a payment.

(k) **TERMINATION.**—The authorities under this section shall terminate on September 30, 2027.

(Added Pub. L. 117-168, title IX, §909, Aug. 10, 2022, 136 Stat. 1815.)

Editorial Notes

REFERENCES IN TEXT

GS-11, referred to in subsecs. (f)(2) and (g)(2), is contained in the General Schedule, which is set out under section 5332 of Title 5, Government Organization and Employees.

Levels II and IV of the Executive Schedule, referred to in subsec. (i)(2)(B), are set out in sections 5313 and 5315, respectively, of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 706 was renumbered section 1906 of this title.

Statutory Notes and Related Subsidiaries

BENEFITS FOR PARTICIPANTS IN CERTAIN PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 118-196, §6, Dec. 23, 2024, 138 Stat. 2674, provided that:

"(a) **ESTABLISHMENT.**—Not later than one year after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Veterans Affairs shall carry out a program to furnish certain benefits to covered participants.

"(b) **BENEFITS: STUDENT LOAN REPAYMENT; REIMBURSEMENTS.**—

"(1) **IN GENERAL.**—Subject to an agreement under paragraph (2), the Secretary shall provide to each covered attorney—

"(A) student loan repayment benefits under section 5379 of title 5, United States Code, in the case of a covered attorney who is eligible for such benefits; and

"(B) reimbursement for the cost of—

"(i) enrollment in a course designed to prepare an individual for licensure to practice law in a State;

"(ii) sitting for a bar examination in a State; and

"(iii) annual dues required to maintain membership in the bar of any State.

"(2) **AGREEMENT.**—The Secretary shall enter into an agreement with a covered attorney who will receive benefits under paragraph (1). Each such agreement shall specify that—

"(A) the covered attorney agrees to remain in the service of the Department for a period of not less than three years, unless involuntarily separated; and

"(B) if separated involuntarily on account of misconduct, or voluntarily, before the end of the period specified in the agreement, the covered attorney shall repay to the United States the amount of any benefits received by the covered participant under paragraph (1).

"(c) **PROFESSIONAL DEVELOPMENT ACTIVITIES.**—

"(1) **MENTORSHIP.**—Not later than 90 days after the date on which an individual becomes a covered participant, the Secretary shall assign the covered participant a mentor who is an employee of the Department who is—

"(A) to the extent practicable, a managerial employee; and

"(B) outside the participant's chain of command.

"(2) **ASSIGNMENTS.**—At the election of a covered participant who has completed at least two years of service to the Department, the Secretary shall assign such covered participant to:

"(A) The Office of General Counsel, in a position—

"(i) that includes full-time legal responsibilities in order to further the professional development of the covered participant; and

"(ii) for a period of not less than 120 days and not more than 180 days, or longer at the discretion of the Secretary.

"(B) In the case of a covered participant who has already held a position described in subparagraph (A), an assignment described in clauses (i) and (ii) of such subparagraph with the Board of Veterans' Appeals.

"(3) **OTHER ROTATIONAL ASSIGNMENTS.**—The Secretary may provide a covered participant one or more other short-term rotational assignments. Such an assignment shall be for a period of not less than 30 days and not more than 180 days, at the discretion of the Secretary.

"(d) **PERIODIC REPORTS.**—

"(1) **REPORTS REQUIRED.**—Not later than three years after the date on which the Secretary begins to carry out the program under this section, and not less frequently than once every three years 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 regarding such program.

"(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following elements:

"(A) Costs to the United States to provide benefits under subsection (b).

"(B) The rates of retention of covered participants compared to other employees of the Department.

"(C) Recommendations of the Secretary regarding legislative or administrative action to improve such program.

"(e) **DEFINITIONS.**—In this section:

"(1) The term 'covered attorney' means an individual who—

"(A) is a covered participant;

"(B) has graduated from a law school accredited by the American Bar Association; and

"(C) is a member in good standing of the bar of a State.

“(2) The term ‘covered participant’ means an individual who participates in—

“(A) the Honors Attorney Program (or successor program) of the Office of General Counsel of the Department of Veterans Affairs; or

“(B) the Law Clerk Program (or successor program) of the Board of Veterans' Appeals.

“(3) The term ‘State’ has the meaning given such term in section 101 of title 38, United States Code.”

§ 707. Benefits for employees at overseas offices who are United States citizens

(a) The Secretary may, under such rules and regulations as may be prescribed by the President or the President's designee, provide to personnel of the Department who are United States citizens and are assigned by the Secretary to the Department offices in the Republic of the Philippines allowances and benefits similar to those provided by the following provisions of law:

(1) Section 905 of the Foreign Service Act of 1980 (relating to allowances to provide for the proper representation of the United States).

(2) Sections 901(1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980 (relating to travel expenses).

(3) Section 901(13) of the Foreign Service Act of 1980 (relating to transportation of automobiles).

(4) Section 903 of the Foreign Service Act of 1980 (relating to the return of personnel to the United States on leave of absence).

(5) Section 904(d) of the Foreign Service Act of 1980 (relating to payments by the United States of expenses for treating illness or injury of officers or employees and dependents requiring hospitalization).

(6) Section 5724a(c) of title 5 (relating to subsistence expenses for 60 days in connection with the return to the United States of the employee and such employee's immediate family).

(7) Section 5724a(d) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).

(b) The authority in subsection (a) supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Department provided by title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 395; amended Pub. L. 104-201, div. A, title XVII, §1723(a)(2), Sept. 23, 1996, 110 Stat. 2759.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsecs. (a)(1)–(5) and (b), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of Title 22, Foreign Relations and Intercourse. Sections 901, 903, 904(d), and 905 of the Foreign Service Act of 1980 are classified to sections 4081, 4083, 4084(d), and 4085, respectively of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

PRIOR PROVISIONS

Prior sections 707 and 708 were renumbered sections 1907 and 1908 of this title, respectively.

Provisions similar to those in this section were contained in section 235 of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

1996—Subsec. (a)(6). Pub. L. 104-201, §1723(a)(2)(A), substituted “Section 5724a(c)” for “Section 5724a(a)(3)”. Subsec. (a)(7). Pub. L. 104-201, §1723(a)(2)(B), substituted “Section 5724a(d)” for “Section 5724a(a)(4)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of Title 5, Government Organization and Employees.

Executive Documents

EX. ORD. NO. 12228. ALLOWANCES FOR PERSONNEL ON FOREIGN DUTY

Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, as amended by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, provided:

By the authority vested in me as President of the United States of America by Sections 7 and 8 of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, as amended (20 U.S.C. 905-906), Section 235 [see 707] of Title 38 of the United States Code, and Section 301 of Title 3 of the United States Code, and in order to delegate authority with respect to allowances for Veterans Administration [now Department of Veterans Affairs] personnel and to update existing authorities, it is hereby ordered as follows:

1-101. Payment of the additional compensation authorized by Section 8(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, as amended, shall be governed by the regulations contained in Executive Order No. 10000, as amended [set out as a note under section 5941 of Title 5, Government Organization and Employees], which govern the payment of additional compensation in foreign areas (referred to as foreign post differential), subject to the provisions of Section 8(b) of that Act (20 U.S.C. 906(a)(2) and (b)).

1-102. The following functions vested in the President are delegated to the Secretary of State:

(a) That part of the functions in Section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act which consists of the authority to prescribe regulations relating to quarters and quarters allowances (20 U.S.C. 905(a)).

(b) The authority in Section 8(a)(1) of the Defense Department Overseas Teachers Pay and Personnel Practices Act to prescribe regulations relating to cost of living allowances (20 U.S.C. 906(a)(1)).

(c) The following authority in Section 235 [see 707] of Title 38 of the United States Code to prescribe rules and regulations:

(1) Section 235(2) [see 707(2)], except as that section pertains to an allowance similar to that provided for in Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6));

(2) Section 235(3) [see 707(3)];

(3) Section 235(5) [see 707(5)];

(4) Section 235(6) [see 707(6)]; and

(5) Section 235(7) [see 707(7)].

1-103. The following functions vested in the President by Section 235 [see 707] of Title 38 of the United States Code are delegated to the Administrator of the Veterans Administration [now Secretary of Veterans Affairs]. The authority with respect to the allowances or benefits of paragraphs (1) and (4) of Section 235 [see 707(1), (4)] which are similar to the benefits and allowances provided in the sections of the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], designated in those paragraphs.