

(5) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure, to the maximum extent practicable, that training provided under subsection (a) is provided in person.

(c) CERTIFICATION.—Not less frequently than once every two years, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

(d) PUBLICATION.—The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to make a whistleblower disclosure, including the information described in paragraphs (1) through (5) of subsection (a).

(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term “whistleblower disclosure” has the meaning given such term in section 323 of this title.

(Added Pub. L. 115–41, title I, § 102(a)(3), June 23, 2017, 131 Stat. 866.)

Editorial Notes

REFERENCES IN TEXT

Section 3(d)(1)(C) of the Inspector General Act of 1978, referred to in subsec. (a), is section 3(d)(1)(C) of Pub. L. 95–452, which was set out in the Appendix to Title 5, Government Organization and Employees, and was repealed and restated as section 403(d)(1)(C) of Title 5 by Pub. L. 117–286, §§ 3(b), 7, Dec. 27, 2022, 136 Stat. 4209, 4361.

Section 264(c) of the Health Insurance Portability and Accountability Act of 1996, referred to in subsec. (a)(3), is section 264(c) of Pub. L. 104–191, which is set out as a note under section 1320d–2 of Title 42, The Public Health and Welfare.

Section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012, referred to in subsec. (a)(4), is section 115(a)(1) of Pub. L. 112–199, which is set out as a note under section 2302 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 733 was renumbered section 731 of this title.

[§§ 734 to 736. Repealed. Pub. L. 115–41, title I, § 102(a)(1), June 23, 2017, 131 Stat. 865]

Section 734, added Pub. L. 114–223, div. A, title II, § 247(a)(1), Sept. 29, 2016, 130 Stat. 888, related to evaluation criteria of supervisors and treatment of bonuses.

Section 735, added Pub. L. 114–223, div. A, title II, § 247(a)(1), Sept. 29, 2016, 130 Stat. 889; amended Pub. L. 114–315, title VIII, § 802(1), Dec. 16, 2016, 130 Stat. 1591, related to training regarding whistleblower complaints. See section 733 of this title.

Section 736, added Pub. L. 114–223, div. A, title II, § 247(a)(1), Sept. 29, 2016, 130 Stat. 889, related to reports to Congress on whistleblower complaints.

Editorial Notes

PRIOR PROVISIONS

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

SUBCHAPTER III—EXECUTIVE MANAGEMENT FELLOWSHIP PROGRAM

§ 741. Executive Management Fellowship Program

(a) FELLOWSHIP PROGRAM.—There is in the Department an Executive Management Fellowship Program. The purpose of the program shall be to provide—

(1) eligible employees of the Veterans Benefits Administration and the Veterans Health Administration with training and experience in the private sector; and

(2) eligible employees of a private-sector entity with training and experience in the Department of Veterans Affairs.

(b) FELLOWSHIP.—(1) A fellowship provided under this section is a 1-year fellowship during which—

(A) with respect to a Department participant, the participant receives training and experience at a private-sector entity that is engaged in the administration and delivery of health care or other services similar to the benefits administered by the Secretary; and

(B) with respect to a private-sector participant, the participant receives training and experience at the Veterans Benefits Administration or the Veterans Health Administration.

(2) The Secretary shall enter into such agreements with private-sector entities as are necessary to carry out this section.

(c) SELECTION OF RECIPIENTS.—(1) In August of each year, the Secretary shall select—

(A) not fewer than 18 and not more than 30 eligible employees of the Veterans Benefits Administration and the Veterans Health Administration to receive a fellowship under this section; and

(B) not fewer than 18 and not more than 30 eligible employees of private-sector entities to receive a fellowship under this section.

(2) To the extent practicable, the Secretary shall select eligible employees under subparagraphs (A) and (B) of paragraph (1) from among eligible employees who are veterans in a manner that is reflective of the demographics of the veteran population of the United States and that whenever practicable provides a preference to such employees who represent or service rural areas.

(d) ELIGIBLE EMPLOYEES.—For the purposes of this section, an eligible employee is—

(1) with respect to an employee of the Veterans Benefits Administration or the Veterans Health Administration, an employee who—

(A) is compensated at a rate of basic pay not less than the minimum rate of basic pay payable for grade GS–14 of the General Schedule and not more than either the minimum rate of basic pay payable to a member of the Senior Executive Service under section 5382 of title 5 or the minimum rate of basic pay payable pursuant to chapter 74 of this title, as the case may be;

(B) enters into an agreement with the Secretary under subsection (e); and

(C) submits to the Secretary an application containing such information and assurances as the Secretary may require; and

(2) with respect to an employee of a private-sector entity, an employee who—

(A) is employed in a position whose duties and responsibilities are commensurate with an employee of the Department described in paragraph (1);

(B) enters into an agreement with the Secretary under subsection (e); and

(C) submits to the Secretary an application containing such information and assurances as the Secretary may require.

(e) AGREEMENTS.—(1) An agreement between the Secretary and a Department participant shall be in writing, shall be signed by the participant, and shall include the following provisions:

(A) The Secretary's agreement to provide the participant with a fellowship under this section;

(B) The participant's agreement—

(i) to accept the fellowship;

(ii) after completion of the fellowship, to serve as a full-time employee in the Veterans Benefits Administration or the Veterans Health Administration for at least 2 years as specified in the agreement; and

(iii) that, during the 2-year period beginning on the last day of the fellowship, the participant will not accept employment in the same industry as the industry of the private-sector entity at which the participant accepts the fellowship.

(C) A provision that any financial obligation of the United States arising out of an agreement entered into under this subchapter, and any obligation of the participant which is conditioned on such agreement, is contingent upon funds being appropriated.

(D) A statement of the damages to which the United States is entitled under this subchapter for the participant's breach of the agreement.

(E) Such other terms as the Secretary determines are required to be included in the agreement.

(2) An agreement between the Secretary and a private-sector participant shall be in writing, shall be signed by the participant, and shall include the following provisions:

(A) The Secretary's agreement to provide the participant with a fellowship under this section.

(B) The participant's agreement to accept the fellowship.

(C) Such other terms as the Secretary determines are required to be included in the agreement.

(f) TREATMENT OF RECIPIENTS.—(1) A Department participant shall be considered an employee of the Department for all purposes, including for purposes of receiving a salary and benefits, and shall remain eligible for all promotion and incentive programs otherwise available to such an employee.

(2) A private-sector participant shall be considered an employee of the private-sector entity that employs the participant for all purposes, including for purposes of receiving a salary and benefits, and during the fellowship shall be treated as a contractor of the Department.

(g) REPORTS.—(1) Not later than 60 days after completing a fellowship under this section, a recipient of the fellowship shall submit to the Secretary a report on the fellowship.

(2) Each such report shall describe the duties of the recipient during the fellowship and any recommendations of the recipient for the application by the Secretary of industry processes, technologies, and best practices.

(3) Not later than 7 days after receiving each such report, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives such report without change.

(h) DEFINITIONS.—In this section:

(1) The term "Department participant" means an employee of the Veterans Benefits Administration or the Veterans Health Administration who is participating in the fellowship under this section.

(2) The term "private-sector entity" includes an entity operating under a public-private partnership.

(3) The term "private-sector participant" means an employee of a private-sector entity who is participating in the fellowship under this section.

(Added Pub. L. 115-46, title II, §202(a), Aug. 12, 2017, 131 Stat. 959.)

Editorial Notes

REFERENCES IN TEXT

Grade GS-14 of the General Schedule, referred to in subsec. (d)(1)(A), is set out under section 5332 of Title 5, Government Organization and Employees.

Statutory Notes and Related Subsidiaries

DEADLINE FOR IMPLEMENTATION

Pub. L. 115-46, title II, §202(b), Aug. 12, 2017, 131 Stat. 962, provided that: "Not later than 1 year after the date of the enactment of this Act [Aug. 12, 2017], the Secretary of Veterans Affairs shall implement the Executive Management Fellowship Program required under section 741 of title 38, United States Code, as added by subsection (a)."

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.