

training regarding whistleblower disclosures, including—

(1) an explanation of each method established by law in which an employee may file a whistleblower disclosure;

(2) the right of the employee to petition Congress regarding a whistleblower disclosure in accordance with section 7211 of title 5;

(3) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191);

(4) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

(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 L. 95-452, which was set out in the Appendix to Title 5, Government Organization and Employees, and was repealed and restated as section 403(d)(1)(C) of Title 5 by Pub.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,

and 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.

(b) Regulations under subsection (a) shall include—

(1) rules for conduct on Department property; and

(2) the penalties, within the limits specified in subsection (c), for violations of such rules.

(c) Whoever violates any rule prescribed by regulation under subsection (b)(1) shall be fined in accordance with title 18 or imprisoned not more than six months, or both. The Secretary may prescribe by regulation a maximum fine less than that which would otherwise apply under the preceding sentence or a maximum term of imprisonment of a shorter period than that which would otherwise apply under the preceding sentence, or both. Any such regulation shall apply notwithstanding any provision of title 18 or any other law to the contrary.

(d) The rules prescribed under subsection (a), together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

(e) The Secretary shall consult with the Attorney General before prescribing regulations under this section.

(f)(1) The Secretary may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 397; amended Pub. L. 112-154, title I, §109, Aug. 6, 2012, 126 Stat. 1174.)

Editorial Notes

PRIOR PROVISIONS

Prior section 901 was renumbered section 2301 of this title.

Provisions similar to those in this section were contained in section 218(a) of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

2012—Subsec. (f). Pub. L. 112-154 added subsec. (f).

§ 902. Enforcement and arrest authority of Department police officers

(a)(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

(A) enforce Federal laws;

(B) enforce the rules prescribed under section 901 of this title;

(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultation with affected Federal, State, or local law enforcement agencies; and

(F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) when engaged in duties authorized by other Federal statutes.

(2) Subject to regulations prescribed under subsection (b), a Department police officer may make arrests on Department property for a violation of a Federal law or any rule prescribed under section 901(a) of this title, and on any arrest warrant issued by competent judicial authority.

(3) Beginning not later than 180 days after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall require Department police officers to use cameras worn on the individual police officer's person that record and store audio and video (commonly known as “body worn cameras”).

(b) The Secretary shall prescribe regulations with respect to Department police officers. Such regulations shall include—

(1) policies with respect to the exercise by Department police officers of the enforcement and arrest authorities provided by this section;

(2) the scope and duration of training that is required for Department police officers, with particular emphasis on dealing with situations involving patients; and

(3) rules limiting the carrying and use of weapons by Department police officers.

(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.

(d) Rates of basic pay for Department police officers may be increased by the Secretary under section 7455 of this title.