



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

March 22, 2023

**MEMORANDUM FOR UNDER SECRETARIES, ASSISTANT SECRETARIES
AND OTHER KEY OFFICIALS**

SUBJECT: Delegation of Authority to Waive Certain Payments Under Pay Comparability System, Section 907 of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act (P.L. 117-68)

1. DELEGATION. This memorandum delegates to the Department of Veterans Affairs (VA) Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent levels of authority, the authorization to waive annual premium pay or aggregate limitation on pay for title 5 or title 38 employees in the Veterans Health Administration for the calendar year in which the employee's official duty station is closed, or the office, facility, activity or organization of the employee is realigned as outlined in 38 U.S.C. § 704(a). Further, VA Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent levels of authority are delegated the authority to waive the annual premium pay or aggregate limitation on pay for title 5 or title 38 VA employees whose primary duties include providing expanded care for Veterans exposed to open burn pits, as outlined in 38 U.S.C. § 704(b).

2. AUTHORITY AND POLICY.

- a. [38 U.S.C. § 704](#), Waiver of pay limitation for certain employees (as established by [P.L. 117-168 § 907](#)).
- b. [38 U.S.C. § 303](#), Secretary of Veterans Affairs.
- c. [38 U.S.C. § 512](#), Delegation of Authority; assignment of functions and duties.
- d. [VA Directive 0000](#), Delegations of Authority.

3. REFERENCES. [5 U.S.C. § 5307](#), Limitation on certain payments; [38 U.S.C. § 7431\(e\)\(4\)](#), Pay; [VA Directive 5007](#), Pay Administration; [VA Handbook 5007](#), Pay Administration; and [VA Directive 5001](#), System of VA Human Resources Management Directives and Handbooks General Introduction and Administration.

4. RESTRICTIONS. The authority delegated herein is intended solely to support provisions of the PACT Act. Further, this delegation only applies to certain pay categories and limitations consistent with 38 U.S.C. § 704(a) and (b).

5. REDELEGATION. This authority may be redelegated, in writing, to a member of the Senior Executive Service (SES) or title 38 appointed SES-equivalent, with knowledge of the requirements for waiving the annual premium or annual aggregate limitation on pay outlined in 38 U.S.C. § 704(a) and (b) to support the provisions of the PACT Act.

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6. EFFECTIVE DATE AND EXPIRATION DATE. This delegation of authority is effective upon signature, and pursuant to VA Directive 0000, I have waived the 2-year expiration date. Therefore, this delegation of authority will be in effect to coincide with the termination date of the provision, 38 U.S.C. § 704 (f), on September 30, 2027.

A handwritten signature in black ink, appearing to read "Denis McDonough". The signature is stylized and cursive.

Denis McDonough