



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 Limitations on Certain Payments Under Pay Comparability System, Section 909 of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act (P.L. 117-168) (VIEWS 9067823)

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 the limitation on pay outlined in 5 U.S.C. § 5307 for a VA employee or a payment.

2. AUTHORITIES.

- a. 38 U.S.C. § 706(j) – Waiver of limitations on certain payments under Pay Comparability System, as established by section 909 of the PACT Act, P.L. 117-168.
- 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; VA Directive and 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 the provisions of the PACT Act. Further, this delegation is only applicable to certain pay categories and limitations that are consistent with 38 U.S.C. § 706(j).

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 the knowledge of the requirements for waiving the limitation on pay outlined in 5 U.S.C. § 5307 for a payment or an employee of VA 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. § 706\(k\)](#), on September 30, 2027.

A handwritten signature in black ink, appearing to read "DMcDonough", is centered on the page.

Denis McDonough