118TH CONGRESS
1ST SESSION

S.

To improve the workforce of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Tester (for himself and Mr. Boozman) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To improve the workforce of the Department of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “VA Clinician Appreciation, Recruitment, Education, Expansion, and Retention Support (CAREERS) Act of 2023”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—TRAINING, RECRUITMENT, AND RETENTION OF HEALTH CARE EMPLOYEES

Sec. 101. Payment of licensure exam costs for recipients of scholarships from Department of Veterans Affairs.
Sec. 102. Improvement of workforce training and team models to meet the needs of older veterans.
Sec. 103. Study on improving recruitment and retention at community living centers of Department of Veterans Affairs.
Sec. 104. Limitation on detail of directors of medical centers of Department of Veterans Affairs to different positions.

TITLE II—ACCOUNTABILITY, OVERSIGHT, AND PERSONNEL MATTERS

Subtitle A—Matters Relating to Pay

Sec. 201. Modification of pay limitation for physicians, podiatrists, optometrists, and dentists of Department of Veterans Affairs.
Sec. 202. Increased pay cap for directors of medical centers and Veterans Integrated Service Networks of Department of Veterans Affairs.
Sec. 203. Waiver of pay limitation for employees of the Veterans Health Administration performing mission critical work.
Sec. 204. Increase of maximum amount of incentive pay for Department pharmacist executives.
Sec. 205. Modification of special pay authority for nurse executives.

Subtitle B—Improvement of Recruitment and Hiring

Sec. 211. Oversight of direct hire authority and hiring flexibility of Department of Veterans Affairs.
Sec. 212. Waiver of certain licensure requirements.

Subtitle C—Other Personnel Matters

Sec. 221. Role of optometrists in Department of Veterans Affairs.
Sec. 222. Expansion of annual leave options for employees of Department of Veterans Affairs during public health emergency.
Sec. 223. Expansion of reimbursement of continuing professional education expenses.
Sec. 224. Inclusion of police officers of Department of Veterans Affairs as law enforcement officers.
Sec. 225. Department of Veterans Affairs personnel transparency.
Sec. 226. Comptroller General report assessing human resources modernization within Veterans Health Administration.
TITLE I—TRAINING, RECRUITMENT, AND RETENTION OF
HEALTH CARE EMPLOYEES

SEC. 101. PAYMENT OF LICENSURE EXAM COSTS FOR RECIPIENTS OF SCHOLARSHIPS FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall pay the costs of any licensing examinations and certifications required by the Secretary for any current recipient of a covered health professional scholarship from the Department of Veterans Affairs.

(b) LICENSING EXAMINATIONS AND CERTIFICATIONS.—Subsection (a) shall apply to the payment of costs for—

(1) the United States Medical Licensing Examination Step 1, Step 2, and Step 3;

(2) the National Council Licensure Exam;

(3) the National Board Dental Examination;

(4) the National Board Dental Hygiene Examination;

(5) the Dental Licensure Objective Structured Clinical Examination and Integrated National Board Dental Examination;
(6) the National Licensing Exams for Registered Nurses, Nurse Practitioners, and Certified Registered Nurse Anesthetists;

(7) the American Podiatric Medical Licensing Exam;

(8) the National Board of Examiners in Optometry Exam;

(9) the Physician Assistant National Certification Exam;

(10) the Examination for Professional Practice in Psychology;

(11) the Academy for Certification of Vision Rehabilitation and Education Professionals certification examinations;

(12) the Association of Social Workers Boards Exam; and

(13) such other licensing examinations and certifications as the Secretary considers appropriate.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually 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 a report on the implementation of this section that includes the following data for each State and
territory of the United States for the one-year period pre-
ceding the date of the report:

(1) Utilization by the Secretary of the require-
ment under subsection (a) broken down by position
and career type.

(2) Number of times each examination or cer-
tification described in subsection (b) was paid for by
the Department and total funds expended by the
Department for each such examination or certifi-
cation.

(d) Covered Health Professional Scholarship
Defined.—In this section, the term “covered health pro-
fessional scholarship” means—

(1) the Department of Veterans Affairs Health
Professional Scholarship Program under subchapter
II of chapter 76 of title 38, United States Code;

(2) the Department of Veterans Affairs Em-
pLOYEE Incentive Scholarship Program under sub-
chapter VI of such chapter, including—

(A) the National Nursing Education Initia-
tive; and

(B) the VA National Education for Em-
ployees Program;
(3) the Department of Veterans Affairs Readjustment Counseling Service Scholarship Program under subchapter IX of such chapter;

(4) the Visual Impairment and Orientation and Mobility Professionals Scholarship Program under chapter 75 of such title;

(5) the Veterans Healing Veterans Medical Access and Scholarship Program under section 304 of the VA MISSION Act of 2018 (Public Law 115–182; 38 U.S.C. 7601 note);

(6) the Physician Assistant Education and Training Pilot Program for Former Members of The Armed Forces under section 246 of division J of the Consolidated Appropriations Act of 2018 (Public Law 115–141; 38 U.S.C. 7601 note); and

(7) such other programs as the Secretary considers appropriate.

SEC. 102. IMPROVEMENT OF WORKFORCE TRAINING AND TEAM MODELS TO MEET THE NEEDS OF OLDER VETERANS.

(a) RURAL GERIATRICS TEAM TRAINING.—The Secretary of Veterans Affairs shall expand the Rural Interdisciplinary Team Training program of the Department of Veterans Affairs to not fewer than one rural site in each Veterans Integrated Service Network of the Depart-
ment and ensure access at such sites to learning opportuni-
ties through the Geriatric Scholars Program of the De-
partment.

(b) **Training on Caring for Veterans With Memory Loss.**—

(1) **In general.**—The Secretary shall provide

continuing professional education for clinical staff of
the Department who provide care for veterans with
Alzheimer’s disease and dementia.

(2) **Implementation.**—The Secretary shall

implement the continuing professional education re-
quired under paragraph (1) in consultation with the
Office of Rural Health of the Department of Vet-
erans Affairs established under section 7308 of title
38, United States Code, in order to ensure equitable
access to learning opportunities for employees of the
Department in rural and highly rural areas.

(c) **Expansion of Geriatric Patient Aligned Care Team Model and Geriatric and Palliative Specialty Services.**—

(1) **In general.**—The Secretary shall expand

the Geriatrics Patient Aligned Care Team model and
the geriatric and palliative specialty services of the
Department of Veterans Affairs—
(A) to every medical center of the Department;

(B) to any community-based outpatient clinic at which such expansion is determined by the Secretary to be feasible and needed; and

(C) to provide access to all veterans that need those services, including through implementing Geriatric and Palliative Specialty Consultative Clinical Resource Hubs to meet the needs of the aging veteran population.

(2) Waiver of Expansion to Medical Centers.—The Secretary may waive the application of the requirements under paragraph (1)(A) with respect to a medical center if the Secretary determines that the medical center does not have the capacity or need to implement a Geriatrics Patient Aligned Care Team model or to provide geriatric and palliative specialty services, as the case may be.

(3) Study.—The Secretary shall conduct a study on the variations in the structure and model consistency of the Geriatrics Patient Aligned Care Team model and delivery and utilization of geriatric and palliative care throughout the Department and how those variations impact quality of care and patient outcomes.
(d) Report to Congress.—

(1) In General.—Not later than two years after the date of the enactment of this Act, and not less frequently than annually thereafter for the following five years, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section.

(2) Inclusion of Information on Waivers.—The Secretary shall include in the report required by paragraph (1) an identification of any medical center of the Department in receipt of a waiver under subsection (c)(2) and the reason for the waiver.

(e) Definitions.—In this section, the terms “rural” and “highly rural” have the meanings given those terms under the Rural-Urban Commuting Areas (RUCA) coding system of the Department of Agriculture.

SEC. 103. STUDY ON IMPROVING RECRUITMENT AND RETENTION AT COMMUNITY LIVING CENTERS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete a study on barriers to hiring
and retaining staff at community living centers of the Department of Veterans Affairs and best practices for improving recruitment and retention of such staff, with an emphasis on nursing staff.

(b) Report to Congress.—Not later than 180 days after completion of the study under subsection (a), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report—

(1) summarizing key findings with respect to barriers to hiring and retaining staff at community living centers of the Department and best practices for improving recruitment and retention of such staff, including any barriers or best practices specific to rural areas; and

(2) including recommendations for such administrative action as the Secretary considers appropriate.

SEC. 104. LIMITATION ON DETAIL OF DIRECTORS OF MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS TO DIFFERENT POSITIONS.

(a) Notification.—

(1) In general.—Not later than 90 days after detailing a director of a medical center of the Department of Veterans Affairs to a different position
within the Department, the Secretary of Veterans Affairs shall notify the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives of such detail.

(2) MATTERS TO BE INCLUDED.—The notification required by paragraph (1) shall include, with respect to a director of a medical center who is detailed to a different position within the Department, the following information:

(A) The location at which the director is detailed.

(B) The position title of the detail.

(C) The estimated time the director is expected to be absent from their duties at the medical center.

(D) Such other information as the Secretary may determine appropriate.

(b) APPOINTMENT OF ACTING DIRECTOR.—Not later than 120 days after detailing a director of a medical center of the Department to a different position within the Department, the Secretary shall appoint an individual as acting director of such medical center with all of the authority and responsibilities of the detailed director.
(c) Update on Detail.—Not later than 120 days after detailing a director of a medical center of the Department to a different position within the Department, and not less frequently than every 30 days thereafter while the detail is in effect or while the director position at the medical center is vacant, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives an update regarding the status of the detail.

(d) Return to Position or Reassignment.—

(1) In general.—Except as provided in paragraph (2), not later than 180 days after detailing a director of a medical center of the Department to a different position within the Department, for a reason other than an ongoing investigation or administrative action with respect to the director, the Secretary shall—

(A) return the individual to the position as director of the medical center; or

(B) reassign the individual from the position as director of the medical center and begin the process of hiring a new director for such position.

(2) Waiver.—
(A) In General.—The Secretary may waive the requirement under paragraph (1) with respect to an individual for successive 90-day increments for a total period of not more than 540 days from the original date the individual was detailed away from their position as director of a medical center.

(B) Notification.—Not later than 30 days after exercising a waiver under subparagraph (A), the Secretary shall notify Congress of the waiver and provide to Congress information as to why the waiver is necessary.

TITLE II—ACCOUNTABILITY, OVERSIGHT, AND PERSONNEL MATTERS
Subtitle A—Matters Relating to Pay

SEC. 201. MODIFICATION OF PAY LIMITATION FOR PHYSICIANS, PODIATRISTS, OPTOMETRISTS, AND DENTISTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Market Pay.—

(1) In General.—Section 7431 of title 38, United States Code, is amended—
(A) by striking subsections (a), (b), and (d);

(B) by redesignating subsections (c), (e), (f), (g), and (h) as subsections (a), (b), (c), (d), and (e), respectively;

(C) by inserting “optometrists,” after “podiatrists,” each place it appears;

(D) by inserting “optometrist” after “podiatrist,” each place it appears;

(E) in subsection (a), as redesignated by subparagraph (B), in the matter preceding paragraph (1), by striking “One element of pay for physicians, podiatrists, and dentists shall be base pay. Base pay shall meet the following requirements:” and inserting “Pay of physicians, podiatrists, optometrists, and dentists in the Veterans Health Administration shall consist of base pay, which shall meet the following requirements:”;

(F) in subsection (b), as so redesignated—

(i) in the subsection heading, by striking “TOTAL” and inserting “MARKET”

(ii) in paragraph (1)(A)—
(I) by striking “annual” each place it appears and inserting “market”; and

(II) by inserting “, optometrists,” after “podiatrists”;

(iii) by striking paragraphs (2) and (3);

(iv) by redesignating paragraph (4) as paragraph (2);

(v) in paragraph (2), as redesignated by clause (iv), by striking “Except as pro-
vided in sections 7404A(c) and 7410(a)(2) of this title, in no case may the total amount of compensation” and inserting “The total amount of market pay under subsection (a)”;

(vi) by inserting “may not” before “exceed”; and

(vii) by adding at the end the following new paragraphs:

“(3) Notwithstanding any compensation or pay limitations under this title or title 5, the Secretary may authorize the Under Secretary for Health to pay physicians, podiatrists, and dentists—

“(A) awards authorized under this title;
“(B) advance payments, recruitment or relocation bonuses, and retention allowances authorized under section 7410(a) of this title or as otherwise provided by law;

“(C) incentives or bonuses under section 706 of this title or as otherwise provided by law; and

“(D) earnings from fee-basis appointments under section 7405(a)(2) of this title.

“(4)(A) The Secretary may waive any pay limitation described in this section (to include tier limitations) if the Secretary determines it is necessary for the recruitment or retention of critical health care personnel, as determined by the Secretary.

“(B) The Secretary may prescribe requirements, limitations, and other considerations for waivers under subparagraph (A).”;

(G) in subsection (c), as so redesignated, by striking “subsections (b) and (c) of”;

(H) in subsection (d), as so redesignated—

(i) in paragraph (1), by striking “subsection (c)” and inserting “subsection (a)”;

and

(ii) by adding at the end the following new paragraph:
“(3) An individual receiving market pay under subsection (a) may not receive a non-foreign cost of living allowance under section 5941 of title 5.”; and

(I) in subsection (e), as so redesignated, by striking “subsection (c), (d), or (e) except for the responsibilities of the Secretary under subsection (e)(1)” and inserting “subsections (a) or (b) except for the responsibilities of the Secretary under subsection (b)(1)”.

(2) CONFORMING AMENDMENTS.—

(A) INCENTIVES FOR RECRUITMENT.—Section 706(d)(6) of title 38, United States Code, is amended by striking “total amount of compensation under section 7431(e)(4)” and inserting “total amount of market pay under section 7431”.

(B) AWARDS.—Section 7404A(c) of such title is amended by striking “the limitation under section 7431(e)(4)” and inserting “a limitation under section 7431”.

(C) ADDITIONAL PAY AUTHORITIES.—Section 7410(a)(2) of such title is amended by striking “the limitation under section 7431(e)(4)” and inserting “a limitation under section 7431”.

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(D) **Pay of Under Secretary for Health.**—Section 7432(b)(1) of such title is amended—

(i) by inserting “, podiatrist, optometrist,” after “physician”; and

(ii) by striking “7431(e)” and inserting “7431”.

(E) **Administrative Matters.**—Section 7433 of such title is amended by inserting “optometrists,” after “physicians,” each place it appears.

(F) **Competitive Pay.**—Section 7451(a)(2)(C) of such title is amended by inserting “optometrist,” after “physician,”.

(G) **Compensation and Professional Standards for Certain Medical Officers.**—Section 27(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3528(b)) is amended by striking “section 7431(e)(1)(C)” and inserting “section 7431(b)(1)(C)”.

(3) **Clerical Amendments.**—

(A) **Section heading.**—
(i) IN GENERAL.—The heading for section 7431 of title 38, United States Code is amended to read as follows:

“§ 7431. Market pay”.

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 74 of title 38, United States Code, is amended by striking the item relating to section 7431 and inserting the following new item:

“7431. Market pay.”.

(B) SUBCHAPTER HEADING.—

(i) IN GENERAL.—The heading for subchapter III of chapter 74 of such title is amended to read as follows:

“Subchapter III—Pay for Physicians and Other Health-care Personnel”.

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to subchapter III and inserting the following new item:

“SUBCHAPTER III—PAY FOR PHYSICIANS AND OTHER HEALTH-CARE PERSONNEL”.

(4) APPLICATION.—
(A) IN GENERAL.—The amendments made by this subsection shall apply to any pay period of the Department of Veterans Affairs beginning on or after the date that is 30 days after the date of the enactment of this Act.

(B) PERFORMANCE PAY FOR YEAR OF ENACTMENT.—The Secretary of Veterans Affairs may pay performance pay under section 7431(d) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, for the calendar year in which this Act is enacted.

(b) MODIFICATION AND CLARIFICATION OF PAY GRADE FOR OPTOMETRISTS.—Section 7404 of such title is amended—

(1) in subsection (a)(2)(A), by striking “podiatrists, and dentists” and inserting “podiatrists, optometrists, and dentists”; and

(2) in the list in subsection (b)—

(A) by striking “PODIATRIST (DPM), AND DENTIST” and inserting “PODIATRIST (DPM), OPTOMETRIST (OD), AND DENTIST”; and

(B) by striking “CLINICAL CHIROPRACTOR AND OPTOMETRIST SCHED-
ULE,” and inserting “CLINICAL CHIRO-
PRACTOR SCHEDULE”.

(c) RETROACTIVE AUTHORITY FOR COMPENSA-
TION.—

(1) IN GENERAL.—The Secretary of Veterans
Affairs is retroactively authorized to pay to a cov-
ered employee the amount of compensation that was
authorized to be paid to the employee during the pe-
riod specified in paragraph (2) but was deferred and
paid to the employee in the calendar year following
the calendar year in which it was authorized to be
paid because it exceeded $400,000 in a calendar
year.

(2) PERIOD SPECIFIED.—The period specified
in this paragraph is the period beginning on Janu-
ary 8, 2006, and ending on December 31, 2017.

(3) ADDITIONAL PERIOD.—Compensation au-
thorized under this subsection shall not be included
in the calculation of any aggregate limit on com-
pensation for a covered employee for the year in
which it is paid.

(4) CHARGING OF COMPENSATION.—Compensa-
tion authorized under this subsection shall be
charged to the appropriate medical care appropria-
tion account of the Department of Veterans Affairs
for the fiscal year in which the work was performed except as follows:

(A) In the case of an account that has closed pursuant to section 1552 of title 31, United States Code, the compensation shall be charged to a current appropriation account in accordance with section 1553 of such title.

(B) In the case of an expired account that has not closed, if charging the compensation to the expired account would cause such account to have a negative unliquidated or unexpended balance, the compensation may be charged to a current appropriation account available for the same purpose.

(5) DEFINITIONS.—In this subsection:

(A) COMPENSATION.—The term “compensation” means any pay, including salary, awards, and incentives.

(B) COVERED EMPLOYEE.—The term “covered employee” means a physician, podiatrist, optometrist, or dentist subject to market pay under section 7431 of title 38, United States Code, as amended by subsection (a).
SEC. 202. INCREASED PAY CAP FOR DIRECTORS OF MEDICAL CENTERS AND VETERANS INTEGRATED SERVICE NETWORKS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) INCREASED PAY CAP.—

(1) IN GENERAL.—Subchapter I of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

“§7414. Pay for directors of medical centers and directors of Veterans Integrated Service Networks

“(a) IN GENERAL.—To reflect the recruitment and retention needs of the Department for the assignment of a particular director in a medical center or Veterans Integrated Service Network of the Department, the Secretary shall prescribe a system of pay for individuals appointed under section 7401(4) of this title.

“(b) MARKET PAY.—

“(1) IN GENERAL.—The annual amount of the market rate of pay of an individual appointed under section 7401(4) of this title—

“(A) shall be determined by the Secretary on a case-by-case basis; and

“(B) shall take into account—

“(i) the level of experience of the individual in managing facilities or programs
of the Department or other similar agencies or companies, whether governmental or nongovernmental;

“(ii) the complexity of the assignment of the individual, whether assigned or to be assigned;

“(iii) the labor market for individuals in similar positions, which may cover any geographic area the Secretary considers appropriate;

“(iv) the experience of the individual in performing the assignment of the individual, whether assigned or to be assigned; and

“(v) such other considerations as the Secretary considers appropriate.

“(2) Evaluation and Adjustment.—

“(A) In General.—The market rate of pay provided under this subsection shall be evaluated by the Secretary not less frequently than once every two years.

“(B) Adjustment.—The market rate of pay of an individual may be adjusted as the result of an evaluation under subparagraph (A).
“(C) Notice of results.—An individual whose market rate of pay is evaluated under subparagraph (A) shall receive written notice of the results of such evaluation.

“(c) Requirements and limitations on total pay.—

“(1) Minimum and maximum amounts.—

“(A) In general.—Not less frequently than once every two years, the Secretary shall prescribe for applicability throughout the Department the minimum and maximum amounts for a market rate of pay that may be paid under subsection (b).

“(B) Publication and effective date of amounts.—Amounts prescribed under subparagraph (A) shall be published in the Federal Register and shall take effect not earlier than 60 days after the date of publication.

“(C) Maximum.—

“(i) In general.—Except as provided in clause (ii), in no case may the total market rate of pay provided under subsection (b) exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.
“(ii) Waiver.—The Secretary may waive the limitation under clause (i) (to include tier limitations) if the Secretary determines it is necessary for the recruitment or retention of critical health care personnel, as determined by the Secretary.

“(2) Limitation on Reduction.—No adjustment of the market rate of pay under subsection (b)(2)(B) may result in a reduction of the amount of the market rate of pay of an individual while in the same position or assignment at the same location.

“(d) Treatment of Pay.—

“(1) In General.—Pay under subsection (b) shall be considered pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5 and other benefits.

“(2) Cost-of-Living Allowance.—An individual receiving pay under subsection (b) may not receive a cost-of-living allowance under section 5941 of title 5.

“(e) Annual Report.—Not later than one year after the date of the enactment of the VA Clinician Appreciation, Recruitment, Education, Expansion, and Retention Support (CAREERS) Act of 2023, and annually
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 a report on the implementation by the Secretary of the requirements under this section.”.

(2) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 7413 the following new item:

“7414. Pay for directors of medical centers and directors of Veterans Integrated Service Networks.”.

(b) Conforming Amendments.—Section 7404(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “(A) The annual” and inserting “The annual”; and

(B) by striking “and 7401(4)”;

(2) by striking subparagraph (B).

SEC. 203. WAIVER OF PAY LIMITATION FOR EMPLOYEES OF THE VETERANS HEALTH ADMINISTRATION PERFORMING MISSION CRITICAL WORK.

(a) In General.—Subchapter I of chapter 74 of title 38, United States Code, as amended by section 202(a)(1), is further amended by adding at the end the following new section:
§ 7415. Waiver of pay limitation for employees performing mission critical work

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may waive any limitation on pay for an employee of the Veterans Health Administration who is performing mission critical work.

(b) AUTHORITY.—The Secretary shall prescribe regulations for the administration of this section.

(c) EMPLOYEE OF THE VETERANS HEALTH ADMINISTRATION DEFINED.—In this section, the term “employee of the Veterans Health Administration’ includes any employee of the Veterans Health Administration, regardless of the authority under which the employee was hired.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 202(a)(2), is further amended by inserting after the item relating to section 7414 the following new item:

“7415. Waiver of pay limitation for employees performing mission critical work.”.

SEC. 204. INCREASE OF MAXIMUM AMOUNT OF INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.

Section 7410(b)(1) of title 38, United States Code, is amended by striking “$40,000” and inserting “$100,000”.
SEC. 205. MODIFICATION OF SPECIAL PAY AUTHORITY FOR NURSE EXECUTIVES.

Section 7452(g) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking “Department nurse executives, the Secretary may, in accordance with” and all that follows through the period at the end and inserting “nurse executives for the Veterans Health Administration, the Under Secretary for Health may pay special pay to personnel of the Veterans Health Administration who are nurse executives.”; and

(2) by adding at the end the following new paragraph:

“(5) The Under Secretary for Health shall define through regulations which positions of the Veterans Health Administration qualify as nurse executives for purposes of special pay under paragraph (1).”.

Subtitle B—Improvement of Recruitment and Hiring

SEC. 211. OVERSIGHT OF DIRECT HIRE AUTHORITY AND HIRING FLEXIBILITY OF DEPARTMENT OF VETERANS AFFAIRS.

Not later than three years after the date of the enactment of this Act, the Inspector General of the Department
of Veterans Affairs shall conduct a study and publish a report on—

(1) the use of direct hire authority by the Department;

(2) the contributions made by the use of such authority to filling vacancies within the Department; and

(3) any vulnerabilities or inconsistencies with respect to the use of such authority.

SEC. 212. WAIVER OF CERTAIN LICENSURE REQUIREMENTS.

(a) PSYCHOLOGISTS.—Paragraph (8)(C) of section 7402(b) of title 38, United States Code, is amended—

(1) by striking “individual psychologist for a period” and inserting “individual psychologist—”

“(i) for a period”; 

(2) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new clause:

“(ii) for a reasonable period recommended by the Under Secretary for Health, not to exceed four years, during a public health emergency declared by the President, the Secretary
of Health and Human Services, or such other authority as specified by the Secretary.’’.

(b) Licensed Professional Mental Health Counselor.—Paragraph (11)(B) of such section is amended by striking the period at the end and inserting ‘‘, except that the Secretary may waive the requirement of licensure or certification for an individual professional mental health counselor for a reasonable period of time recommended by the Under Secretary for Health.’’.

Subtitle C—Other Personnel Matters

SEC. 221. ROLE OF OPTOMETRISTS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) Inclusion as Physician.—

(1) In general.—Section 7413 of title 38, United States Code, is amended—

(A) in the section heading, by inserting ‘‘and optometrists’’ after ‘‘podiatrists’’;

(B) in subsection (a)—

(i) by striking ‘‘a doctor of podiatric medicine who is appointed as a podiatrist under section 7401(1) of this title’’ and inserting ‘‘a covered individual’’; and

(ii) by striking ‘‘such section’’ and inserting ‘‘section 7401(1) of this title’’; and
(C) by adding at the end the following new subsection:

“(c) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’ means any of the following:

“(1) A doctor of podiatric medicine who is appointed as a podiatrist under section 7401(1) of this title.

“(2) A doctor of optometry who is appointed as an optometrist under section 7401(1) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 74 of such title is amended by striking the item relating to section 7413 and inserting the following new item

“7413. Treatment of podiatrists and optometrists; clinical oversight standards.”.

(b) CLARIFICATION OF ROLE.—Section 7306 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “, a Director of Dietetic Service, and a Director of Optometric Service” and inserting “and a Director of Dietetic Service”;

(B) by redesignating paragraph (12) as paragraph (13); and

(C) by inserting after paragraph (11) the following new paragraph (12):
“(12) An Executive Director of Optometric Service, who shall be a qualified doctor of optometry and who shall be responsible to the Under Secretary for Health for the operation of the Optometric Service.”;

(2) in subsection (b)(1), by inserting “optometry,” after “podiatric medicine,”; and

(3) in subsection (c), by striking “and (10)” and inserting “(10), and (12)”.

SEC. 222. EXPANSION OF ANNUAL LEAVE OPTIONS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS DURING PUBLIC HEALTH EMERGENCY.

(a) Account for Consolidation of Certain Annual Leave.—

(1) In general.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall consolidate into one restored annual leave account all annual leave restored pursuant to section 6304(d)(1)(B) of title 5, United States Code, during calendar years 2020, 2021, and 2022 for covered employees who are employed by the Department of Veterans Affairs on the date of the enactment of this Act.

(2) Additional calendar years.—The Secretary may consolidate into the annual leave account
described in paragraph (1) annual leave restored
pursuant to section 6304(d)(1)(B) of such title during calendar years not described in such paragraph with the approval of the Director of the Office of Personnel Management.

(b) LEAVE EXPIRATION.—Annual leave consolidated into the annual leave account described in subsection (a)(1) shall be used before the later of—

(1) January 9, 2027; and

(2) the applicable deadline pursuant to section 630.309 of title 5, Code of Federal Regulations, or successor regulation.

(c) PROGRAM OF LUMP SUM PAYMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a program under which, during the period beginning on the date of the enactment of this Act and ending on January 9, 2027, a covered employee with annual leave described in subsection (a)(1) may elect to receive a single lump sum payment in lieu of using such leave.

(2) TREATMENT OF LUMP SUM PAYMENTS.—A lump sum payment under a program established under paragraph (1) shall be treated as separate and apart from any lump sum payment of annual
leave the covered employee may otherwise be entitled

to upon separation from employment with the De-
partment.

(d) COVERED EMPLOYEE DEFINED.—In this section,
the term “covered employee” means an employee of the
Department of Veterans Affairs who—

(1) was appointed under chapter 73 or 74 of
title 38, United States Code, notwithstanding section
7421(a) of such title, section 7425(b) of such title,
or any other provision of such chapter that impacts
leave for such an employee;

(2) was appointed under chapter 78 of such
title; or

(3) occupied any position under the jurisdiction
of the Secretary of Veterans Affairs that is subject
to the leave provisions of chapter 63 of title 5,
United States Code.

SEC. 223. EXPANSION OF REIMBURSEMENT OF CON-
TINUING PROFESSIONAL EDUCATION EX-
PENSES.

(a) IN GENERAL.—Section 7411 of title 38, United
States Code, is amended to read as follows:
§ 7411. Reimbursement of continuing professional education expenses

“The Secretary shall reimburse certain full-time health care professionals of the Department for expenses incurred for continuing professional education in amounts as follows:

“(1) With respect to any physician, dentist, pediatrician, chiropractor, optometrist, registered nurse, or physician assistant appointed under section 7401(1) of this title, not more than $1,000 per year for each such individual.

“(2) With respect to any licensed practical or vocational nurse, medical technologist, pharmacist, pharmacy technician, psychologist, diagnostic radiologic technologist, or social worker appointed under section 7401(3) of this title, not more than $1,000 per year for each such individual.”.

(b) Clerical Amendment.—The table of sections at the beginning of subchapter I of chapter 74 of title 38, United States Code, is amended by striking the item relating to section 7411 and inserting the following new item:

“7411. Reimbursement of continuing professional education expenses.”.

SEC. 224. INCLUSION OF POLICE OFFICERS OF DEPARTMENT OF VETERANS AFFAIRS AS LAW ENFORCEMENT OFFICERS.

(a)Definitions.—In this section—
(1) the term “Director” means the Director of the Office of Personnel Management;

(2) the term “Fund” means the Civil Service Retirement and Disability Fund;

(3) the term “incumbent” means an individual who—

(A) was appointed as a law enforcement officer before the date of enactment of this Act; and

(B) is serving as a law enforcement officer on the date of enactment of this Act;

(4) the term “law enforcement officer” means an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code, by virtue of the amendments made by this section;

(5) the term “prior service” means, with respect to an incumbent who makes an election under subsection (c)(2), service performed by the incumbent before the date on which appropriate retirement deductions begin to be made under the election; and

(6) the term “service” means service performed by an individual as a law enforcement officer.

(b) CIVIL SERVICE RETIREMENT SYSTEM.—
(1) IN GENERAL.—Title 5, United States Code, is amended—

(A) in section 8331(20), in the matter preceding subparagraph (A)—

(i) by inserting “(or who is described in section 8401(17)(E))” after “criminal laws of the United States”; and

(ii) by inserting “(or who is so described)” after “engaged in this activity”;

and

(B) in section 8401(17)—

(i) in subparagraph (C)—

(I) by striking “subparagraph (A) and (B)” and inserting “subparagraph (A), (B), or (E)”;

(II) by striking “and” at the end;

(ii) in the flush text following subparagraph (D)(iii), by adding “and” after the semicolon at the end; and

(iii) by adding at the end the following:

“(E) an employee of the Department of Veterans Affairs who is a Department police officer under section 902 of title 38, as determined by the Secretary of Veterans Affairs;”.

(2) APPLICATION.—The amendments made by this subsection shall apply to any—

(A) individual who is appointed as a law enforcement officer—

(i) as defined in section 8331(20) or 8401(17) of title 5, United States Code, as amended by this subsection; and

(ii) on or after the date of enactment of this Act; and

(B) incumbent, consistent with the requirements of this section.

(c) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) SERVICE ON OR AFTER DATE OF ENACTMENT.—Service performed by an incumbent on or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer.

(2) SERVICE BEFORE DATE OF ENACTMENT.—Service performed by an incumbent before the date of enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer only if the incumbent
submits a written election to the Director by the earlier of—

(A) the date that is 5 years after the date of enactment of this Act; or

(B) the day before the date on which the incumbent separates from the service.

(d) Individual Contributions for Prior Service.—

(1) In general.—An incumbent who makes an election under subsection (c)(2) may, with respect to prior service performed by the incumbent, pay a deposit into the Fund equal to the sum of—

(A) the difference between—

(i) the amount that would have been deducted during the period of prior service under section 8334 or 8422 of title 5, United States Code, from the pay of the incumbent if the amendments made by this section had been in effect during the prior service; and

(ii) the amount that was deducted during the period of prior service under section 8334 or 8422 of title 5, United States Code; and
(B) interest on the amount described in subparagraph (A)(i), as computed under—

(i) paragraphs (2) and (3) of section 8334(e) of title 5, United States Code; and

(ii) regulations promulgated by the Director.

(2) EFFECT OF NOT CONTRIBUTING.—If an incumbent does not pay the full amount of the deposit described in paragraph (1)—

(A) all prior service of the incumbent shall remain fully creditable as a law enforcement officer; and

(B) the resulting annuity shall be reduced—

(i) in a manner similar to that described in section 8334(d)(2) of title 5, United States Code; and

(ii) to the extent necessary to make up the amount unpaid.

(e) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—If an incumbent makes an election under subsection (c)(2), an agency that employed the incumbent during any prior service of the
incumbent shall remit to the Director, for deposit in the Fund, an amount equal to the sum of—

(A) the difference between—

(i) the total amount of Government contributions that would have been paid under section 8334 or 8423 of title 5, United States Code, if the amendments made by this section had been in effect during the prior service; and

(ii) the total amount of Government contributions paid under section 8334 or 8423 of title 5, United States Code; and

(B) interest on the amount described in subparagraph (A)(i), as computed in accordance with—

(i) paragraphs (2) and (3) of section 8334(e) of title 5, United States Code; and

(ii) regulations promulgated by the Director.

(2) Contributions to be made ratably.—

Government contributions under this subsection on behalf of an incumbent shall be made by the agency ratably (not less frequently than annually) over the 10-year period beginning on the date described in subsection (a)(5).
(f) EXEMPTION FROM MANDATORY SEPARATION.—Notwithstanding section 8335(b) and 8425(b) of title 5, United States Code, a law enforcement officer shall not be subject to mandatory separation during the 3-year period beginning on the date of enactment of this Act.

(g) REGULATIONS.—The Director shall prescribe regulations to carry out this section, and the amendments made by this section, including regulations for the application of this section (and those amendments) in the case of any individual entitled to a survivor annuity (based on the service of an incumbent who dies before making an election under subsection (c)(2)), to the extent that any rights that would have been available to the decedent if still living.

(h) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, shall be considered to apply in the case of a reemployed annuitant.

SEC. 225. DEPARTMENT OF VETERANS AFFAIRS PERSONNEL TRANSPARENCY.

(a) IN GENERAL.—Section 505 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182; 38 U.S.C. 301 note) is amended—

(1) in subsection (a)—
(A) in paragraph (1)—

   (i) in the matter before subparagraph (A), by striking “information,” and all that follows through “facility:” and inserting “information:”;

   (ii) in subparagraph (B)—

      (I) by inserting “(i)” before “The number”; and

      (II) by adding at the end the following new clause:

      “(ii) Information made available under this subparagraph shall be updated not less frequently than once each quarter to account for delays in data processing and shall reflect the most recently available data.”;

   (iii) in subparagraph (C), by striking “vacancies, by occupation.” and inserting “positions currently undergoing a recruitment action, disaggregated by occupation and by stage of recruitment, including pre-posting, posting processing stage, recruitment stage, onboarding stage, and waiting to start stage, or successor stages if modified.”; and
(iv) by adding at the end the following new subparagraph:

“(F) The number of positions vacated that the Secretary as decided not to backfill, disaggregated by occupation.”;

(B) by redesignating paragraph (5) as paragraph (6);

(C) by inserting after paragraph (4) the following new paragraph (5):

“(5) DISPLAY OF INFORMATION.—The display of information made publicly available on an Internet website of the Department pursuant to paragraph (1), subject to subparagraph (D) of such paragraph, shall be disaggregated—

“(A) by departmental component;

“(B) in the case of information relating to Veterans Health Administration positions, by medical facility; and

“(C) in the case of information relating to Veterans Benefits Administration positions, by regional office.”; and

(D) in paragraph (6), as redesignated by subparagraph (B), by striking “shall” and all that follows and inserting “shall—
“(A) review the administration of the website required under paragraph (1);

“(B) develop recommendations relating to the improvement of such administration; and

“(C) submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Represent-atives a report containing—

“(i) the findings of the Inspector Gen-
eral with respect to the most recent review conducted under subparagraph (A); and

“(ii) the recommendations most re-
cently developed under subparagraph (B).”; and

(2) by amending subsection (b) to read as fol-

ows:

“(b) ANNUAL REPORT.—Each year, the Secretary shall submit to Congress an annual report that includes the following:

“(1) A description of the steps the Department is taking to achieve full staffing capacity.

“(2) A description of the actions the Depart-
ment is taking to improve the onboard timeline for facilities of the Department, including—
“(A) in the case of facilities of the Veterans Health Administration, for facilities for which the duration of the onboarding process exceeds the metrics laid out in the Time to Hire Model of the Veterans Health Administration, or successor model; and

“(B) in the case of Veterans Benefits Administration, for regional offices that exceed the time-to-hire target of the Office of Personnel Management.

“(3) The amount of additional funds necessary to enable the Department to reach full staffing capacity.

“(4) Such recommendations for legislative or administrative action as the Secretary may have in order to achieve full staffing capacity at the Department.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to the first update under section 505(a)(3) of such Act beginning after the date of the enactment of this Act and each update thereafter.
SEC. 226. COMPTROLLER GENERAL REPORT ASSESSING HUMAN RESOURCES MODERNIZATION WITHIN VETERANS HEALTH ADMINISTRATION.

(a) In General.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on human resources modernization conducted by the Veterans Health Administration (in this section referred to as the “Administration”).

(b) Elements.—The report required by subsection (a) shall include an assessment of the following:

(1) The Human Resources Modernization Program of the Administration, including an assessment of the activities carried out under the Program, the results of those activities, and how the Administration measures the performance of those activities.

(2) The human resources information technology systems of the Administration, including the performance, accuracy, efficiency, and user-ability of those systems for human resources professionals, managers with hiring authority, and other employees of the Administration who use those systems.
(3) Metrics and timelines used to report hiring and vacancy data within the Administration, including recruitment and retention data.

(4) Trends in hiring, recruitment, retention, and vacancies among employees of the Administration.

(5) The use by the Administration of authorities and waivers for hiring flexibility, including an assessment of the standardization of use of such authorities and waivers within each Veterans Integrated Service Network.

(6) Training, development, and workload of human resources professionals of the Administration.

(7) Such other matters as the Comptroller General considers relevant.