

117TH CONGRESS
2D SESSION

H. R. 8017

To make certain improvements to the workforce of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2022

Mr. PAPPAS (for himself and Mr. CLINE) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Ways and Means, and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make certain improvements to the workforce of the Department of Veterans Affairs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “VA Workforce Investment and Expansion Act of 2022”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Matters relating to amendments to title 38, United States Code.

- Sec. 3. National rural recruitment and hiring plan for Veterans Health Administration.
- Sec. 4. Authority to buy out service contracts for certain health care professionals in exchange for employment at rural or highly rural facilities of Department of Veterans Affairs.
- Sec. 5. Qualifications for human resources positions within Department of Veterans Affairs and plan to recruit and retain human resources employees.
- Sec. 6. Modification of pay cap for certain employees of Veterans Health Administration.
- Sec. 7. Expansion of opportunities for housekeeping aides.
- Sec. 8. Modification of authority of the Secretary of Veterans Affairs relating to hours, conditions of employment, and pay for certain employees of Veterans Health Administration.
- Sec. 9. Waiver of pay limitation for certain employees of Department of Veterans Affairs.
- Sec. 10. Elimination of limitation on awards and bonus for employees of Department of Veterans Affairs.
- Sec. 11. Additional authority of the Secretary of Veterans Affairs relating to recruitment and retention of personnel.
- Sec. 12. Prescription of medication by health care providers of Department of Veterans Affairs via telemedicine.

1 **SEC. 2. MATTERS RELATING TO AMENDMENTS TO TITLE 38,**

2 **UNITED STATES CODE.**

3 (a) REFERENCES.—Except as otherwise expressly
 4 provided, when in this Act an amendment or repeal is ex-
 5 pressed in terms of an amendment to, or repeal of, a sec-
 6 tion or other provision, the reference shall be considered
 7 to be made to a section or other provision of title 38,
 8 United States Code.

9 (b) AMENDMENTS TO TABLES OF CONTENTS.—Ex-
 10 cept as otherwise expressly provided, when an amendment
 11 made by this Act to title 38, United States Code, adds
 12 a section or larger organizational unit to that title or
 13 amends the designation or heading of a section or larger
 14 organizational unit in that title, that amendment also shall
 15 have the effect of amending any table of sections in that

1 title to alter the table to conform to the changes made
2 by the amendment.

3 **SEC. 3. NATIONAL RURAL RECRUITMENT AND HIRING**
4 **PLAN FOR VETERANS HEALTH ADMINISTRA-**
5 **TION.**

6 (a) IN GENERAL.—Not later than 18 months after
7 the date of the enactment of this Act, the Secretary of
8 Veterans Affairs, in collaboration with the directors of
9 each community-based outpatient clinic and medical cen-
10 ter of the Department of Veterans Affairs, shall develop
11 and implement a national rural recruitment and hiring
12 plan for the Veterans Health Administration to—

13 (1) recruit health care professionals for rural
14 and highly rural community-based outpatient clinics
15 and rural and highly rural medical centers of the
16 Department;

17 (2) determine which such clinics or centers have
18 a staffing shortage of health care professionals;

19 (3) develop best practices and techniques for re-
20 cruiting health care professionals for such clinics
21 and centers;

22 (4) not less frequently than annually, provide
23 virtually based, on-demand training to human re-
24 sources professionals of the Veterans Health Admin-

1 istration on the best practices and techniques devel-
2 oped under paragraph (3); and

3 (5) provide recruitment resources, such as pam-
4 phlets and marketing material to—

5 (A) Veterans Integrated Service Networks
6 of the Department;

7 (B) rural and highly rural community-
8 based outpatient clinics of the Department; and

9 (C) rural and highly rural medical centers
10 of the Department.

11 (b) ANNUAL REPORT.—Not later than 18 months
12 after the date of the enactment of this Act, and annually
13 thereafter, the Secretary shall submit to the Committee
14 on Veterans’ Affairs of the Senate and the Committee on
15 Veterans’ Affairs of the House of Representatives a report
16 that includes—

17 (1) the plan developed and implemented under
18 subsection (a); and

19 (2) an assessment of the outcomes related to
20 recruitment and retention of employees of the Vet-
21 erans Health Administration at rural and highly
22 rural facilities of the Department.

23 (c) DEFINITIONS.—In this section, the terms “rural”
24 and “highly rural” have the meanings given those terms

1 under the rural-urban commuting areas coding system of
2 the Department of Agriculture.

3 **SEC. 4. AUTHORITY TO BUY OUT SERVICE CONTRACTS FOR**
4 **CERTAIN HEALTH CARE PROFESSIONALS IN**
5 **EXCHANGE FOR EMPLOYMENT AT RURAL OR**
6 **HIGHLY RURAL FACILITIES OF DEPARTMENT**
7 **OF VETERANS AFFAIRS.**

8 (a) IN GENERAL.—For any covered health care pro-
9 fessional to whom the Secretary of Veterans Affairs has
10 offered employment with the Department of Veterans Af-
11 fairs, the Secretary may buy out the non-Department serv-
12 ice contract of such individual in exchange for such indi-
13 vidual agreeing to be employed at a rural or highly rural
14 facility of the Department for a period of obligated service
15 specified in subsection (c).

16 (b) PAYMENT OF AMOUNTS.—

17 (1) IN GENERAL.—Payment of any amounts for
18 a buy out of a service contract for a covered health
19 care professional under subsection (a) shall be made
20 directly to the individual or entity with respect to
21 which the covered health care professional has a
22 service obligation under such contract.

23 (2) LIMITATION ON TOTAL AMOUNT.—The total
24 amount paid by the Department under this section
25 shall not exceed \$40,000,000 per fiscal year.

1 (c) OBLIGATED SERVICE.—In exchange for a con-
2 tract buy out under subsection (a), a covered health care
3 professional shall agree to be employed for not less than
4 four years at a rural or highly rural facility of the Depart-
5 ment.

6 (d) LIABILITY.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), if a covered health care professional fails
9 for any reason to complete the period of obligated
10 service of the individual under subsection (c), the
11 United States shall be entitled to recover from the
12 individual an amount equal to—

13 (A) the total amount paid under subsection
14 (a) to buy out the non-Department service con-
15 tract of the individual; multiplied by

16 (B) a fraction—

17 (i) the numerator of which is—

18 (I) the total number of months in
19 the period of obligated service of the
20 individual; minus

21 (II) the number of months served
22 by the individual; and

23 (ii) the denominator of which is the
24 total number of months in the period of
25 obligated service of the individual.

1 (2) EXCEPTION.—Liability shall not arise under
2 paragraph (1) in the case of an individual covered
3 by that paragraph if the individual does not obtain,
4 or fails to maintain, employment as an employee of
5 the Department due to staffing changes approved by
6 the Under Secretary for Health.

7 (e) NOT A TAXABLE BENEFIT.—A contract buy out
8 for a covered health care professional under subsection (a)
9 shall not be considered a taxable benefit or event for the
10 covered health care professional.

11 (f) ANNUAL REPORT.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of the enactment of this Act, and not
14 less frequently than annually thereafter, the Sec-
15 retary of Veterans Affairs shall submit to the Com-
16 mittee on Veterans' Affairs of the Senate and the
17 Committee on Veterans' Affairs of the House of
18 Representatives a report on the use by the Secretary
19 of the authority under this section.

20 (2) ELEMENTS.—Each report required by para-
21 graph (1) shall include the following:

22 (A) The number of health care profes-
23 sionals for whom a service contract buyout pay-
24 ment was made under subsection (a) in the pre-

1 vious fiscal year, disaggregated by occupation
2 or specialty.

3 (B) The average, highest, and lowest
4 amount of the service contract buyout payments
5 made under subsection (a) for each occupation
6 or specialty in the previous fiscal year.

7 (C) Each location where contract buyout
8 authority under subsection (a) was utilized and
9 the number of covered health care professionals
10 who agreed to be employed at such location in
11 the previous fiscal year.

12 (g) DEFINITIONS.—In this section:

13 (1) The term “covered health care professional”
14 means a physician, nurse anesthetist, surgical physi-
15 cian assistant, or nurse practitioner offered employ-
16 ment with the Department regardless of the author-
17 ity under which such employment is offered.

18 (2) The terms “rural” and “highly rural” have
19 the meanings given those terms under the rural-
20 urban commuting areas coding system of the De-
21 partment of Agriculture.

22 (h) SUNSET.—This section shall terminate on Sep-
23 tember 30, 2027.

1 **SEC. 5. QUALIFICATIONS FOR HUMAN RESOURCES POSI-**
2 **TIONS WITHIN DEPARTMENT OF VETERANS**
3 **AFFAIRS AND PLAN TO RECRUIT AND RETAIN**
4 **HUMAN RESOURCES EMPLOYEES.**

5 (a) ESTABLISHMENT OF QUALIFICATIONS.—Not
6 later than 180 days after the date of the enactment of
7 this Act, the Secretary of Veterans Affairs shall—

8 (1) establish qualifications for each human re-
9 sources position within the Department of Veterans
10 Affairs in coordination with the Office of Personnel
11 Management;

12 (2) establish standardized performance metrics
13 for each such position; and

14 (3) submit to the Committee on Veterans' Af-
15 fairs of the Senate and the Committee on Veterans'
16 Affairs of the House of Representatives a report
17 containing the qualifications and standardized per-
18 formance metrics established under paragraphs (1)
19 and (2).

20 (b) IMPROVEMENT OF HUMAN RESOURCES AC-
21 TIONS.—Not later than 90 days after the date of the en-
22 actment of this Act, the Secretary shall establish or en-
23 hance systems of the Department to monitor the hiring
24 and other human resources actions that occur at the local,
25 regional, and national levels of the Department to improve
26 the performance of those actions.

1 (c) REPORT.—Not later than one year after the es-
2 tablishment of the qualifications and performance metrics
3 under subsection (a), the Comptroller General of the
4 United States shall submit to the Committee on Veterans’
5 Affairs of the Senate and the Committee on Veterans’ Af-
6 fairs of the House of Representatives a report con-
7 taining—

8 (1) a description of the implementation of such
9 qualifications and performance metrics;

10 (2) an assessment of the quality of such quali-
11 fications and performance metrics;

12 (3) an assessment of performance and outcomes
13 based on such metrics; and

14 (4) such other matters as the Comptroller Gen-
15 eral considers appropriate.

16 (d) PLAN TO RECRUIT AND RETAIN HUMAN RE-
17 SOURCES EMPLOYEES.—Not later than one year after the
18 date of the enactment of this Act, the Secretary of Vet-
19 erans Affairs shall submit to the Committee on Veterans’
20 Affairs of the Senate and the Committee on Veterans’ Af-
21 fairs of the House of Representatives a plan for the re-
22 cruitment and retention of human resources employees
23 within the Department of Veterans Affairs.

1 **SEC. 6. MODIFICATION OF PAY CAP FOR CERTAIN EMPLOY-**
2 **EES OF VETERANS HEALTH ADMINISTRA-**
3 **TION.**

4 (a) IN GENERAL.—Section 7455(c) is amended—

5 (1) in paragraph (1), by striking “30 percent”
6 inserting “50 percent”;

7 (2) in paragraph (2), by striking “level IV” in-
8 serting “level II”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(3)(A) Notwithstanding section 5304 of title 5 or
12 any other provision of law, but subject to the limitation
13 under paragraph (2), pursuant to an increase under sub-
14 section (a), the Secretary may pay a special rate or an
15 adjusted rate of basic pay in excess of the rate of basic
16 pay payable for level IV of the Executive Schedule.

17 “(B) If an employee is in receipt of a special rate
18 of pay under subparagraph (A) in excess of the rate of
19 basic pay payable for level IV of the Executive Schedule
20 with an established special rate supplement of greater
21 value than a supplement based on the applicable locality-
22 based comparability payment percentage under section
23 5304 of title 5, but a pay adjustment would cause such
24 established special rate supplement to be of lesser value,
25 the special rate supplement shall be converted to a supple-
26 ment based on the applicable locality-based comparability

1 percentage unless the Secretary determines that some
2 other action is appropriate.”.

3 (b) PAY FOR CRITICAL POSITIONS.—Section
4 7404(a)(1)(B) is amended by inserting “7306 or” before
5 “7401(4)”.

6 **SEC. 7. EXPANSION OF OPPORTUNITIES FOR HOUSE-**
7 **KEEPING AIDES.**

8 Section 3310 of title 5, United States Code, is
9 amended by inserting “(other than for positions of house-
10 keeping aides in the Department of Veterans Affairs)”
11 after “competitive service”.

12 **SEC. 8. MODIFICATION OF AUTHORITY OF THE SECRETARY**
13 **OF VETERANS AFFAIRS RELATING TO HOURS,**
14 **CONDITIONS OF EMPLOYMENT, AND PAY FOR**
15 **CERTAIN EMPLOYEES OF VETERANS HEALTH**
16 **ADMINISTRATION.**

17 (a) EXPANSION OF ELIGIBILITY OF EMPLOYEES FOR
18 CERTAIN AWARDS.—Section 7404(c) is amended—

19 (1) by striking “Notwithstanding” and insert-
20 ing “(1) Notwithstanding”;

21 (2) by inserting “or 7401(4)” after “section
22 7306”;

23 (3) by striking “who is not eligible for pay
24 under subchapter III” and inserting “or in a covered

1 executive position under section 7401(1) of this
2 title”;

3 (4) by striking “sections 4507 and 5384” and
4 inserting “section 4507”; and

5 (5) by adding at the end the following new
6 paragraph:

7 “(2) In this subsection, the term ‘covered executive
8 position’ means a position that the Secretary has deter-
9 mined is of equivalent rank to a Senior Executive Service
10 position (as such term is defined in section 3132(a) of title
11 5) and is subject to an agency performance management
12 system.”.

13 (b) AUTHORITY FOR AWARDS PROGRAMS OF DE-
14 PARTMENT OF VETERANS AFFAIRS.—

15 (1) IN GENERAL.—Subchapter I of chapter 74
16 is amended by inserting after section 7404 the fol-
17 lowing new section:

18 **“§ 7404A. Awards**

19 “(a) SUPERIOR ACCOMPLISHMENTS AND PERFORM-
20 ANCE AWARDS PROGRAM.—The Secretary may establish
21 an awards program for personnel listed in section 7421(b)
22 of this title consistent with chapter 45 of title 5, to the
23 extent practicable.

24 “(b) EXECUTIVE PERFORMANCE AWARDS PRO-
25 GRAM.—Notwithstanding section 7425 of this title or any

1 other provision of law, the Secretary may establish a per-
2 formance awards program consistent with section 5384 of
3 title 5 for—

4 “(1) personnel appointed under section 7401(1)
5 of this title for a position that the Secretary has de-
6 termined is of equivalent rank to a Senior Executive
7 Service position (as such term is defined in section
8 3132(a) of title 5) and is subject to an agency per-
9 formance management system; and

10 “(2) personnel appointed under section 7306 or
11 7401(4) of this title.

12 “(c) PAYMENT OF AWARDS.—Awards under this sec-
13 tion may be paid based on criteria established by the Sec-
14 retary and shall not be considered in calculating the limi-
15 tation under section 7431(e)(4) of this title.

16 “(d) NOT CONSIDERED BASIC PAY.—Awards under
17 this section shall not be considered basic pay for any pur-
18 pose.

19 “(e) REGULATIONS.—The Secretary may prescribe
20 regulations for the administration of this section.”.

21 (2) LIMITATION ON PAST AWARDS.—Notwith-
22 standing any other provision of law, awards made by
23 the Secretary of Veterans Affairs for any period on
24 or after January 1, 2017, and before the date of the
25 enactment of this Act for an employee under section

1 7306 or 7401(4) of title 38, United States Code, or
2 for a position described in section 7401(1) of such
3 title that the Secretary has determined is of equiva-
4 lent rank to a Senior Executive Service position (as
5 such term is defined in section 3132(a) of title 5,
6 United States Code), may be subject to section
7 7404A of title 38, United States Code, as added by
8 paragraph (1).

9 (c) MODIFICATION OF EMPLOYEES SUBJECT TO
10 REGULATION BY SECRETARY OF VETERANS AFFAIRS OF
11 HOURS AND CONDITIONS OF EMPLOYMENT AND LEAVES
12 OF ABSENCE.—

13 (1) IN GENERAL.—Section 7421 is amended—

14 (A) in subsection (a), by striking “chap-
15 ter” and inserting “title”; and

16 (B) in subsection (b), by adding at the end
17 the following new paragraph:

18 “(9) Any position for which the employee is ap-
19 pointed under section 7306 or 7401(4) of this
20 title.”.

21 (2) ADMINISTRATION OF FULL-TIME EMPLOY-
22 EES.—Section 7423 is amended—

23 (A) in subsection (a)(2), by adding at the
24 end the following new subparagraph:

1 “(D) The Secretary may exclude from the require-
2 ments of paragraph (1) employees hired under section
3 7306 or 7401(4) of this title or for a position described
4 in section 7401(1) of this title that the Secretary has de-
5 termined is of equivalent rank to a Senior Executive Serv-
6 ice position (as such term is defined in section 3132(a)
7 of title 5).”; and

8 (B) in subsection (e)(1), by striking
9 “7401(1)” and inserting “7421(b)”.

10 (3) ADDITIONAL PAY AUTHORITIES.—Section
11 7410(a) is amended—

12 (A) by striking “The Secretary” and in-
13 serting “(1) The Secretary”;

14 (B) by striking “the personnel described in
15 paragraph (1) of section 7401 of this title” and
16 inserting “personnel appointed under section
17 7306 of this title or section 7401(4) of this
18 title, or personnel described in section 7401(1)
19 of this title,”;

20 (C) by striking “in the same manner, and
21 subject to the same limitations, as in the case
22 of” and inserting “in a manner consistent
23 with”; and

24 (D) by adding at the end the following new
25 paragraph:

1 “(2) Payments under paragraph (1) shall not be con-
2 sidered in calculating the limitation under section
3 7431(e)(4) of this title.”.

4 (4) TREATMENT OF PAY AUTHORITY
5 CHANGES.—For the purposes of the amendments
6 made by paragraph (3), the Secretary of Veterans
7 Affairs shall treat any award or payment made by
8 the Secretary between January 1, 2017, and the
9 date of the enactment of this Act to employees ap-
10 pointed under sections 7306, 7401(1), and 7401(4)
11 of title 38, United States Code, that the Secretary
12 has determined are of equivalent rank to a Senior
13 Executive Service position (as such term is defined
14 in section 3132(a) of title 5, United States Code),
15 as if such amendments had been in effect at the
16 time of such award or payment.

17 (5) TREATMENT OF PRIOR LEAVE BALANCES.—
18 Notwithstanding any other provision of law, the Sec-
19 retary may adjust the leave balance and carryover
20 leave balance of any employee described in section
21 7421(b)(9) of title 38, United States Code, as
22 amended by paragraph (1)(B), to ensure any leave
23 accrued or carried over before the date of the enact-
24 ment of this Act remains available to such employee.

1 (d) TREATMENT OF CERTAIN EMPLOYEES AS AP-
 2 POINTED UNDER SECTION 7306.—Section 7306 is
 3 amended—

4 (1) in subsection (a), by redesignating the sec-
 5 ond paragraph (11) as paragraph (12); and

6 (2) by adding at the end the following new sub-
 7 section:

8 “(g) For purposes of applying any provision of chap-
 9 ter 74 of this title, including sections 7404, 7410, and
 10 7421, or any other provision of law, the Secretary may
 11 treat any appointment for a position under this chapter
 12 to be an appointment under this section.”

13 (e) CONFORMING AMENDMENT.—Section 7431(e)(4)
 14 is amended by striking “In no case” and inserting “Except
 15 as provided in sections 7404A(c) and 7410(a)(2) of this
 16 title, in no case”.

17 **SEC. 9. WAIVER OF PAY LIMITATION FOR CERTAIN EM-**
 18 **PLOYEES OF DEPARTMENT OF VETERANS AF-**
 19 **FAIRS.**

20 Subchapter I of chapter 7 is amended by inserting
 21 after section 703 the following new section:

22 **“§ 704. Waiver of pay limitation for certain employees**

23 “(a) EMPLOYEES OF VETERANS HEALTH ADMINIS-
 24 TRATION IMPACTED BY CLOSURE OR REALIGNMENT.—

25 Notwithstanding any other provision of law, the Secretary

1 may waive any annual premium or aggregate limitation
2 on pay for an employee of the Veterans Health Adminis-
3 tration for the calendar year during which—

4 “(1) the official duty station of the employee is
5 closed; or

6 “(2) the office, facility, activity, or organization
7 of the employee is realigned.

8 “(b) EMPLOYEES PROVIDING CARE TO VETERANS
9 EXPOSED TO OPEN BURN PITS.—

10 “(1) IN GENERAL.—Notwithstanding any other
11 provision of law, the Secretary may waive any an-
12 nual premium or aggregate limitation on pay for an
13 employee of the Department whose primary duties
14 include providing expanded care for veterans exposed
15 to open burn pits.

16 “(2) OPEN BURN PIT DEFINED.—In this sub-
17 section, the term ‘open burn pit’ has the meaning
18 given that term in section 201(c) of the Dignified
19 Burial and Other Veterans’ Benefits Improvement
20 Act of 2012 (Public Law 112–260; 38 U.S.C. 527
21 note).

22 “(c) COORDINATION WITH OFFICE OF PERSONNEL
23 MANAGEMENT.—In implementing this section, the Sec-
24 retary shall coordinate with the Director of the Office of
25 Personnel Management.

1 “(d) REPORTS.—

2 “(1) IN GENERAL.—For each quarter that the
3 Secretary waives a limitation under this section, the
4 Secretary shall submit to the Committee on Vet-
5 erans’ Affairs of the Senate, the Committee on Vet-
6 erans’ Affairs of the House of Representatives, and
7 the Office of Personnel Management a report on the
8 waiver or waivers.

9 “(2) CONTENTS.—Each report submitted under
10 paragraph (1) with respect to a waiver or waivers
11 shall include the following:

12 “(A) Where the waiver or waivers were
13 used, including in which component of the De-
14 partment and, as the case may be, which med-
15 ical center of the Department.

16 “(B) For how many employees the waiver
17 or waivers were used, disaggregated by compo-
18 nent of the Department and, if applicable, med-
19 ical center of the Department.

20 “(C) The average amount by which each
21 payment exceeded the pay limitation that was
22 waived, disaggregated by component of the De-
23 partment and, if applicable, medical center of
24 the Department.

1 “(e) EMPLOYEE DEFINED.—In this section, the term
2 ‘employee’ means any employee regardless of the authority
3 under which the employee was hired.

4 “(f) TERMINATION.—This section shall terminate on
5 September 30, 2027.”.

6 **SEC. 10. ELIMINATION OF LIMITATION ON AWARDS AND**
7 **BONUS FOR EMPLOYEES OF DEPARTMENT OF**
8 **VETERANS AFFAIRS.**

9 (a) IN GENERAL.—Section 705(a) of the Veterans
10 Access, Choice, and Accountability Act of 2014 (Public
11 Law 113–146; 38 U.S.C. 703 note) is amended by striking
12 paragraph (3).

13 (b) APPLICABILITY.—Subsection (a) shall take effect
14 on the date of the enactment of this Act and apply as
15 if such subsection had been enacted on September 30,
16 2021.

17 **SEC. 11. ADDITIONAL AUTHORITY OF THE SECRETARY OF**
18 **VETERANS AFFAIRS RELATING TO RECRUIT-**
19 **MENT AND RETENTION OF PERSONNEL.**

20 Subchapter I of chapter 7 is amended by inserting
21 after section 705 the following new section:

22 **“§ 706. Additional authority relating to recruitment**
23 **and retention of personnel**

24 “(a) RECRUITMENT AND RELOCATION BONUSES.—
25 The Secretary may pay a recruitment or relocation bonus

1 under section 5753(e) of title 5 without regard to any re-
2 quirements for certification or approval under that sec-
3 tion.

4 “(b) RETENTION BONUSES.—(1) The Secretary may
5 pay a retention bonus under section 5754(f) of title 5
6 without regard to any requirement for certification or ap-
7 proval under that subsection.

8 “(2) The Secretary may pay a retention bonus as
9 specified in subsection (e)(2) of section 5754 of title 5 and
10 may pay the bonus as a single lump-sum payment at the
11 beginning of the full period of service required by an
12 agreement under subsection (d) of such section.

13 “(c) MERIT AWARDS.—The Secretary may grant a
14 cash award under section 4502(b) of title 5 without regard
15 to any requirement for certification or approval under that
16 section.

17 “(d) INCENTIVES FOR CRITICAL SKILLS.—(1) Sub-
18 ject to the provisions of this paragraph, the Secretary may
19 provide a critical skill incentive to an employee in a case
20 in which the Secretary determines—

21 “(A) the employee possesses a high-demand
22 skill or skill that is at a shortage;

23 “(B) such skill is directly related to the duties
24 and responsibilities of the employee’s position; and

1 “(C) employment of an individual with such
2 skill in such position serves a critical mission-related
3 need of the Department.

4 “(2) An incentive provided to an employee under
5 paragraph (1) may not to exceed 25 percent of the basic
6 pay of the employee.

7 “(3) Provision of an incentive under paragraph (1)
8 shall be contingent on the employee entering into a written
9 agreement to complete a period of employment with the
10 Department.

11 “(4) An incentive provided under paragraph (1) shall
12 not be considered basic pay for any purpose.

13 “(5) The Secretary may prescribe conditions, includ-
14 ing with respect to eligibility, and limitations on provision
15 of incentive under paragraph (1).

16 “(6) Incentive provided under paragraph (1) shall not
17 be included in the calculation of total amount of com-
18 pensation under section 7431(e)(4) of this title.

19 “(e) STUDENT LOAN REPAYMENTS.—(1) Subject to
20 the provisions of this subsection, the Secretary may repay
21 a student loan pursuant to section 5379(b) of title 5.

22 “(2) Paragraph (2) of such section shall not apply
23 to payment under this subsection.

24 “(3) Payment under this subsection shall be made
25 subject to such terms, limitations, or conditions as may

1 be mutually agreed to by the Secretary and the employee
2 concerned, except that the amount paid by the Secretary
3 under this subsection may not exceed—

4 “(A) \$40,000 for any employee in any calendar
5 year; or

6 “(B) a total of \$100,000 in the case of any em-
7 ployee.

8 “(f) EXPEDITED HIRING AUTHORITY FOR COLLEGE
9 GRADUATES; COMPETITIVE SERVICE.—(1) Subject to
10 paragraph (2) of this subsection, the Secretary may expe-
11 dite hiring for college graduates under section 3115 of
12 title 5 without regard to subsection (e) of such section or
13 any regulations prescribed by the Office of Personnel
14 Management for administration of such subsection.

15 “(2) The number of employees the Secretary may ap-
16 point under section 3115 of title 5 may not exceed the
17 number equal to 25 percent of individuals that the Sec-
18 retary appointed during the previous fiscal year to a posi-
19 tion in the competitive service classified in a professional
20 or administrative occupational category, at the GS-11
21 level, or an equivalent level, or below, under a competitive
22 examining procedure.

23 “(g) EXPEDITED HIRING AUTHORITY FOR POST-
24 SECONDARY STUDENTS; COMPETITIVE SERVICE.—(1)
25 Subject to paragraph (2) of this subsection, the Secretary

1 may expedite hiring of post-secondary students under sec-
2 tion 3116 of title 5, without regard to subsection (d) of
3 such section or any regulations prescribed by the Office
4 of Personnel Management for administration of such sub-
5 section.

6 “(2) The number of employees the Secretary may ap-
7 point under section 3116 of title 5 may not exceed the
8 number equal to 25 percent of the number of students
9 that the Secretary appointed during the previous fiscal
10 year to a position at the GS–11 level, or an equivalent
11 level, or below.

12 “(h) PAY AUTHORITY FOR CRITICAL POSITIONS.—
13 (1) Subject to the provisions of this subsection, the Sec-
14 retary may authorize the fixing of the rate of pay for a
15 critical position in the Department consistent with the au-
16 thorities and requirements of section 5377 of title 5 that
17 apply to the Office of Personnel Management.

18 “(2) The Secretary may fix the rate of pay for a crit-
19 ical position under this subsection in excess of the limita-
20 tion set forth by section 5377(d)(2) of such title.

21 “(3) Basic pay may not be fixed under this subsection
22 at a rate greater than the rate payable for the Vice Presi-
23 dent of the United States established under section 104
24 of title 3, except upon written approval of the President.

1 “(4) Notwithstanding section 5377(f) of title 5, the
2 Secretary may authorize the exercise of authority under
3 this subsection with respect to up to 200 positions at any
4 time.

5 “(i) RATES OF SPECIAL PAY.—(1) The Secretary
6 may establish a rate for special pay under section
7 5305(a)(1) of title 5.

8 “(2) In applying such section to the Secretary’s au-
9 thority under paragraph (1)—

10 “(A) ‘50 percent’ shall be substituted for ‘30
11 percent’; and

12 “(B) ‘level II of the Executive Schedule’ shall
13 be substituted for ‘level IV of the Executive Sched-
14 ule’.

15 “(j) WAIVER OF LIMITATIONS ON CERTAIN PAY-
16 MENTS UNDER PAY COMPARABILITY SYSTEM.—The Sec-
17 retary may waive the limitation in section 5307 of title
18 5 for an employee or a payment.

19 “(k) TERMINATION.—The authorities under this sec-
20 tion shall terminate on September 30, 2027.”.

21 **SEC. 12. PRESCRIPTION OF MEDICATION BY HEALTH CARE**
22 **PROVIDERS OF DEPARTMENT OF VETERANS**
23 **AFFAIRS VIA TELEMEDICINE.**

24 Section 1730C is amended—

1 (1) in the section heading, by inserting “**and**
2 **authorization to prescribe controlled sub-**
3 **stances via telemedicine**” after “**telemedi-**
4 **cine**”;

5 (2) in subsection (a)—

6 (A) by striking “Notwithstanding” and in-
7 serting “(1) Notwithstanding”; and

8 (B) by adding at the end the following new
9 paragraph:

10 “(2)(A) A covered health care professional who is au-
11 thorized to dispense controlled substances in the State in
12 which the health care professional is licensed may pre-
13 scribe controlled substances through the use of telemedi-
14 cine notwithstanding any conflicting requirements under
15 the Controlled Substances Act (21 U.S.C. 801 et seq.).

16 “(B) Covered health care professionals dispensing
17 controlled substances under subparagraph (A) shall be
18 subject to such quality, control, and safety requirements
19 as the Secretary may establish in consultation with the
20 Attorney General.”; and

21 (3) in subsection (e), by striking “Nothing” and
22 inserting “Except as provided in subsection (a)(2),
23 nothing”.

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