

117TH CONGRESS  
2D SESSION

# S. 4156

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

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IN THE SENATE OF THE UNITED STATES

MAY 5, 2022

Mr. TESTER (for himself and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To improve 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 Improvement, Support, and Expansion  
6 (WISE) Act of 2022”.

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

Sec. 1. Short title; table of contents.

TITLE I—TRAINING, RECRUITMENT, AND RETENTION OF  
HEALTH CARE EMPLOYEES

- Sec. 101. National rural recruitment and hiring plan for Veterans Health Administration.
- Sec. 102. Rural health quality and access fellowship program for Department of Veterans Affairs.
- Sec. 103. Authority to buy out service contracts for health care professionals in exchange for employment at rural or highly rural facilities of Department of Veterans Affairs.
- Sec. 104. Payment of licensure exam costs for recipients of scholarships from Department of Veterans Affairs.
- Sec. 105. Improvement of workforce training and team models to meet the needs of older veterans.
- Sec. 106. Qualifications for human resources positions within the Department of Veterans Affairs and plan to recruit and retain human resources employees.
- Sec. 107. Study on improving recruitment and retention at community living centers of Department of Veterans Affairs.
- Sec. 108. Limitation on transfer 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. Increased pay cap for directors of medical centers and Veterans Integrated Service Networks of Department of Veterans Affairs.
- Sec. 202. Waiver of pay limitation for employees of the Veterans Health Administration performing mission critical work.
- Sec. 203. Elimination of performance pay elements for physicians, podiatrists, and dentists and elimination of total compensation cap.
- Sec. 204. Increase of maximum amount of incentive pay for Department pharmacist executives.
- Sec. 205. Elimination of pay cap for certain employees of Veterans Health Administration.
- Sec. 206. 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. Expansion of emergency hiring authorities for Department of Veterans Affairs.
- Sec. 213. Waiver of certain licensure requirements.
- Sec. 214. Expansion of opportunities for housekeeping aides.

### Subtitle C—Other Personnel Matters

- Sec. 221. Expansion of annual leave options for employees of Department of Veterans Affairs during public health emergency.
- Sec. 222. Expansion of reimbursement of continuing professional education fees.
- Sec. 223. Inclusion of police officers of Department of Veterans Affairs as law enforcement officers.
- Sec. 224. Department of Veterans Affairs personnel transparency.
- Sec. 225. Comptroller General report assessing human resources modernization within Veterans Health Administration.

## TITLE III—ASSISTANCE WITH NATIONAL EMERGENCIES

Sec. 301. Update of web portal to identify veterans who had medical occupations as members of the Armed Forces.

Sec. 302. Program on provision to States of information on veterans with medical skills obtained during service in the Armed Forces.

Sec. 303. Program on training of intermediate care technicians of Department of Veterans Affairs.

Sec. 304. Notification of opportunities for veterans.

1 **TITLE I—TRAINING, RECRUIT-**  
 2 **MENT, AND RETENTION OF**  
 3 **HEALTH CARE EMPLOYEES**

4 **SEC. 101. NATIONAL RURAL RECRUITMENT AND HIRING**  
 5 **PLAN FOR VETERANS HEALTH ADMINISTRA-**  
 6 **TION.**

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

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

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

1           (3) develop best practices and techniques for re-  
2           cruiting health care professionals for such clinics  
3           and centers;

4           (4) not less frequently than annually, provide  
5           virtually based, on-demand training to human re-  
6           sources professionals of the Veterans Health Admin-  
7           istration on the best practices and techniques devel-  
8           oped under paragraph (3); and

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

11                   (A) Veterans Integrated Service Networks  
12                   of the Department;

13                   (B) rural and highly rural community-  
14                   based outpatient clinics of the Department; and

15                   (C) rural and highly rural medical centers  
16                   of the Department.

17          (b) ANNUAL REPORT.—Not later than 18 months  
18          after the date of the enactment of this Act, and annually  
19          thereafter, the Secretary shall submit to the Committee  
20          on Veterans' Affairs of the Senate and the Committee on  
21          Veterans' Affairs of the House of Representatives a report  
22          that includes—

23                   (1) the plan developed and implemented under  
24                   subsection (a); and

1           (2) an assessment of the outcomes related to  
2           recruitment and retention of employees of the Vet-  
3           erans Health Administration at rural and highly  
4           rural facilities of the Department.

5           (c) DEFINITIONS.—In this section, the terms “rural”  
6           and “highly rural” have the meanings given those terms  
7           under the rural-urban commuting areas coding system of  
8           the Department of Agriculture.

9           **SEC. 102. RURAL HEALTH QUALITY AND ACCESS FELLOW-**  
10                                   **SHIP PROGRAM FOR DEPARTMENT OF VET-**  
11                                   **ERANS AFFAIRS.**

12           (a) IN GENERAL.—Section 7302 of title 38, United  
13           States Code, is amended by adding at the end the fol-  
14           lowing new subsection:

15           “(f)(1) In carrying out this section, the Secretary  
16           shall establish a fellowship program, to be known as the  
17           Rural Health Quality and Access Fellowship program, to  
18           provide fellowships to health care professionals at the  
19           post-graduate level who serve on a short-term basis as  
20           post-graduate health professions trainees at a rural or  
21           highly rural community-based outpatient clinic or rural or  
22           highly rural medical center of the Department.

23           “(2) Not less frequently than annually, the Secretary  
24           shall submit to the Committee on Veterans’ Affairs of the  
25           Senate and the Committee on Veterans’ Affairs of the

1 House of Representatives a report on the program under  
2 paragraph (1).

3 “(3) In this subsection:

4 “(A) The term ‘health care professional’ means  
5 an individual who qualifies as an appointee under  
6 section 7402 of this title.

7 “(B) The terms ‘rural’ and ‘highly rural’ have  
8 the meanings given those terms under the rural-  
9 urban commuting areas coding system of the De-  
10 partment of Agriculture.”.

11 (b) INITIAL REPORT.—The Secretary of Veterans Af-  
12 fairs shall submit the initial report required under section  
13 7302(f)(2) of title 38, United States Code, as added by  
14 subsection (a), not later than 18 months after the date  
15 of the enactment of this Act.

16 **SEC. 103. AUTHORITY TO BUY OUT SERVICE CONTRACTS**  
17 **FOR HEALTH CARE PROFESSIONALS IN EX-**  
18 **CHANGE FOR EMPLOYMENT AT RURAL OR**  
19 **HIGHLY RURAL FACILITIES OF DEPARTMENT**  
20 **OF VETERANS AFFAIRS.**

21 (a) IN GENERAL.—For any covered health care pro-  
22 fessional to whom the Secretary of Veterans Affairs has  
23 offered employment with the Department of Veterans Af-  
24 fairs, the Secretary may buy out the non-Department serv-  
25 ice contract of such individual in exchange for such indi-

1 vidual agreeing to be employed at a rural or highly rural  
2 facility of the Department for a period of obligated service  
3 specified in subsection (c).

4 (b) PAYMENT OF AMOUNTS.—Payment of any  
5 amounts for a buy out of a service contract for a covered  
6 health care professional under subsection (a) shall be  
7 made directly to the individual or entity with respect to  
8 which the covered health care professional has a service  
9 obligation under such contract.

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

15 (d) LIABILITY.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2), if a covered health care professional fails  
18 for any reason to complete the period of obligated  
19 service of the individual under subsection (c), the  
20 United States shall be entitled to recover from the  
21 individual an amount equal to—

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

25 (B) a fraction—

- 1 (i) the numerator of which is—  
2 (I) the total number of months in  
3 the period of obligated service of the  
4 individual; minus  
5 (II) the number of months served  
6 by the individual; and  
7 (ii) the denominator of which is the  
8 total number of months in the period of  
9 obligated service of the individual.

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

16 (e) NOT A TAXABLE BENEFIT.—A contract buy out  
17 for a covered health care professional under subsection (a)  
18 shall not be considered a taxable benefit or event for the  
19 covered health care professional.

20 (f) ANNUAL REPORT.—Not later than 18 months  
21 after the date of the enactment of this Act, and not less  
22 frequently than annually thereafter, the Secretary of Vet-  
23 erans Affairs shall submit to the Committee on Veterans'  
24 Affairs of the Senate and the Committee on Veterans' Af-



1 fairs of the House of Representatives a report on the use  
 2 by the Secretary of the authority under this section.

3 (g) DEFINITIONS.—In this section:

4 (1) COVERED HEALTH CARE PROFESSIONAL.—

5 The term “covered health care professional” means  
 6 a health care professional offered employment with  
 7 the Veterans Health Administration under—

8 (A) section 7401 of title 38, United States  
 9 Code; or

10 (B) title 5, United States Code.

11 (2) RURAL; HIGHLY RURAL.—The terms  
 12 “rural” and “highly rural” have the meanings given  
 13 those terms under the rural-urban commuting areas  
 14 coding system of the Department of Agriculture.

15 **SEC. 104. PAYMENT OF LICENSURE EXAM COSTS FOR RE-**  
 16 **CIPIENTS OF SCHOLARSHIPS FROM DEPART-**  
 17 **MENT OF VETERANS AFFAIRS.**

18 (a) IN GENERAL.—The Secretary of Veterans Affairs  
 19 shall pay the costs of any licensing examinations and cer-  
 20 tifications required by the Secretary for any current recipi-  
 21 ent of a covered health professional scholarship from the  
 22 Department of Veterans Affairs.

23 (b) LICENSING EXAMINATIONS AND CERTIFI-  
 24 CATIONS.—Subsection (a) shall apply to the payment of  
 25 costs for—

1 (1) the United States Medical Licensing Exam-  
2 ination Step 1, Step 2, and Step 3;

3 (2) the National Council Licensure Exam;

4 (3) the National Board Dental Examination;

5 (4) the National Board Dental Hygiene Exam-  
6 ination;

7 (5) the Dental Licensure Objective Structured  
8 Clinical Examination and Integrated National Board  
9 Dental Examination;

10 (6) the National Licensing Exams for Nurse  
11 Practitioner and Certified Registered Nurse Anes-  
12 thetist; and

13 (7) such other licensing examinations and cer-  
14 tifications as the Secretary considers appropriate.

15 (c) COVERED HEALTH PROFESSIONAL SCHOLARSHIP  
16 DEFINED.—In this section, the term “covered health pro-  
17 fessional scholarship” means—

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

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

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

1 (B) the VA National Education for Em-  
2 ployees Program;

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

6 (4) the Veterans Healing Veterans Medical Ac-  
7 cess and Scholarship Program under section 304 of  
8 the VA MISSION Act of 2018 (Public Law 115–  
9 182; 38 U.S.C. 7601 note); and

10 (5) such other programs as the Secretary con-  
11 siders appropriate.

12 **SEC. 105. IMPROVEMENT OF WORKFORCE TRAINING AND**  
13 **TEAM MODELS TO MEET THE NEEDS OF**  
14 **OLDER VETERANS.**

15 (a) RURAL GERIATRICS TEAM TRAINING.—The Sec-  
16 retary of Veterans Affairs shall expand the Rural Inter-  
17 disciplinary Team Training program of the Department  
18 of Veterans Affairs to not fewer than one rural site in  
19 each Veterans Integrated Service Network of the Depart-  
20 ment and ensure access at such sites to learning opportu-  
21 nities through the Geriatric Scholars Program of the De-  
22 partment.

23 (b) EXPANSION OF FELLOWSHIP IN ADVANCED GER-  
24 IATRICS.—The Secretary shall expand the Fellowship in  
25 Advanced Geriatrics program of the Department to ensure

1 that a fellowship position is required to be provided under  
2 such program in each Geriatric Research, Education, and  
3 Clinical Center of the Department.

4 (c) TRAINING ON CARING FOR VETERANS WITH  
5 MEMORY LOSS.—

6 (1) IN GENERAL.—The Secretary shall provide  
7 continuing professional education for primary care  
8 providers, community living center staff, geriatrics  
9 and extended care staff, home health workers, and  
10 social workers of the Department on caring for vet-  
11 erans with Alzheimer’s disease and dementia.

12 (2) IMPLEMENTATION.—The Secretary shall  
13 implement the continuing professional education re-  
14 quired under paragraph (1) in consultation with the  
15 Office of Rural Health of the Department of Vet-  
16 erans Affairs established under section 7308 of title  
17 38, United States Code, in order to ensure equitable  
18 access to learning opportunities for employees of the  
19 Department in rural and highly rural areas.

20 (d) EXPANSION OF GERIATRIC PATIENT ALIGNED  
21 CARE TEAM MODEL.—

22 (1) IN GENERAL.—The Secretary shall expand  
23 the Geriatrics Patient Aligned Care Team model of  
24 the Department of Veterans Affairs—

1 (A) to every medical center of the Depart-  
2 ment; and

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

6 (2) WAIVER OF EXPANSION TO MEDICAL CEN-  
7 TERS.—The Secretary may waive the application of  
8 the requirements under paragraph (1)(A) with re-  
9 spect to a medical center if the Secretary determines  
10 that the medical center does not have the capacity  
11 or need to implement a Geriatrics Patient Aligned  
12 Care Team model.

13 (3) STUDY.—The Secretary shall conduct a  
14 study on the variations in the structure and model  
15 consistency of the Geriatrics Patient Aligned Care  
16 Team model throughout the Department and how  
17 those variations impact quality of care and patient  
18 outcomes.

19 (e) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than one year  
21 after the date of the enactment of this Act, and not  
22 less frequently than annually thereafter for the fol-  
23 lowing five years, the Secretary shall submit to the  
24 Committee on Veterans' Affairs of the Senate and  
25 the Committee on Veterans' Affairs of the House of

1 Representatives a report on the implementation of  
2 this section.

3 (2) INCLUSION OF INFORMATION ON WAIV-  
4 ERS.—The Secretary shall include in the report re-  
5 quired by paragraph (1) an identification of any  
6 medical center of the Department in receipt of a  
7 waiver under subsection (d)(2) and the reason for  
8 the waiver.

9 (f) DEFINITIONS.—In this section, the terms “rural”  
10 and “highly rural” have the meanings given those terms  
11 under the rural-urban commuting areas coding system of  
12 the Department of Agriculture.

13 **SEC. 106. QUALIFICATIONS FOR HUMAN RESOURCES POSI-**  
14 **TIONS WITHIN THE DEPARTMENT OF VET-**  
15 **ERANS AFFAIRS AND PLAN TO RECRUIT AND**  
16 **RETAIN HUMAN RESOURCES EMPLOYEES.**

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

20 (1) establish qualifications for each human re-  
21 sources position within the Department of Veterans  
22 Affairs in coordination with the Office of Personnel  
23 Management;

24 (2) establish standardized performance metrics  
25 for each such position; and

1           (3) submit to the Committee on Veterans' Af-  
2           fairs of the Senate and the Committee on Veterans'  
3           Affairs of the House of Representatives a report  
4           containing the qualifications and standardized per-  
5           formance metrics established under paragraphs (1)  
6           and (2).

7           (b) IMPROVEMENT OF HUMAN RESOURCES AC-  
8           TIONS.—Not later than 90 days after the date of the en-  
9           actment of this Act, the Secretary shall establish or en-  
10          hance systems of the Department to monitor the hiring  
11          and other human resources actions that occur at the local,  
12          regional, and national levels of the Department to improve  
13          the performance of those actions.

14          (c) REPORT.—Not later than one year after the es-  
15          tablishment of the qualifications and performance metrics  
16          under subsection (a), the Comptroller General of the  
17          United States shall submit to the Committee on Veterans'  
18          Affairs of the Senate and the Committee on Veterans' Af-  
19          fairs of the House of Representatives a report con-  
20          taining—

21                 (1) a description of the implementation of such  
22                 qualifications and performance metrics;

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

1           (3) an assessment of performance and outcomes  
2       based on such metrics; and

3           (4) such other matters as the Comptroller Gen-  
4       eral considers.

5       (d) PLAN TO RECRUIT AND RETAIN HUMAN RE-  
6       SOURCES EMPLOYEES.—Not later than one year after the  
7       date of the enactment of this Act, the Secretary of Vet-  
8       erans Affairs shall submit to the Committee on Veterans’  
9       Affairs of the Senate and the Committee on Veterans’ Af-  
10      fairs of the House of Representatives a plan for the re-  
11      cruitment and retention of human resources employees  
12      within the Department of Veterans Affairs.

13   **SEC. 107. STUDY ON IMPROVING RECRUITMENT AND RE-**  
14                           **TENTION AT COMMUNITY LIVING CENTERS**  
15                           **OF DEPARTMENT OF VETERANS AFFAIRS.**

16      (a) IN GENERAL.—Not later than 18 months after  
17      the date of the enactment of this Act, the Secretary of  
18      Veterans Affairs shall complete a study on barriers to hir-  
19      ing and retaining staff at community living centers of the  
20      Department of Veterans Affairs and best practices for im-  
21      proving recruitment and retention of such staff, with an  
22      emphasis on nursing staff.

23      (b) REPORT TO CONGRESS.—Not later than 180 days  
24      after completion of the study under subsection (a), the  
25      Secretary shall submit to the Committee on Veterans’ Af-



1 fairs of the Senate and the Committee on Veterans' Af-  
 2 fairs of the House of Representatives a report—

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

9           (2) including recommendations for such admin-  
 10 istrative action as the Secretary considers appro-  
 11 priate.

12 **SEC. 108. LIMITATION ON TRANSFER OF DIRECTORS OF**  
 13 **MEDICAL CENTERS OF DEPARTMENT OF VET-**  
 14 **ERANS AFFAIRS TO DIFFERENT POSITIONS.**

15           (a) NOTIFICATION.—Not later than 90 days after  
 16 transferring a director of a medical center of the Depart-  
 17 ment of Veterans Affairs to a different position within the  
 18 Department, the Secretary of Veterans Affairs shall notify  
 19 the Committee on Veterans' Affairs of the Senate and the  
 20 Committee on Veterans' Affairs of the House of Rep-  
 21 resentatives of such transfer.

22           (b) RETURN TO POSITION OR REMOVAL.—Not later  
 23 than 180 days after transferring a director of a medical  
 24 center of the Department of Veterans Affairs to a dif-

1 ferent position within the Department, the Secretary  
2 shall—

3 (1) return the individual to the position as di-  
4 rector of the medical center; or

5 (2) remove the individual from the position as  
6 director of the medical center and begin the process  
7 of hiring a new director for such position.

8 **TITLE II—ACCOUNTABILITY,**  
9 **OVERSIGHT, AND PERSONNEL**  
10 **MATTERS**

11 **Subtitle A—Matters Relating to**  
12 **Pay**

13 **SEC. 201. INCREASED PAY CAP FOR DIRECTORS OF MED-**  
14 **ICAL CENTERS AND VETERANS INTEGRATED**  
15 **SERVICE NETWORKS OF DEPARTMENT OF**  
16 **VETERANS AFFAIRS.**

17 (a) INCREASED PAY CAP.—

18 (1) IN GENERAL.—Subchapter III of chapter  
19 74 of title 38, United States Code, is amended by  
20 adding at the end the following new section:

21 **“§ 7434. Pay for directors of medical centers and di-**  
22 **rectors of Veterans Integrated Service**  
23 **Networks**

24 “(a) PERFORMANCE MANAGEMENT.—The Secretary  
25 shall prescribe a performance management and awards

1 system for employees appointed under section 7401(4) of  
2 this title that ensures performance ratings and awards  
3 meaningfully differentiate extraordinary from satisfactory  
4 contributions and substantively reflect organizational  
5 achievements over which the employee has responsibility  
6 and control.

7 “(b) MARKET RATE OF PAY.—(1) The annual  
8 amount of the market rate of pay for an employee ap-  
9 pointed under section 7401(4) of this title—

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

12 “(B) shall take into account—

13 “(i) the level of experience of the employee  
14 in managing facilities or programs of the De-  
15 partment or other similar agencies or compa-  
16 nies, whether governmental or nongovern-  
17 mental;

18 “(ii) the complexity of the assignment of  
19 the employee, whether assigned or to be as-  
20 signed;

21 “(iii) the labor market for individuals in  
22 similar positions, which may cover any geo-  
23 graphic area the Secretary considers appro-  
24 priate;

1           “(iv) the experience of the employee in per-  
2           forming the assignment of the employee, wheth-  
3           er assigned or to be assigned; and

4           “(v) such other considerations as the Sec-  
5           retary considers appropriate.

6           “(2) Market rate of pay provided under this sub-  
7           section shall reflect the recruitment and retention needs  
8           of the Department for the assignment of a particular di-  
9           rector in a facility or network of the Department.

10          “(3)(A) The market rate of pay provided under this  
11          subsection shall be evaluated by the Secretary not less fre-  
12          quently than once every two years.

13          “(B) The market rate of pay of an employee may be  
14          adjusted as the result of an evaluation under subpara-  
15          graph (A).

16          “(C) An employee whose market rate of pay is evalu-  
17          ated under subparagraph (A) shall receive written notice  
18          of the results of such evaluation.

19          “(c) REQUIREMENTS AND LIMITATIONS ON TOTAL  
20          PAY.—(1) Not less frequently than once every two years,  
21          the Secretary shall prescribe for applicability throughout  
22          the Department the minimum and maximum amounts for  
23          a market rate of pay that may be paid under subsection  
24          (b).

1       “(2) Amounts prescribed under paragraph (1) shall  
2 be published in the Federal Register and shall take effect  
3 not earlier than 60 days after the date of publication.

4       “(3) In no case may the total market rate of pay pro-  
5 vided under subsection (b) exceed the amount of annual  
6 compensation (excluding expenses) specified in section 102  
7 of title 3.

8       “(4) No adjustment of the market rate of pay under  
9 subsection (b)(3)(B) may result in a reduction of the  
10 amount of the market rate of pay of a director while in  
11 the same position or assignment at the same location.

12       “(d) TREATMENT OF PAY.—(1) Pay under sub-  
13 section (b) shall be considered pay for all purposes, includ-  
14 ing retirement benefits under chapters 83 and 84 of title  
15 5 and other benefits.

16       “(2) An individual receiving pay under subsection (b)  
17 may not receive a cost-of-living allowance under section  
18 5941 of title 5.

19       “(e) ANNUAL REPORT.—Not later than one year  
20 after the date of the VA Workforce Improvement, Sup-  
21 port, and Expansion (WISE) Act of 2022, and annually  
22 thereafter, the Secretary shall submit to the Committee  
23 on Veterans’ Affairs of the Senate and the Committee on  
24 Veterans’ Affairs of the House of Representatives a report

1 on the implementation by the Secretary of the require-  
2 ments under this section.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such subchapter is amend-  
5 ed by inserting after the item relating to section  
6 7433 the following new item:

“7434. Pay for directors of medical centers and directors of Veterans Integrated  
Service Networks.”.

7 (b) CONFORMING AMENDMENTS.—Section  
8 7404(a)(1) of title 38, United States Code, is amended—

9 (1) in subparagraph (A)—

10 (A) by striking “(A) The annual” and in-  
11 serting “The annual”; and

12 (B) by striking “and 7401(4)”; and

13 (2) by striking subparagraph (B).

14 **SEC. 202. WAIVER OF PAY LIMITATION FOR EMPLOYEES OF**  
15 **THE VETERANS HEALTH ADMINISTRATION**  
16 **PERFORMING MISSION CRITICAL WORK.**

17 (a) IN GENERAL.—Subchapter I of chapter 74 of title  
18 38, United States Code, is amended by adding at the end  
19 the following new section:

20 **“§ 7414. Waiver of pay limitation for employees per-**  
21 **forming mission critical work**

22 “(a) IN GENERAL.—Notwithstanding any other pro-  
23 vision of law, the Secretary may waive any limitation on

1 pay for an employee of the Veterans Health Administra-  
 2 tion who is performing mission critical work.

3 “(b) **AUTHORITY.**—The Secretary shall prescribe reg-  
 4 ulations for the administration of this section.

5 “(c) **EMPLOYEE OF THE VETERANS HEALTH ADMIN-**  
 6 **ISTRATION DEFINED.**—In this section, the term “em-  
 7 ployee of the Veterans Health Administration’ includes  
 8 any employee of the Veterans Health Administration, re-  
 9 gardless of the authority under which the employee was  
 10 hired.”.

11 (b) **CLERICAL AMENDMENT.**—The table of sections  
 12 at the beginning of such subchapter is amended by insert-  
 13 ing after the item relating to section 7413 the following  
 14 new item:

“7414. Waiver of pay limitation for employees performing mission critical  
 work.”.

15 **SEC. 203. ELIMINATION OF PERFORMANCE PAY ELEMENTS**  
 16 **FOR PHYSICIANS, PODIATRISTS, AND DEN-**  
 17 **TISTS AND ELIMINATION OF TOTAL COM-**  
 18 **PENSATION CAP.**

19 Section 7431 of title 38, United States Code, is  
 20 amended—

21 (1) by striking subsection (a)(1);

22 (2) by striking subsection (d);

23 (3) by redesignating subsections (e) through (h)

24 as subsections (d) through (g), respectively;

1 (4) in subsection (d), as redesignated by para-  
2 graph (3), by striking paragraph (4); and

3 (5) in subsection (g), as redesignated by para-  
4 graph (3), by striking “responsibility of the Sec-  
5 retary under subsection (c), (d), or (e) except for the  
6 responsibilities of the Secretary under subsection  
7 (e)(1)” and inserting “responsibility of the Secretary  
8 under subsection (c) or (d) except for the respon-  
9 sibilities of the Secretary under subsection (d)(1)”.

10 **SEC. 204. INCREASE OF MAXIMUM AMOUNT OF INCENTIVE**

11 **PAY FOR DEPARTMENT PHARMACIST EXECU-**  
12 **TIVES.**

13 Section 7410(b)(1) of title 38, United States Code,  
14 is amended by striking “\$40,000” and inserting  
15 “\$75,000”.

16 **SEC. 205. ELIMINATION OF PAY CAP FOR CERTAIN EMPLOY-**

17 **EES OF VETERANS HEALTH ADMINISTRA-**  
18 **TION.**

19 Section 7455(c) of title 38, United States Code, is  
20 amended—

21 (1) in paragraph (1), by striking “(1) Subject  
22 to paragraph (2), the amount” and inserting “The  
23 amount”; and

24 (2) by striking paragraph (2).



1 **SEC. 206. MODIFICATION OF SPECIAL PAY AUTHORITY FOR**  
2 **NURSE EXECUTIVES.**

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

5 (1) in paragraph (1), in the matter preceding  
6 subparagraph (A), by inserting “authorize the  
7 Under Secretary for Health to” before “pay special  
8 pay”; and

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

11 “(5) The Under Secretary for Health shall define  
12 through regulations which positions of the Veterans  
13 Health Administration qualify as nurse executives for pur-  
14 poses of special pay under paragraph (1).”.

15 **Subtitle B—Improvement of**  
16 **Recruitment and Hiring**

17 **SEC. 211. OVERSIGHT OF DIRECT HIRE AUTHORITY AND**  
18 **HIRING FLEXIBILITY OF DEPARTMENT OF**  
19 **VETERANS AFFAIRS.**

20 Not later than two years after the date of the enact-  
21 ment of this Act, the Inspector General of the Department  
22 of Veterans Affairs shall conduct a study and publish a  
23 report on—

24 (1) the use of direct hire authority by the De-  
25 partment;

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

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

6 **SEC. 212. EXPANSION OF EMERGENCY HIRING AUTHORI-**  
7 **TIES FOR DEPARTMENT OF VETERANS AF-**  
8 **FAIRS.**

9           Section 7405 of title 38, United States Code, is  
10 amended—

11           (1) in subsection (c)—

12                   (A) in paragraph (2), in the matter pre-  
13                   ceding subparagraph (A), by striking “A tem-  
14                   porary” and inserting “Except as provided in  
15                   paragraph (5), a temporary”; and

16                   (B) by adding at the end the following new  
17                   paragraph:

18                   “(5) During a public health emergency, national  
19                   emergency, domestic emergency, or other emergency as  
20                   determined by the Secretary, appointments under para-  
21                   graph (2) may be extended by the Secretary for additional  
22                   one-year periods.”; and

23           (2) by adding at the end the following:

24                   “(h)(1) If the Secretary declares an emergency or cri-  
25                   sis of veteran care or other operational impediment that

1 the Secretary determines will cause significant disruption  
2 to veteran care or the Secretary identifies a significant  
3 need to employ personnel on a temporary basis in response  
4 to a national emergency declared under any provision of  
5 law, the Secretary may employ personnel under subsection  
6 (a)(1) to support the emergency, crisis, or impediment.

7 “(2) The Secretary shall submit to Congress in writ-  
8 ing any declaration or identification made by the Secretary  
9 under paragraph (1), which shall include an identification  
10 of the approximate end date of the emergency, crisis, or  
11 impediment.

12 “(3) The authority to employ personnel under this  
13 subsection shall continue throughout the period covered by  
14 the declaration concerned.

15 “(4) Personnel in positions of a confidential or policy-  
16 determining character are excluded from employment  
17 under this subsection.”.

18 **SEC. 213. WAIVER OF CERTAIN LICENSURE REQUIRE-**  
19 **MENTS.**

20 (a) **PSYCHOLOGISTS.**—Paragraph (8)(C) of section  
21 7402(b) of title 38, United States Code, is amended—

22 (1) by striking “individual psychologist for a  
23 period” and inserting “individual psychologist—  
24 “(i) for a period”;

1           (2) by striking the period at the end and insert-  
2           ing “; or”; and

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

5                       “(ii) for a reasonable period rec-  
6                       ommended by the Under Secretary for  
7                       Health, not to exceed four years, during a  
8                       public health emergency declared by the  
9                       President, the Secretary of Health and  
10                      Human Services, or such other authority  
11                      as specified by the Secretary.”.

12           (b) LICENSED PROFESSIONAL MENTAL HEALTH  
13           COUNSELOR.—Paragraph (11)(B) of such section is  
14           amended by striking the period at the end and inserting  
15           “, except that the Secretary may waive the requirement  
16           of licensure or certification for an individual professional  
17           mental health counselor to permit a reasonable period of  
18           time for the counselor to be licensed or certified, as the  
19           case may be, on the condition that the counselor—

20                       “(i) provide patient care only under  
21                       the direct supervision of a licensed mental  
22                       health provider; and

23                       “(ii) work toward such licensure or  
24                       certification, as the case may be.”.

1 **SEC. 214. EXPANSION OF OPPORTUNITIES FOR HOUSE-**  
 2 **KEEPING AIDES.**

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

7 **Subtitle C—Other Personnel**  
 8 **Matters**

9 **SEC. 221. EXPANSION OF ANNUAL LEAVE OPTIONS FOR EM-**  
 10 **PLOYEES OF DEPARTMENT OF VETERANS AF-**  
 11 **FAIRS DURING PUBLIC HEALTH EMERGENCY.**

12 (a) **IN GENERAL.**—Notwithstanding any other provi-  
 13 sion of law, the Secretary of Veterans Affairs shall waive  
 14 all annual leave ceilings for employees of the Department  
 15 of Veterans Affairs during the period beginning on Janu-  
 16 ary 1, 2022, and ending on December 31, 2026, allowing  
 17 all unused, accrued annual leave to be carried over from  
 18 any year in the period to any subsequent year in the pe-  
 19 riod.

20 (b) **LEAVE IN EXCESS OF CEILING.**—At the end of  
 21 December 31, 2026, all unused, accrued annual leave in  
 22 excess of the ceiling pursuant to subsection (a) shall be  
 23 forfeited.

1 **SEC. 222. EXPANSION OF REIMBURSEMENT OF CON-**  
2 **TINUING PROFESSIONAL EDUCATION FEES.**

3 Section 7411 of title 38, United States Code, is  
4 amended by striking “physician or dentist” and inserting  
5 “physician, board-certified dentist, advanced practice reg-  
6 istered nurse, or physician assistant”.

7 **SEC. 223. INCLUSION OF POLICE OFFICERS OF DEPART-**  
8 **MENT OF VETERANS AFFAIRS AS LAW EN-**  
9 **FORCEMENT OFFICERS.**

10 Title 5, United States Code, is amended—

11 (1) in section 8331(20), by inserting “and an  
12 employee of the Department of Veterans Affairs who  
13 is a Department police officer under section 902 of  
14 title 38” after “supervisory or administrative posi-  
15 tion”; and

16 (2) in section 8401(17)—

17 (A) in subparagraph (C), by striking  
18 “and” at the end;

19 (B) in the flush text following subpara-  
20 graph (D)(iii), by adding “and” at the end; and

21 (C) by adding at the end the following:

22 “(E) an employee of the Department of  
23 Veterans Affairs who is a Department police of-  
24 ficer under section 902 of title 38;”.

1 **SEC. 224. DEPARTMENT OF VETERANS AFFAIRS PER-**  
2 **SONNEL TRANSPARENCY.**

3 (a) PUBLICATION OF STAFFING AND VACANCIES.—

4 (1) WEBSITE REQUIRED.—Subject to para-  
5 graph (2) and not later than 90 days after the date  
6 of the enactment of this Act, the Secretary of Vet-  
7 erans Affairs shall make publicly available on an  
8 internet website of the Department of Veterans Af-  
9 fairs the following information:

10 (A) The number of personnel encumbering  
11 positions.

12 (B) The number of accessions and separa-  
13 tion actions processed during the quarter pre-  
14 ceding the date of the publication of the infor-  
15 mation.

16 (C) The number of vacancies, by occupa-  
17 tion.

18 (D) The number of vacancies removed.

19 (E) The percentage of new hires for the  
20 Department who were hired within the time-to-  
21 hire target of the Office of Personnel Manage-  
22 ment, disaggregated by internal hires and exter-  
23 nal hires.

24 (2) EXCEPTIONS.—The Secretary may withhold  
25 from publication under paragraph (1) information  
26 relating to law enforcement, information security, or

1 such positions in the Department that the Secretary  
2 determines to be sensitive.

3 (3) UPDATE OF INFORMATION.—The Secretary  
4 shall update the information on the website required  
5 under paragraph (1) on a quarterly basis.

6 (4) TREATMENT OF CONTRACTOR POSITIONS.—  
7 Any Department position that is filled with a con-  
8 tractor may not be treated as a Department position  
9 for purposes of the information required to be pub-  
10 lished under paragraph (1).

11 (5) INSPECTOR GENERAL REVIEW.—On a semi-  
12 annual basis, the Inspector General of the Depart-  
13 ment shall review the administration of the website  
14 required by paragraph (1) and make recommenda-  
15 tions relating to the improvement of such adminis-  
16 tration.

17 (b) REPORT TO CONGRESS.—

18 (1) IN GENERAL.—Each year, the Secretary  
19 shall submit to Congress an annual report on the ac-  
20 tions the Department is taking to achieve full staff-  
21 ing capacity.

22 (2) CONTENTS.—Each report submitted under  
23 paragraph (1) shall include the following:



1           (A) An estimate of the amount of addi-  
2           tional funds necessary to enable the Depart-  
3           ment to reach full staffing capacity.

4           (B) Such recommendations for legislative  
5           or administrative action as the Secretary may  
6           have to achieve full staffing capacity at the De-  
7           partment.

8 **SEC. 225. COMPTROLLER GENERAL REPORT ASSESSING**  
9                           **HUMAN RESOURCES MODERNIZATION WITH-**  
10                           **IN VETERANS HEALTH ADMINISTRATION.**

11       (a) IN GENERAL.—Not later than 18 months after  
12 the date of the enactment of this Act, the Comptroller  
13 General of the United States shall submit to the Com-  
14 mittee on Veterans’ Affairs of the Senate and the Com-  
15 mittee on Veterans’ Affairs of the House of Representa-  
16 tives a report on human resources modernization con-  
17 ducted by the Veterans Health Administration (in this sec-  
18 tion referred to as the “Administration”).

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

21           (1) The Human Resources Modernization Pro-  
22           gram (referred to in this subsection as the “Pro-  
23           gram”) of the Administration, including an assess-  
24           ment of the activities carried out under the Program  
25           and the results of those activities.

1           (2) The performance, accuracy, efficiency, and  
2           transparency of the human resources information  
3           technology systems of the Administration for human  
4           resources professionals, managers with hiring au-  
5           thority, and other employees of the Administration  
6           using those systems to recruit and retain the work-  
7           force of the Administration.

8           (3) Metrics used to report hiring and vacancy  
9           data within the Administration, including recruit-  
10          ment, hiring, and retention data for mission critical  
11          occupations.

12          (4) Trends in the hiring and vacancies among  
13          employees of the Administration with mission critical  
14          occupations, as determined by the Secretary of Vet-  
15          erans Affairs, during the five-year period preceding  
16          the date of the enactment of this Act.

17          (5) The use by the Administration of hiring  
18          flexibilities, including direct hire authority, and waiv-  
19          ers during the five-year period preceding the date of  
20          the enactment of this Act, including—

21                 (A) an assessment of the standardization  
22                 of use of such authorities and waivers within  
23                 Veterans Integrated Service Networks of the  
24                 Department of Veterans Affairs; and

1 (B) the number and employee category of  
 2 employees of the Administration hired under  
 3 each such authority or waiver.

4 (6) Training and development of human re-  
 5 sources professionals of the Administration, includ-  
 6 ing—

7 (A) feedback from managers with hiring  
 8 authority; and

9 (B) feedback on such training from indi-  
 10 viduals receiving the training and individuals  
 11 providing the training.

12 (7) Such other matters as the Comptroller Gen-  
 13 eral considers relevant.

14 **TITLE III—ASSISTANCE WITH**  
 15 **NATIONAL EMERGENCIES**

16 **SEC. 301. UPDATE OF WEB PORTAL TO IDENTIFY VETERANS**  
 17 **WHO HAD MEDICAL OCCUPATIONS AS MEM-**  
 18 **BERS OF THE ARMED FORCES.**

19 (a) IN GENERAL.—The Secretary of Veterans Affairs  
 20 shall update existing web portals of the Department of  
 21 Veterans Affairs to allow the identification of veterans  
 22 who had a medical occupation as a member of the Armed  
 23 Forces.

24 (b) INFORMATION IN PORTAL.—

1 (1) IN GENERAL.—An update to a portal under  
2 subsection (a) shall allow a veteran to elect to pro-  
3 vide the following information:

4 (A) Contact information for the veteran.

5 (B) A history of the medical experience  
6 and trained competencies of the veteran.

7 (2) INCLUSIONS IN HISTORY.—To the extent  
8 practicable, histories provided under paragraph  
9 (1)(B) shall include individual critical task lists spe-  
10 cific to military occupational specialties that align  
11 with existing standard occupational codes main-  
12 tained by the Bureau of Labor Statistics.

13 **SEC. 302. PROGRAM ON PROVISION TO STATES OF INFOR-**  
14 **MATION ON VETERANS WITH MEDICAL**  
15 **SKILLS OBTAINED DURING SERVICE IN THE**  
16 **ARMED FORCES.**

17 (a) IN GENERAL.—For purposes of facilitating civil-  
18 ian medical credentialing and hiring opportunities for vet-  
19 erans seeking to respond to a national emergency, includ-  
20 ing a public health emergency declared by the Secretary  
21 of Health and Human Services under section 319 of the  
22 Public Health Service Act (42 U.S.C. 247d), the Secretary  
23 of Veterans Affairs, in coordination with the Secretary of  
24 Defense and the Secretary of Labor, shall establish a pro-

1 gram to share information specified in section 301(b)(1)  
2 with the following:

- 3 (1) State departments of veterans affairs.
- 4 (2) State credentialing bodies.
- 5 (3) State homes.
- 6 (4) Other stakeholders involved in State-level  
7 credentialing, as determined appropriate by the Sec-  
8 retary of Veterans Affairs.

9 (b) STATE HOME DEFINED.—In this section, the  
10 term “State home” has the meaning given that term in  
11 section 101(19) of title 38, United States Code.

12 **SEC. 303. PROGRAM ON TRAINING OF INTERMEDIATE CARE**  
13 **TECHNICIANS OF DEPARTMENT OF VET-**  
14 **ERANS AFFAIRS.**

15 (a) ESTABLISHMENT.—The Secretary of Veterans  
16 Affairs shall implement a program to train covered vet-  
17 erans to work as intermediate care technicians of the De-  
18 partment of Veterans Affairs.

19 (b) LOCATIONS.—The Secretary may place an inter-  
20 mediate care technician trained under the program under  
21 subsection (a) at any medical center of the Department,  
22 giving priority to a location with a significant staffing  
23 shortage.

24 (c) INCLUSION OF INFORMATION IN TRANSITION AS-  
25 SISTANCE PROGRAM.—As part of the Transition Assist-

1 ance Program under sections 1142 and 1144 of title 10,  
2 United States Code, the Secretary shall prepare a commu-  
3 nications campaign to convey opportunities for training,  
4 certification, and employment under the program under  
5 subsection (a) to appropriate members of the Armed  
6 Forces separating from active duty.

7 (d) REPORT ON EXPANSION OF PROGRAM.—Not  
8 later than 180 days after the date of the enactment of  
9 this Act, the Secretary shall submit to the Committee on  
10 Veterans' Affairs of the Senate and the Committee on Vet-  
11 erans' Affairs of the House of Representatives a report  
12 on whether the program under this section could be rep-  
13 licated for other medical positions within the Department.

14 (e) COVERED VETERAN DEFINED.—In this section,  
15 the term “covered veteran” means a veteran whom the  
16 Secretary determines served or is serving as an allied  
17 health professional (such as a combat medic, medical tech-  
18 nician, corpsman, or basic health care technician) while  
19 serving in the Armed Forces.

20 **SEC. 304. NOTIFICATION OF OPPORTUNITIES FOR VET-**  
21 **ERANS.**

22 (a) IN GENERAL.—The Secretary of Veterans Affairs  
23 shall notify veterans service organizations, such other  
24 stakeholders as the Secretary considers appropriate, and,  
25 in coordination with the Secretary of Defense, members

1 of the reserve components of the Armed Forces of oppor-  
2 tunities for veterans under this title.

3 (b) VETERANS SERVICE ORGANIZATION DEFINED.—

4 In this section, the term “veterans service organization”

5 means any organization recognized by the Secretary of

6 Veterans Affairs for the representation of veterans under

7 section 5902 of title 38, United States Code.

○