

Calendar No. 190107TH CONGRESS
1ST SESSION**S. 1188****[Report No. 107-80]**

To amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2001

Mr. ROCKEFELLER (for himself, Mr. CLELAND, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 10, 2001

Reported by Mr. ROCKEFELLER, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Department of Veterans Affairs Nurse Recruitment and
 4 Retention Enhancement Act of 2001”.

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

Sec. 1. Short title; table of contents.
 Sec. 2. References to title 38, United States Code.

TITLE I—ENHANCEMENT OF RECRUITMENT AUTHORITIES

Sec. 101. Enhancement of employee incentive scholarship program.
 Sec. 102. Enhancement of education debt reduction program.
 Sec. 103. Report on requests for waivers of pay reductions for reemployed an-
 nuity recipients to fill nurse positions.

TITLE II—ENHANCEMENT OF RETENTION AUTHORITIES

Sec. 201. Additional pay for Saturday tours of duty for additional health care
 professional in the Veterans Health Administration.
 Sec. 202. Unused sick leave included in annuity computation of registered
 nurses with the Veterans Health Administration.
 Sec. 203. Evaluation of Department of Veterans Affairs nurse managed clinics.
 Sec. 204. Staffing levels for operations of medical facilities.
 Sec. 205. Annual report on use of authorities to enhance retention of experi-
 enced nurses.
 Sec. 206. Report on mandatory overtime for nurses and nurse assistants in De-
 partment of Veterans Affairs facilities.

TITLE III—OTHER MATTERS

Sec. 301. Organizational responsibility of the Director of the Nursing Service.
 Sec. 302. Computation of annuity for part-time service performed by certain
 health-care professionals before April 7, 1986.
 Sec. 303. Modification of nurse locality pay authorities.
 Sec. 304. Technical amendments.

7 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

8 Except as otherwise expressly provided, whenever in
 9 this Act an amendment or repeal is expressed in terms
 10 of an amendment to, or repeal of, a section or other provi-
 11 sion, the reference shall be considered to be made to a
 12 section or other provision of title 38, United States Code.

1 **TITLE I—ENHANCEMENT OF**
 2 **RECRUITMENT AUTHORITIES**

3 **SEC. 101. ENHANCEMENT OF EMPLOYEE INCENTIVE**
 4 **SCHOLARSHIP PROGRAM.**

5 (a) **PERMANENT AUTHORITY.**—(1) Section 7676 is
 6 repealed.

7 (2) The table of sections at the beginning of chapter
 8 76 is amended by striking the item relating to section
 9 7676.

10 (b) **MINIMUM PERIOD OF DEPARTMENT EMPLOY-**
 11 **MENT FOR ELIGIBILITY.**—Section 7672(b) is amended by
 12 striking “2 years” and inserting “one year”.

13 (c) **SCHOLARSHIP AMOUNT.**—Subsection (b) of sec-
 14 tion 7673 is amended—

15 (1) in paragraph (1), by striking “for any one
 16 year” and inserting “for the equivalent of one year
 17 of full-time coursework”; and

18 (2) by striking paragraph (2) and inserting the
 19 following new paragraph (2):

20 “(2) in the case of a participant in the Program
 21 who is a part-time student, shall bear the same ratio
 22 to the amount that would be paid under paragraph
 23 (1) if the participant were a full-time student in the
 24 course of education or training being pursued by the
 25 participant as the coursework carried by the student

1 bears to full-time coursework in that course of edu-
 2 cation or training.”.

3 (d) ~~LIMITATION ON PAYMENT.~~—Subsection (c) of
 4 section 7673 is amended to read as follows:

5 “(c) ~~LIMITATIONS ON PERIOD OF PAYMENT.~~—(1)
 6 The maximum number of school years for which a scholar-
 7 ship may be paid under subsection (a) to a participant
 8 in the Program shall be six school years.

9 “(2) A participant in the Program may not receive
 10 a scholarship under subsection (a) for more than the
 11 equivalent of three years of full-time coursework.”.

12 (e) ~~FULL-TIME COURSEWORK.~~—Section 7673 is fur-
 13 ther amended by adding at the end the following new sub-
 14 section:

15 “(e) ~~FULL-TIME COURSEWORK.~~—For purposes of
 16 this section, full-time coursework shall consist of the fol-
 17 lowing:

18 “(1) In the case of undergraduate coursework,
 19 30 semester hours per undergraduate school year.

20 “(2) In the case of graduate coursework, 18 se-
 21 mester hours per graduate school year.”.

22 (f) ~~ANNUAL ADJUSTMENT OF MAXIMUM SCHOLAR-~~
 23 ~~SHIP AMOUNT.~~—Section 7631 is amended—

24 (1) in subsection (a)(1), by striking “and the
 25 maximum Selected Reserve member stipend

1 amount” and inserting “the maximum Selected Re-
 2 serve member stipend amount, the maximum em-
 3 ployee incentive scholarship amount,”; and

4 (2) in subsection (b)—

5 (A) by redesignating paragraph (4) as
 6 paragraph (6); and

7 (B) by inserting after paragraph (3) the
 8 following new paragraph (4):

9 “(4) The term ‘maximum employee incentive
 10 scholarship amount’ means the maximum amount of
 11 the scholarship payable to a participant in the De-
 12 partment of Veterans Affairs Employee Incentive
 13 Scholarship Program under subchapter VI of this
 14 chapter, as specified in section 7673(b)(1) of this
 15 title and as previously adjusted (if at all) in accord-
 16 ance with this section.”.

17 **SEC. 102. ENHANCEMENT OF EDUCATION DEBT REDUC-**
 18 **TION PROGRAM.**

19 (a) **PERMANENT AUTHORITY.**—(1) Section 7684 is
 20 repealed.

21 (2) The table of sections at the beginning of chapter
 22 76 is amended by striking the item relating to section
 23 7684.

24 (b) **ELIGIBLE INDIVIDUALS.**—Subsection (a)(1) of
 25 section 7682 is amended—

1 (1) by striking “under an appointment under
2 section 7402(b) of this title in a position” and in-
3 serting “in a position (as determined by the Sec-
4 retary) providing direct-patient care services or serv-
5 ices incident to direct-patient care services”; and

6 (2) by striking “(as determined by the Sec-
7 retary)” and inserting “(as so determined)”.

8 (c) **MAXIMUM DEBT REDUCTION AMOUNT.**—Section
9 7683(d)(1) is amended—

10 (1) by striking “for a year”; and

11 (2) by striking “exceed—” and all that follows
12 through the end of the paragraph and inserting “ex-
13 ceed \$44,000 over a total of five years of participa-
14 tion in the Program, of which not more than
15 \$10,000 of such payments may be made in each of
16 the fourth and fifth years of participation in the
17 Program.”.

18 (d) **ANNUAL ADJUSTMENT OF MAXIMUM DEBT RE-**
19 **DUCTION PAYMENTS AMOUNT.**—(1) Section 7631, as
20 amended by section 101(f) of this Act, is further
21 amended—

22 (A) in subsection (a)(1), by inserting before the
23 period at the end of the first sentence the following:
24 “and the maximum education debt reduction pay-
25 ments amount”; and

1 (B) in subsection (b), by inserting after para-
2 graph (4) the following new paragraph (5):

3 “~~(5)~~ The term ‘maximum education debt reduc-
4 tion payments amount’ means the maximum amount
5 of education debt reduction payments payable to a
6 participant in the Department of Veterans Affairs
7 Education Debt Reduction Program under sub-
8 chapter VII of this chapter, as specified in section
9 7683(d)(1) of this title and as previously adjusted
10 (if at all) in accordance with this section.”

11 (2) Notwithstanding section 7631(a)(1) of title 38,
12 United States Code, as amended by paragraph (1), the
13 Secretary of Veterans Affairs shall not increase the max-
14 imum education debt reduction payments amount under
15 that section in calendar year 2002.

16 (e) TEMPORARY EXPANSION OF INDIVIDUALS ELIGI-
17 BLE FOR PARTICIPATION IN PROGRAM.—(1) Notwith-
18 standing section 7682(e) of title 38, United States Code,
19 the Secretary of Veterans Affairs may treat a covered indi-
20 vidual as being a recently appointed employee in the Vet-
21 erans Health Administration under section 7682(a) of
22 that title for purposes of eligibility in the Education Debt
23 Reduction Program if the Secretary determines that the
24 participation of the individual in the Program under this
25 subsection would further the purposes of the Program.

1 (2) For purposes of this subsection, a covered indi-
2 vidual is any individual otherwise described by section
3 7682(a) of title 38, United States Code, as in effect on
4 the day before the date of the enactment of this Act,
5 who—

6 (A) was appointed as an employee in a position
7 described in paragraph (1) of that section, as so in
8 effect, between January 1, 1999, and September 30,
9 2000; and

10 (B) is an employee in such position, or in an-
11 other position described in paragraph (1) of that
12 section, as so in effect, at the time of application for
13 treatment as a covered individual under this sub-
14 section.

15 (3) The Secretary shall make determinations regard-
16 ing the exercise of the authority in this subsection on a
17 case-by-case basis.

18 (4) The Secretary may not exercise the authority in
19 this subsection after December 31, 2001. The expiration
20 of the authority in this subsection shall not affect the
21 treatment of an individual under this subsection before
22 that date as a covered individual for purposes of eligibility
23 in the Education Debt Reduction Program.

24 (5) In this subsection, the term “Education Debt Re-
25 duction Program” means the Department of Veterans Af-

1 fair's Education Debt Reduction Program under sub-
 2 chapter VII of chapter 76 of title 38, United States Code.

3 **SEC. 103. REPORT ON REQUESTS FOR WAIVERS OF PAY RE-**
 4 **DUCTIONS FOR REEMPLOYED ANNUITANTS**
 5 **TO FILL NURSE POSITIONS.**

6 (a) ~~REPORT.~~—Not later than November 30 of each
 7 of ~~2001 and 2002~~, the Secretary of Veterans Affairs shall
 8 submit to the Committees on Veterans' Affairs of the Sen-
 9 ate and the House of Representatives a report describing
 10 each request of the Secretary, during the fiscal year pre-
 11 ceeding such report, to the Director of the Office of Per-
 12 sonnel Management for the following:

13 (1) A waiver under subsection (i)(1)(A) of sec-
 14 tion 8344 of title 5, United States Code, of the pro-
 15 visions of such section in order to meet requirements
 16 of the Department of Veterans Affairs for appoint-
 17 ments to nurse positions in the Veterans Health Ad-
 18 ministration.

19 (2) A waiver under subsection (f)(1)(A) of sec-
 20 tion 8468 of title 5, United States Code, of the pro-
 21 visions of such section in order to meet requirements
 22 of the Department for appointments to such posi-
 23 tions.

24 (3) A grant of authority under subsection
 25 (i)(1)(B) of section 8344 of title 5, United States

1 Code, for the waiver of the provisions of such section
 2 in order to meet requirements of the Department for
 3 appointments to such positions.

4 (4) A grant of authority under subsection
 5 (f)(1)(B) of section 8468 of title 5, United States
 6 Code, for the waiver of the provisions of such section
 7 in order to meet requirements of the Department for
 8 appointments to such positions.

9 (b) INFORMATION ON RESPONSES TO REQUESTS.—

10 The report under subsection (a) shall specify for each re-
 11 quest covered by the report—

12 (1) the response of the Director to such re-
 13 quest; and

14 (2) if such request was granted, whether or not
 15 the waiver or authority, as the case may be, assisted
 16 the Secretary in meeting requirements of the De-
 17 partment for appointments to nurse positions in the
 18 Veterans Health Administration.

19 **TITLE II—ENHANCEMENT OF**
 20 **RETENTION AUTHORITIES**

21 **SEC. 201. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY**
 22 **FOR ADDITIONAL HEALTH CARE PROFES-**
 23 **SIONAL IN THE VETERANS HEALTH ADMINIS-**
 24 **TRATION.**

25 (a) IN GENERAL.—Section 7454(b) is amended—

1 (1) by inserting “(1)” after “(b)”; and

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

4 “(2) Health care professionals employed in positions
5 referred to in paragraph (1) shall be entitled to additional
6 pay on the same basis as provided for nurses in section
7 7453(e) of this title.”.

8 (b) APPLICABILITY.—The amendments made by sub-
9 section (a) shall take effect on the date of the enactment
10 of this Act, and shall apply with respect to pay periods
11 beginning on or after that date.

12 **SEC. 202. UNUSED SICK LEAVE INCLUDED IN ANNUITY**
13 **COMPUTATION OF REGISTERED NURSES**
14 **WITH THE VETERANS HEALTH ADMINISTRA-**
15 **TION.**

16 (a) ANNUITY COMPUTATION.—Section 8415 of title
17 5, United States Code, is amended by adding at the end
18 the following:

19 “(i) In computing an annuity under this subchapter,
20 the total service of an employee who retires from the posi-
21 tion of a registered nurse with the Veterans Health Ad-
22 ministration on an immediate annuity, or dies while em-
23 ployed in that position leaving any survivor entitled to an
24 annuity, includes the days of unused sick leave to the cred-
25 it of that employee under a formal leave system, except

1 that such days shall not be counted in determining average
2 pay or annuity eligibility under this subchapter.”.

3 (b) DEPOSIT NOT REQUIRED.—Section 8422(d) of
4 title 5, United States Code, is amended—

5 (1) by inserting “(1)” before “Under such regu-
6 lations”; and

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

8 “(2) Deposit may not be required for days of unused
9 sick leave credited under section 8415(i).”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect 60 days after the date of the
12 enactment of this Act, and shall apply to individuals who
13 separate from service on or after that effective date.

14 **SEC. 203. EVALUATION OF DEPARTMENT OF VETERANS AF-**
15 **FAIRS NURSE MANAGED CLINICS.**

16 (a) EVALUATION.—The Secretary of Veterans Affairs
17 shall carry out an evaluation of the efficacy of the nurse
18 managed health care clinics of the Department of Vet-
19 erans Affairs. The Secretary shall complete the evaluation
20 not later than 18 months after the date of the enactment
21 of this Act.

22 (b) CLINICS TO BE EVALUATED.—(1) In carrying
23 out the evaluation under subsection (a), the Secretary con-
24 sider nurse managed health care clinics, including primary
25 care clinics and geriatric care clinics, located in three dif-

1 ferent Veterans Integrated Service Networks (VISNs) of
2 the Department.

3 ~~(2) If there are not nurse managed health care clinics~~
4 ~~located in three different Veterans Integrated Service Net-~~
5 ~~works as of the commencement of the evaluation, the Sec-~~
6 ~~retary shall—~~

7 (A) establish nurse managed health care clinics
8 in additional Veterans Integrated Services Networks
9 such that there are nurse managed health care clin-
10 ics in three different Veterans Integrated Service
11 Networks for purposes of the evaluation; and

12 (B) include such clinics, as so established, in
13 the evaluation.

14 ~~(c) MATTERS TO BE EVALUATED.—In carrying out~~
15 ~~the evaluation under subsection (a), the Secretary shall~~
16 ~~address the following:~~

17 ~~(1) Patient satisfaction.~~

18 ~~(2) Provider experiences.~~

19 ~~(3) Cost of care.~~

20 ~~(4) Access to care, including waiting time for~~
21 ~~care.~~

22 ~~(5) The functional status of patients receiving~~
23 ~~care.~~

24 ~~(6) Any other matters the Secretary considers~~
25 ~~appropriate.~~

1 (d) REPORT.—Not later than 18 months after the
 2 date of the enactment of this Act, the Secretary shall sub-
 3 mit to the Committees on Veterans' Affairs of the Senate
 4 and the House of Representatives a report on the evalua-
 5 tion carried out under subsection (a). The report shall ad-
 6 dress the matters specified in subsection (c) and include
 7 any other information, and any recommendations, that the
 8 Secretary considers appropriate.

9 **SEC. 204. STAFFING LEVELS FOR OPERATIONS OF MEDICAL**
 10 **FACILITIES.**

11 (a) IN GENERAL.—Section 8110(a) is amended—

12 (1) in paragraph (1), by inserting after “com-
 13 plete care of patients,” in the fifth sentence the fol-
 14 lowing: “and in a manner consistent with the poli-
 15 cies of the Secretary on overtime,”; and

16 (2) in paragraph (2)—

17 (A) by inserting “, including the staffing
 18 required to maintain such capacities,” after “all
 19 Department medical facilities”;

20 (B) by striking “and to minimize” and in-
 21 serting “, to minimize”; and

22 (C) by inserting before the period the fol-
 23 lowing: “, and to ensure that eligible veterans
 24 are provided such care and services in an ap-
 25 propriate manner”.

1 (b) **NATIONWIDE POLICY ON STAFFING.**—Paragraph
2 (3) of that section is amended—

3 (1) in subparagraph (A), by inserting “the ade-
4 quacy of staff levels for compliance with the policy
5 established under subparagraph (C),” after “regard-
6 ing”; and

7 (2) by inserting after subparagraph (B) the fol-
8 lowing new subparagraph:

9 “(C) The Secretary shall, in consultation with the
10 Under Secretary for Health, establish a nationwide policy
11 on the staffing of Department medical facilities in order
12 to ensure that such facilities have adequate staff for the
13 provision to veterans of appropriate, high-quality care and
14 services. The policy shall take into account the staffing
15 levels and mixture of staff skills required for the range
16 of care and services provided veterans in Department fa-
17 cilities.”.

18 **SEC. 205. ANNUAL REPORT ON USE OF AUTHORITIES TO**
19 **ENHANCE RETENTION OF EXPERIENCED**
20 **NURSES.**

21 (a) **ANNUAL REPORT.**—(1) Subchapter H of chapter
22 73 is amended by adding at the end the following new
23 section:

1 **“§ 7324. Annual report on use of authorities to en-**
 2 **hance retention of experienced nurses**

3 “(a) ANNUAL REPORT.—Not later than January 31
 4 each year, the Secretary, acting through the Under Sec-
 5 retary for Health, shall submit to Congress a report on
 6 the use during the preceding year of authorities for pur-
 7 poses of retaining experienced nurses in the Veterans
 8 Health Administration, as follows:

9 “(1) The authorities under chapter 76 of this
 10 title.

11 “(2) The authority under VA Directive 5102.1,
 12 relating to the Department of Veterans Affairs
 13 nurse qualification standard, dated November 10,
 14 1999, or any successor directive.

15 “(3) Any other authorities available to the Sec-
 16 retary for those purposes.

17 “(b) REPORT ELEMENTS.—Each report under sub-
 18 section (a) shall specify for the period covered by such re-
 19 port, for each Department medical facility and for each
 20 Veterans Integrated Service Network, the following:

21 “(1) The number of waivers requested under
 22 the authority referred to in subsection (a)(2), and
 23 the number of waivers granted under that authority,
 24 to promote to the Nurse II grade or Nurse III grade
 25 under the Nurse Schedule under section 7404(b)(1)
 26 of this title any nurse who has not completed a

1 bachelors of science in nursing in a recognized
 2 school of nursing, set forth by age, race, and years
 3 of experience of the individuals subject to such waiv-
 4 er requests and waivers, as the case may be.

5 “(2) The programs carried out to facilitate the
 6 use of nursing education programs by experienced
 7 nurses, including programs for flexible scheduling,
 8 scholarships, salary replacement pay, and on-site
 9 classes.”.

10 (2) The table of sections at the beginning of chapter
 11 73 is amended by inserting after the item relating to sec-
 12 tion 7323 the following new item:

“7324. Annual report on use of authorities to enhance retention of experienced
 nurses.”.

13 (b) INITIAL REPORT.—The initial report required
 14 under section 7324 of title 38, United States Code, as
 15 added by subsection (a), shall be submitted in 2002.

16 **SEC. 206. REPORT ON MANDATORY OVERTIME FOR NURSES**
 17 **AND NURSE ASSISTANTS IN DEPARTMENT OF**
 18 **VETERANS AFFAIRS FACILITIES.**

19 (a) REPORT.—Not later than 180 days after the date
 20 of the enactment of this Act, the Secretary of Veterans
 21 Affairs shall submit to the Committees on Veterans’ Af-
 22 fairs of the Senate and the House of Representatives a
 23 report on the mandatory overtime required of licensed
 24 nurses and nurse assistants providing direct patient care

1 at Department of Veterans Affairs medical facilities dur-
 2 ing 2001.

3 (b) MANDATORY OVERTIME.—For purposes of the
 4 report under subsection (a), mandatory overtime shall con-
 5 sist of any period in which a nurse or nurse assistant is
 6 mandated or otherwise required, whether directly or indi-
 7 rectly, to work or be in on-duty status in excess of—

8 (1) a scheduled workshift or duty period;

9 (2) 12 hours in any 24-hour period; or

10 (3) 80 hours in any period of 14 consecutive
 11 days.

12 (c) ELEMENTS.—The report under subsection (a)
 13 shall include the following:

14 (1) A description of the amount of mandatory
 15 overtime described in that subsection at each De-
 16 partment medical facility during the period covered
 17 by the report.

18 (2) A description of the mechanisms employed
 19 by the Secretary to monitor overtime of the nurses
 20 and nurse assistants referred to in that subsection.

21 (3) An assessment of the effects of the manda-
 22 tory overtime of such nurses and nurse assistants on
 23 patient care, including its contribution to medical er-
 24 rors.

1 (4) Recommendations regarding mechanisms
2 for preventing requirements for amounts of manda-
3 tory overtime in other than emergency situations by
4 such nurses and nurse assistants.

5 (5) Any other matters that the Secretary con-
6 siders appropriate.

7 **TITLE III—OTHER MATTERS**

8 **SEC. 301. ORGANIZATIONAL RESPONSIBILITY OF THE DI-** 9 **RECTOR OF THE NURSING SERVICE.**

10 Section 7306(a)(5) is amended by inserting “, and
11 report directly to,” after “responsible to”.

12 **SEC. 302. COMPUTATION OF ANNUITY FOR PART-TIME** 13 **SERVICE PERFORMED BY CERTAIN HEALTH-** 14 **CARE PROFESSIONALS BEFORE APRIL 7, 1986.**

15 Section 7426 is amended—

16 (1) by redesignating subsection (e) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection (e):

20 “(e) The provisions of subsection (b) shall not apply
21 to the part-time service before April 7, 1986, of a reg-
22 istered nurse, physician assistant, or expanded-function
23 dental auxiliary. In computing the annuity under the ap-
24 plicable provision of law specified in that subsection of an
25 individual covered by the preceding sentence, the service

1 described in that sentence shall be credited as full-time
2 service.”.

3 **SEC. 303. MODIFICATION OF NURSE LOCALITY PAY AU-**
4 **THORITIES.**

5 Section 7451 is amended—

6 (1) in subsection (d)(3)—

7 (A) in subparagraph (A), by striking “be-
8 ginning rates of” each time it appears;

9 (B) in subparagraph (B), by striking “be-
10 ginning rates of”; and

11 (C) in subparagraph (C)(i), by striking
12 “beginning rates of” each time it appears;

13 (2) in subsection (d)(4)—

14 (A) by striking “or at any other time that
15 an adjustment in rates of pay is scheduled to
16 take place under this subsection” in the first
17 sentence; and

18 (B) by striking the second sentence; and

19 (3) in subsection (e)(4)—

20 (A) in subparagraph (A), by striking
21 “grade in a”;

22 (B) in subparagraph (B)—

23 (i) by striking “grade of a”; and

24 (ii) by striking “that grade” and in-
25 serting “that position”; and

1 (C) in subparagraph (D), by striking
2 “grade of a”.

3 **SEC. 304. TECHNICAL AMENDMENTS.**

4 Section 7631(b) is amended by striking “this sub-
5 section” each place it appears and inserting “this section”.

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

7 (a) *SHORT TITLE.*—This Act may be cited as the “De-
8 partment of Veterans Affairs Medical Programs Enhance-
9 ment Act of 2001”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

**TITLE I—ENHANCEMENT OF NURSE RECRUITMENT AND
RETENTION AUTHORITIES**

Sec. 101. Short title.

Subtitle A—Recruitment Authorities

Sec. 111. Enhancement of employee incentive scholarship program.

Sec. 112. Enhancement of education debt reduction program.

*Sec. 113. Report on requests for waivers of pay reductions for reemployed annu-
itants to fill nurse positions.*

Subtitle B—Retention Authorities

*Sec. 121. Additional pay for Saturday tours of duty for additional health care
professional in the Veterans Health Administration.*

*Sec. 122. Unused sick leave included in annuity computation of registered nurses
with the Veterans Health Administration.*

Sec. 123. Evaluation of Department of Veterans Affairs nurse managed clinics.

Sec. 124. Staffing levels for operations of medical facilities.

*Sec. 125. Annual report on use of authorities to enhance retention of experienced
nurses.*

*Sec. 126. Report on mandatory overtime for nurses and nurse assistants in De-
partment of Veterans Affairs facilities.*

Subtitle C—Other Authorities

Sec. 131. Organizational responsibility of the Director of the Nursing Service.

*Sec. 132. Computation of annuity for part-time service performed by certain
health-care professionals before April 7, 1986.*

Sec. 133. *Modification of nurse locality pay authorities.*

TITLE II—OTHER MATTERS

Sec. 201. *Modification and enhancement of authority to provide dog-guides and service dogs to veterans with disabilities.*

Sec. 202. *Additional basis for establishment of inability to defray expenses of necessary care.*

Sec. 203. *Funds for field offices of the Office of Research Compliance and Assurance.*

Sec. 204. *Technical amendments.*

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

7 **TITLE I—ENHANCEMENT OF**
 8 **NURSE RECRUITMENT AND**
 9 **RETENTION AUTHORITIES**

10 **SEC. 101. SHORT TITLE.**

11 *This title may be cited as the “Department of Veterans*
 12 *Affairs Nurse Recruitment and Retention Enhancement Act*
 13 *of 2001”.*

14 **Subtitle A—Recruitment**
 15 **Authorities**

16 **SEC. 111. ENHANCEMENT OF EMPLOYEE INCENTIVE SCHOL-**
 17 **ARSHIP PROGRAM.**

18 *(a) PERMANENT AUTHORITY.—(1) Section 7676 is re-*
 19 *pealed.*

1 (2) *The table of sections at the beginning of chapter*
 2 *76 is amended by striking the item relating to section 7676.*

3 (b) *MINIMUM PERIOD OF DEPARTMENT EMPLOYMENT*
 4 *FOR ELIGIBILITY.*—Section 7672(b) is amended by striking
 5 “2 years” and inserting “one year”.

6 (c) *SCHOLARSHIP AMOUNT.*—Subsection (b) of section
 7 7673 is amended—

8 (1) *in paragraph (1), by striking “for any one*
 9 *year” and inserting “for the equivalent of one year of*
 10 *full-time coursework”; and*

11 (2) *by striking paragraph (2) and inserting the*
 12 *following new paragraph (2):*

13 “(2) *in the case of a participant in the Program*
 14 *who is a part-time student, shall bear the same ratio*
 15 *to the amount that would be paid under paragraph*
 16 *(1) if the participant were a full-time student in the*
 17 *course of education or training being pursued by the*
 18 *participant as the coursework carried by the student*
 19 *bears to full-time coursework in that course of edu-*
 20 *cation or training.”.*

21 (d) *LIMITATION ON PAYMENT.*—Subsection (c) of sec-
 22 *tion 7673 is amended to read as follows:*

23 “(c) *LIMITATIONS ON PERIOD OF PAYMENT.*—(1) *The*
 24 *maximum number of school years for which a scholarship*

1 *may be paid under subsection (a) to a participant in the*
 2 *Program shall be six school years.*

3 “(2) *A participant in the Program may not receive*
 4 *a scholarship under subsection (a) for more than the equiva-*
 5 *lent of three years of full-time coursework.”.*

6 (e) *FULL-TIME COURSEWORK.*—*Section 7673 is fur-*
 7 *ther amended by adding at the end the following new sub-*
 8 *section:*

9 “(e) *FULL-TIME COURSEWORK.*—*For purposes of this*
 10 *section, full-time coursework shall consist of the following:*

11 “(1) *In the case of undergraduate coursework, 30*
 12 *semester hours per undergraduate school year.*

13 “(2) *In the case of graduate coursework, 18 se-*
 14 *mester hours per graduate school year.”.*

15 (f) *ANNUAL ADJUSTMENT OF MAXIMUM SCHOLARSHIP*
 16 *AMOUNT.*—*Section 7631 is amended—*

17 (1) *in subsection (a)(1), by striking “and the*
 18 *maximum Selected Reserve member stipend amount”*
 19 *and inserting “the maximum Selected Reserve mem-*
 20 *ber stipend amount, the maximum employee incentive*
 21 *scholarship amount,”; and*

22 (2) *in subsection (b)—*

23 (A) *by redesignating paragraph (4) as*
 24 *paragraph (6); and*

1 (B) by inserting after paragraph (3) the fol-
2 lowing new paragraph (4):

3 “(4) The term ‘maximum employee incentive
4 scholarship amount’ means the maximum amount of
5 the scholarship payable to a participant in the De-
6 partment of Veterans Affairs Employee Incentive
7 Scholarship Program under subchapter VI of this
8 chapter, as specified in section 7673(b)(1) of this title
9 and as previously adjusted (if at all) in accordance
10 with this section.”.

11 **SEC. 112. ENHANCEMENT OF EDUCATION DEBT REDUCTION**
12 **PROGRAM.**

13 (a) *PERMANENT AUTHORITY.*—(1) Section 7684 is re-
14 *pealed.*

15 (2) *The table of sections at the beginning of chapter*
16 *76 is amended by striking the item relating to section 7684.*

17 (b) *ELIGIBLE INDIVIDUALS.*—Subsection (a)(1) of sec-
18 *tion 7682 is amended—*

19 (1) *by striking “under an appointment under*
20 *section 7402(b) of this title in a position” and insert-*
21 *ing “in a position (as determined by the Secretary)*
22 *providing direct-patient care services or services inci-*
23 *dent to direct-patient care services”; and*

24 (2) *by striking “(as determined by the Sec-*
25 *retary)” and inserting “(as so determined)”.*

1 (c) *MAXIMUM DEBT REDUCTION AMOUNT.*—Section
2 7683(d)(1) is amended—

3 (1) by striking “for a year”; and

4 (2) by striking “exceed—” and all that follows
5 through the end of the paragraph and inserting “ex-
6 ceed \$44,000 over a total of five years of participation
7 in the Program, of which not more than \$10,000 of
8 such payments may be made in each of the fourth and
9 fifth years of participation in the Program.”.

10 (d) *ANNUAL ADJUSTMENT OF MAXIMUM DEBT REDUC-*
11 *TION PAYMENTS AMOUNT.*—(1) Section 7631, as amended
12 by section 101(f) of this Act, is further amended—

13 (A) in subsection (a)(1), by inserting before the
14 period at the end of the first sentence the following:
15 “and the maximum education debt reduction pay-
16 ments amount”; and

17 (B) in subsection (b), by inserting after para-
18 graph (4) the following new paragraph (5):

19 “(5) The term ‘maximum education debt reduc-
20 tion payments amount’ means the maximum amount
21 of education debt reduction payments payable to a
22 participant in the Department of Veterans Affairs
23 Education Debt Reduction Program under subchapter
24 VII of this chapter, as specified in section 7683(d)(1)

1 of this title and as previously adjusted (if at all) in
2 accordance with this section.”.

3 (2) Notwithstanding section 7631(a)(1) of title 38,
4 United States Code, as amended by paragraph (1), the Sec-
5 retary of Veterans Affairs shall not increase the maximum
6 education debt reduction payments amount under that sec-
7 tion in calendar year 2002.

8 (e) *TEMPORARY EXPANSION OF INDIVIDUALS ELIGI-*
9 *BLE FOR PARTICIPATION IN PROGRAM.*—(1) Notwith-
10 standing section 7682(c) of title 38, United States Code, the
11 Secretary of Veterans Affairs may treat a covered indi-
12 vidual as being a recently appointed employee in the Vet-
13 erans Health Administration under section 7682(a) of that
14 title for purposes of eligibility in the Education Debt Re-
15 duction Program if the Secretary determines that the par-
16 ticipation of the individual in the Program under this sub-
17 section would further the purposes of the Program.

18 (2) For purposes of this subsection, a covered indi-
19 vidual is any individual otherwise described by section
20 7682(a) of title 38, United States Code, as in effect on the
21 day before the date of the enactment of this Act, who—

22 (A) was appointed as an employee in a position
23 described in paragraph (1) of that section, as so in
24 effect, between January 1, 1999, and September 30,
25 2000; and

1 (B) is an employee in such position, or in an-
 2 other position described in paragraph (1) of that sec-
 3 tion, as so in effect, at the time of application for
 4 treatment as a covered individual under this sub-
 5 section.

6 (3) The Secretary shall make determinations regarding
 7 the exercise of the authority in this subsection on a case-
 8 by-case basis.

9 (4) The Secretary may not exercise the authority in
 10 this subsection after December 31, 2001. The expiration of
 11 the authority in this subsection shall not affect the treat-
 12 ment of an individual under this subsection before that date
 13 as a covered individual for purposes of eligibility in the
 14 Education Debt Reduction Program.

15 (5) In this subsection, the term “Education Debt Re-
 16 duction Program” means the Department of Veterans Af-
 17 fairs Education Debt Reduction Program under subchapter
 18 VII of chapter 76 of title 38, United States Code.

19 **SEC. 113. REPORT ON REQUESTS FOR WAIVERS OF PAY RE-**
 20 **DUCTIONS FOR REEMPLOYED ANNUITANTS**
 21 **TO FILL NURSE POSITIONS.**

22 (a) REPORT.—Not later than November 30 of each of
 23 2001 and 2002, the Secretary of Veterans Affairs shall sub-
 24 mit to the Committees on Veterans’ Affairs of the Senate
 25 and the House of Representatives a report describing each

1 *request of the Secretary, during the fiscal year preceding*
2 *such report, to the Director of the Office of Personnel Man-*
3 *agement for the following:*

4 (1) *A waiver under subsection (i)(1)(A) of sec-*
5 *tion 8344 of title 5, United States Code, of the provi-*
6 *sions of such section in order to meet requirements of*
7 *the Department of Veterans Affairs for appointments*
8 *to nurse positions in the Veterans Health Administra-*
9 *tion.*

10 (2) *A waiver under subsection (f)(1)(A) of sec-*
11 *tion 8468 of title 5, United States Code, of the provi-*
12 *sions of such section in order to meet requirements of*
13 *the Department for appointments to such positions.*

14 (3) *A grant of authority under subsection*
15 *(i)(1)(B) of section 8344 of title 5, United States*
16 *Code, for the waiver of the provisions of such section*
17 *in order to meet requirements of the Department for*
18 *appointments to such positions.*

19 (4) *A grant of authority under subsection*
20 *(f)(1)(B) of section 8468 of title 5, United States*
21 *Code, for the waiver of the provisions of such section*
22 *in order to meet requirements of the Department for*
23 *appointments to such positions.*

1 (b) *INFORMATION ON RESPONSES TO REQUESTS.*—The
 2 report under subsection (a) shall specify for each request
 3 covered by the report—

4 (1) *the response of the Director to such request;*
 5 and

6 (2) *if such request was granted, whether or not*
 7 *the waiver or authority, as the case may be, assisted*
 8 *the Secretary in meeting requirements of the Depart-*
 9 *ment for appointments to nurse positions in the Vet-*
 10 *erans Health Administration.*

11 ***Subtitle B—Retention Authorities***

12 ***SEC. 121. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY*** 13 ***FOR ADDITIONAL HEALTH CARE PROFES-*** 14 ***SIONAL IN THE VETERANS HEALTH ADMINIS-*** 15 ***TRATION.***

16 (a) *IN GENERAL.*—Section 7454(b) is amended—

17 (1) *by inserting “(1)” after “(b)”;* and

18 (2) *by adding at the end the following new para-*
 19 *graph:*

20 “*(2) Health care professionals employed in positions*
 21 *referred to in paragraph (1) shall be entitled to additional*
 22 *pay on the same basis as provided for nurses in section*
 23 *7453(c) of this title.*”.

24 (b) *APPLICABILITY.*—The amendments made by sub-
 25 section (a) shall take effect on the date of the enactment

1 *of this Act, and shall apply with respect to pay periods*
 2 *beginning on or after that date.*

3 **SEC. 122. UNUSED SICK LEAVE INCLUDED IN ANNUITY COM-**
 4 **PUTATION OF REGISTERED NURSES WITH**
 5 **THE VETERANS HEALTH ADMINISTRATION.**

6 *(a) ANNUITY COMPUTATION.—Section 8415 of title 5,*
 7 *United States Code, is amended by adding at the end the*
 8 *following:*

9 *“(i) In computing an annuity under this subchapter,*
 10 *the total service of an employee who retires from the posi-*
 11 *tion of a registered nurse with the Veterans Health Admin-*
 12 *istration on an immediate annuity, or dies while employed*
 13 *in that position leaving any survivor entitled to an annu-*
 14 *ity, includes the days of unused sick leave to the credit of*
 15 *that employee under a formal leave system, except that such*
 16 *days shall not be counted in determining average pay or*
 17 *annuity eligibility under this subchapter.”.*

18 *(b) DEPOSIT NOT REQUIRED.—Section 8422(d) of title*
 19 *5, United States Code, is amended—*

20 *(1) by inserting “(1)” before “Under such regula-*
 21 *tions”; and*

22 *(2) by adding at the end the following:*

23 *“(2) Deposit may not be required for days of unused*
 24 *sick leave credited under section 8415(i).”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect 60 days after the date of the enact-*
3 *ment of this Act, and shall apply to individuals who sepa-*
4 *rate from service on or after that effective date.*

5 **SEC. 123. EVALUATION OF DEPARTMENT OF VETERANS AF-**
6 **FAIRS NURSE MANAGED CLINICS.**

7 (a) *EVALUATION.*—*The Secretary of Veterans Affairs*
8 *shall carry out an evaluation of the efficacy of the nurse*
9 *managed health care clinics of the Department of Veterans*
10 *Affairs. The Secretary shall complete the evaluation not*
11 *later than 18 months after the date of the enactment of this*
12 *Act.*

13 (b) *CLINICS TO BE EVALUATED.*—(1) *In carrying out*
14 *the evaluation under subsection (a), the Secretary consider*
15 *nurse managed health care clinics, including primary care*
16 *clinics and geriatric care clinics, located in three different*
17 *Veterans Integrated Service Networks (VISNs) of the De-*
18 *partment.*

19 (2) *If there are not nurse managed health care clinics*
20 *located in three different Veterans Integrated Service Net-*
21 *works as of the commencement of the evaluation, the Sec-*
22 *retary shall—*

23 (A) *establish nurse managed health care clinics*
24 *in additional Veterans Integrated Services Networks*
25 *such that there are nurse managed health care clinics*

1 *in three different Veterans Integrated Service Net-*
2 *works for purposes of the evaluation; and*

3 *(B) include such clinics, as so established, in the*
4 *evaluation.*

5 *(c) MATTERS TO BE EVALUATED.—In carrying out*
6 *the evaluation under subsection (a), the Secretary shall ad-*
7 *dress the following:*

8 *(1) Patient satisfaction.*

9 *(2) Provider experiences.*

10 *(3) Cost of care.*

11 *(4) Access to care, including waiting time for*
12 *care.*

13 *(5) The functional status of patients receiving*
14 *care.*

15 *(6) Any other matters the Secretary considers*
16 *appropriate.*

17 *(d) REPORT.—Not later than 18 months after the date*
18 *of the enactment of this Act, the Secretary shall submit to*
19 *the Committees on Veterans' Affairs of the Senate and the*
20 *House of Representatives a report on the evaluation carried*
21 *out under subsection (a). The report shall address the mat-*
22 *ters specified in subsection (c) and include any other infor-*
23 *mation, and any recommendations, that the Secretary con-*
24 *siders appropriate.*

1 **SEC. 124. STAFFING LEVELS FOR OPERATIONS OF MEDICAL**
2 **FACILITIES.**

3 (a) *IN GENERAL.*—Section 8110(a) is amended—

4 (1) *in paragraph (1), by inserting after “com-*
5 *plete care of patients,” in the fifth sentence the fol-*
6 *lowing: “and in a manner consistent with the policies*
7 *of the Secretary on overtime,”; and*

8 (2) *in paragraph (2)—*

9 (A) *by inserting “, including the staffing re-*
10 *quired to maintain such capacities,” after “all*
11 *Department medical facilities”;*

12 (B) *by striking “and to minimize” and in-*
13 *serting “, to minimize”;* and

14 (C) *by inserting before the period the fol-*
15 *lowing: “, and to ensure that eligible veterans*
16 *are provided such care and services in an appro-*
17 *priate manner”.*

18 (b) *NATIONWIDE POLICY ON STAFFING.*—Paragraph
19 (3) *of that section is amended—*

20 (1) *in subparagraph (A), by inserting “the ade-*
21 *quacy of staff levels for compliance with the policy es-*
22 *tablished under subparagraph (C),” after “regard-*
23 *ing”;* and

24 (2) *by inserting after subparagraph (B) the fol-*
25 *lowing new subparagraph:*

1 “(C) *The Secretary shall, in consultation with the*
 2 *Under Secretary for Health, establish a nationwide policy*
 3 *on the staffing of Department medical facilities in order*
 4 *to ensure that such facilities have adequate staff for the pro-*
 5 *vision to veterans of appropriate, high-quality care and*
 6 *services. The policy shall take into account the staffing levels*
 7 *and mixture of staff skills required for the range of care*
 8 *and services provided veterans in Department facilities.”.*

9 **SEC. 125. ANNUAL REPORT ON USE OF AUTHORITIES TO EN-**
 10 **HANCE RETENTION OF EXPERIENCED**
 11 **NURSES.**

12 (a) *ANNUAL REPORT.*—(1) *Subchapter II of chapter*
 13 *73 is amended by adding at the end the following new sec-*
 14 *tion:*

15 **“§ 7324. Annual report on use of authorities to en-**
 16 **hance retention of experienced nurses**

17 “(a) *ANNUAL REPORT.*—*Not later than January 31*
 18 *each year, the Secretary, acting through the Under Sec-*
 19 *retary for Health, shall submit to Congress a report on the*
 20 *use during the preceding year of authorities for purposes*
 21 *of retaining experienced nurses in the Veterans Health Ad-*
 22 *ministration, as follows:*

23 “(1) *The authorities under chapter 76 of this*
 24 *title.*

1 “(2) *The authority under VA Directive 5102.1,*
2 *relating to the Department of Veterans Affairs nurse*
3 *qualification standard, dated November 10, 1999, or*
4 *any successor directive.*

5 “(3) *Any other authorities available to the Sec-*
6 *retary for those purposes.*

7 “(b) *REPORT ELEMENTS.—Each report under sub-*
8 *section (a) shall specify for the period covered by such re-*
9 *port, for each Department medical facility and for each Vet-*
10 *erans Integrated Service Network, the following:*

11 “(1) *The number of waivers requested under the*
12 *authority referred to in subsection (a)(2), and the*
13 *number of waivers granted under that authority, to*
14 *promote to the Nurse II grade or Nurse III grade*
15 *under the Nurse Schedule under section 7404(b)(1) of*
16 *this title any nurse who has not completed a bachelors*
17 *of science in nursing in a recognized school of nurs-*
18 *ing, set forth by age, race, and years of experience of*
19 *the individuals subject to such waiver requests and*
20 *waivers, as the case may be.*

21 “(2) *The programs carried out to facilitate the*
22 *use of nursing education programs by experienced*
23 *nurses, including programs for flexible scheduling,*
24 *scholarships, salary replacement pay, and on-site*
25 *classes.”.*

1 (2) *The table of sections at the beginning of chapter*
 2 *73 is amended by inserting after the item relating to section*
 3 *7323 the following new item:*

“7324. Annual report on use of authorities to enhance retention of experienced nurses.”.

4 (b) *INITIAL REPORT.—The initial report required*
 5 *under section 7324 of title 38, United States Code, as added*
 6 *by subsection (a), shall be submitted in 2002.*

7 **SEC. 126. REPORT ON MANDATORY OVERTIME FOR NURSES**
 8 **AND NURSE ASSISTANTS IN DEPARTMENT OF**
 9 **VETERANS AFFAIRS FACILITIES.**

10 (a) *REPORT.—Not later than 180 days after the date*
 11 *of the enactment of this Act, the Secretary of Veterans Af-*
 12 *fairs shall submit to the Committees on Veterans’ Affairs*
 13 *of the Senate and the House of Representatives a report on*
 14 *the mandatory overtime required of licensed nurses and*
 15 *nurse assistants providing direct patient care at Depart-*
 16 *ment of Veterans Affairs medical facilities during 2001.*

17 (b) *MANDATORY OVERTIME.—For purposes of the re-*
 18 *port under subsection (a), mandatory overtime shall consist*
 19 *of any period in which a nurse or nurse assistant is man-*
 20 *dated or otherwise required, whether directly or indirectly,*
 21 *to work or be in on-duty status in excess of—*

22 (1) *a scheduled workshift or duty period;*

23 (2) *12 hours in any 24-hour period; or*

1 (3) 80 hours in any period of 14 consecutive
2 days.

3 (c) *ELEMENTS.*—The report under subsection (a) shall
4 include the following:

5 (1) A description of the amount of mandatory
6 overtime described in that subsection at each Depart-
7 ment medical facility during the period covered by
8 the report.

9 (2) A description of the mechanisms employed by
10 the Secretary to monitor overtime of the nurses and
11 nurse assistants referred to in that subsection.

12 (3) An assessment of the effects of the mandatory
13 overtime of such nurses and nurse assistants on pa-
14 tient care, including its contribution to medical er-
15 rors.

16 (4) Recommendations regarding mechanisms for
17 preventing mandatory overtime in other than emer-
18 gency situations by such nurses and nurse assistants.

19 (5) Any other matters that the Secretary con-
20 siders appropriate.

21 **Subtitle C—Other Authorities**

22 **SEC. 131. ORGANIZATIONAL RESPONSIBILITY OF THE DI-** 23 **RECTOR OF THE NURSING SERVICE.**

24 Section 7306(a)(5) is amended by inserting “, and re-
25 port directly to,” after “responsible to”.

1 **SEC. 132. COMPUTATION OF ANNUITY FOR PART-TIME**
 2 **SERVICE PERFORMED BY CERTAIN HEALTH-**
 3 **CARE PROFESSIONALS BEFORE APRIL 7, 1986.**

4 *Section 7426 is amended by adding at the end the fol-*
 5 *lowing new subsection:*

6 *“(c) The provisions of subsection (b) shall not apply*
 7 *to the part-time service before April 7, 1986, of a registered*
 8 *nurse, physician assistant, or expanded-function dental*
 9 *auxiliary. In computing the annuity under the applicable*
 10 *provision of law specified in that subsection of an indi-*
 11 *vidual covered by the preceding sentence, the service de-*
 12 *scribed in that sentence shall be credited as full-time serv-*
 13 *ice.”.*

14 **SEC. 133. MODIFICATION OF NURSE LOCALITY PAY AU-**
 15 **THORITIES.**

16 *Section 7451 is amended—*

17 *(1) in subsection (d)(3)—*

18 *(A) in subparagraph (A), by striking “be-*
 19 *ginning rates of” each place it appears;*

20 *(B) in subparagraph (B), by striking “be-*
 21 *ginning rates of” the first place it appears; and*

22 *(C) in subparagraph (C)(i), by striking “be-*
 23 *ginning rates of” each place it appears;*

24 *(2) in subsection (d)(4)—*

25 *(A) by striking “or at any other time that*
 26 *an adjustment in rates of pay is scheduled to*

1 *take place under this subsection” in the first sen-*
 2 *tence; and*

3 *(B) by striking the second sentence; and*

4 *(3) in subsection (e)(4)—*

5 *(A) in subparagraph (A), by striking*
 6 *“grade in a”;*

7 *(B) in subparagraph (B)—*

8 *(i) by striking “grade of a”; and*

9 *(ii) by striking “that grade” and in-*
 10 *serting “that position”; and*

11 *(C) in subparagraph (D), by striking*
 12 *“grade of a”.*

13 ***TITLE II—OTHER MATTERS***

14 ***SEC. 201. MODIFICATION AND ENHANCEMENT OF AUTHOR-*** 15 ***ITY TO PROVIDE DOG-GUIDES AND SERVICE*** 16 ***DOGS TO VETERANS WITH DISABILITIES.***

17 *(a) ENHANCEMENT OF AUTHORITY.—Subsection (b) of*
 18 *section 1714 is amended to read as follows:*

19 *“(b)(1) The Secretary may provide any blind veteran*
 20 *who is entitled to disability compensation with—*

21 *“(A) a dog-guide trained for the aid of the blind;*
 22 *and*

23 *“(B) mechanical or electronic equipment for aid*
 24 *in overcoming the disability of blindness.*

1 “(2) *The Secretary may provide a service dog to the*
2 *following:*

3 “(A) *Any hearing-impaired veteran who is enti-*
4 *tled to disability compensation.*

5 “(B) *Any veteran with a spinal cord injury or*
6 *dysfunction who is entitled to disability compensa-*
7 *tion.*

8 “(C) *Any veteran entitled to disability com-*
9 *pen-sation who has any other chronic physical or men-*
10 *tal impairment that substantially limits mobility,*
11 *hearing, or activities of daily living in order to assist*
12 *such veteran in overcoming such physical or mental*
13 *impairment.*

14 “(3) *In providing a dog-guide or service dog to a vet-*
15 *eran under this subsection, the Secretary may pay travel*
16 *and incidental expenses (under the terms and conditions*
17 *set forth in section 111 of this title) of the veteran to and*
18 *from the veteran’s home and incurred in becoming adjusted*
19 *to the dog-guide or service dog, as the case may be.”.*

20 (b) *CONFORMING AND CLERICAL AMENDMENTS.—(1)*
21 *The section heading of that section is amended to read as*
22 *follows:*

1 **“§1714. Fitting and training in use of prosthetic ap-**
 2 **pliances; dog-guides and service dogs”**

3 (2) *The table of section at the beginning of chapter 17*
 4 *is amended by striking the item relating to section 1714*
 5 *and inserting the following new item:*

“1714. Fitting and training in use of prosthetic appliances; dog-guides and service dogs.”.

6 **SEC. 202. ADDITIONAL BASIS FOR ESTABLISHMENT OF IN-**
 7 **ABILITY TO DEFRAY EXPENSES OF NEC-**
 8 **CESSARY CARE.**

9 (a) *ADDITIONAL BASIS.—Section 1722(a) is*
 10 *amended—*

11 (1) *in paragraph (2), by striking “or” at the*
 12 *end;*

13 (2) *in paragraph (3), by striking the period at*
 14 *the end and inserting “; or”; and*

15 (3) *by adding at the end the following new para-*
 16 *graph:*

17 *“(4) the veteran (including any applicable part*
 18 *of the veteran’s family) is eligible for treatment as a*
 19 *low-income family under section 3 of the United*
 20 *States Housing Act of 1937 (42 U.S.C. 1437a) for the*
 21 *area in which the veteran resides.”.*

22 (b) *APPLICABILITY.—The amendments made by sub-*
 23 *section (a) shall take effect on January 1, 2002, and shall*

1 *apply with respect to years beginning after December 31,*
2 *2001.*

3 **SEC. 203. FUNDS FOR FIELD OFFICES OF THE OFFICE OF**
4 **RESEARCH COMPLIANCE AND ASSURANCE.**

5 (a) *IN GENERAL.*—*Amounts for the activities of the*
6 *field offices of the Office of Research Compliance and Assur-*
7 *ance of the Department of Veterans Affairs shall be derived*
8 *from amounts appropriated for the Department of Veterans*
9 *Affairs for the Veterans Health Administration for Medical*
10 *Care, rather than from amounts appropriated for the Vet-*
11 *erans Health Administration for Medical and Prosthetic*
12 *Research.*

13 (b) *APPLICABILITY.*—*Subsection (a) shall apply with*
14 *respect to fiscal years after fiscal year 2001.*

15 **SEC. 204. TECHNICAL AMENDMENTS.**

16 *Section 7631(b) is amended by striking “this sub-*
17 *section” each place it appears and inserting “this section”.*

18 Amend the title to read: “A Bill to amend title 38,
19 United States Code, to enhance the authority of the Sec-
20 retary of Veterans Affairs to recruit and retain qualified
21 nurses for the Veterans Health Administration, to provide
22 an additional basis for establishing the inability of vet-
23 erans to defray expenses of necessary medical care, to
24 modify other authorities relating to health care for vet-
25 erans, and for other purposes.”.

Calendar No. 190

107TH CONGRESS
1ST SESSION

S. 1188

[Report No. 107-80]

A BILL

To amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes.

OCTOBER 10, 2001

Reported with an amendment and an amendment to the
title