

tences shall be performed by an independent auditor. The corporation shall include the most recent such audit in the corporation's report to the Secretary for that year."

Subsec. (c). Pub. L. 111-163, § 806(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

"(c)(1) Each member of the board of directors of a corporation established under this subchapter, each employee of such a corporation, and each employee of the Department who is involved in the functions of the corporation during any year shall be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions.

"(2) Each corporation established under this subchapter shall each year submit to the Secretary a statement signed by the executive director of the corporation verifying that each director and employee has certified awareness of the laws and regulations referred to in paragraph (1) and of the consequences of violations of those laws and regulations in the same manner as Federal employees are required to so certify."

Subsec. (d)(3)(C). Pub. L. 111-163, § 806(c), substituted "\$50,000" for "\$35,000".

2003—Subsec. (c). Pub. L. 108-170 inserted "(1)" after "(c)", substituted "any year shall be subject" for "any year—(1) shall be subject" and "functions." for "functions; and", added par. (2), and struck out former par. (2) which read as follows: "shall submit to the Secretary a statement signed by the executive director of the corporation certifying that each director and employee is aware of, and has complied with, such laws and regulations in the same manner as Federal employees are required to."

2001—Subsec. (d)(2)(D). Pub. L. 107-103 made technical correction to directory language of Pub. L. 106-117, § 204(e)(3). See 1999 Amendment note below.

1999—Subsec. (d)(2)(B). Pub. L. 106-117, § 204(e)(1), inserted "for research and the amount received from governmental entities for education" before the semicolon at end.

Subsec. (d)(2)(C). Pub. L. 106-117, § 204(e)(2), inserted "for research and the amount received from all other sources for education" before "; and".

Subsec. (d)(2)(D). Pub. L. 106-117, § 204(e)(3), as amended by Pub. L. 107-103, § 509(f), substituted "an amount received" for "the amount received".

Subsec. (d)(3)(A). Pub. L. 106-117, § 204(e)(4), substituted ", the amount expended for salary for education staff, and the amount expended" for "and".

Subsec. (d)(3)(B). Pub. L. 106-117, § 204(e)(5), inserted "and the amount expended for direct support of education" after "research".

Subsec. (d)(4). Pub. L. 106-117, § 204(e)(6), added par. (4).

1996—Subsec. (b). Pub. L. 104-262, § 343(c), substituted "A corporation with revenues in excess of \$300,000 for any year shall obtain an audit of the corporation for that year. A corporation with annual revenues between \$10,000 and \$300,000 shall obtain an independent audit of the corporation at least once every three years. Any audit under the preceding sentences shall be performed by an independent auditor. The corporation shall include the most recent such audit" for "The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report".

Subsec. (c)(2). Pub. L. 104-262, § 343(d), substituted "a statement signed by the executive director of the corporation certifying that each director and" for "an annual statement signed by the director or employee certifying that the director or".

Subsec. (d). Pub. L. 104-262, § 343(e), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and location of corporations established and the amount of the contributions made to each such corporation."

1991—Pub. L. 102-40, § 401(a)(4)(B), renumbered section 4166 of this title as this section.

Subsec. (a)(1)(A). Pub. L. 102-40, § 403(a)(1), substituted "Secretary" for "Administrator".

Subsec. (a)(1)(B). Pub. L. 102-40, § 403(a)(2), substituted "Department" for "Veterans' Administration" in two places.

Subsec. (b). Pub. L. 102-40, § 403(a)(1), substituted "Secretary" for "Administrator" in two places.

Subsec. (c). Pub. L. 102-40, § 403(a)(2), substituted "Department" for "Veterans' Administration" in introductory provisions.

Subsec. (c)(2). Pub. L. 102-40, § 403(a)(1), substituted "Secretary" for "Administrator".

Subsec. (d). Pub. L. 102-40, § 403(a)(1), substituted "Secretary" for "Administrator".

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title V, § 509(f), Dec. 27, 2001, 115 Stat. 997, provided that the amendment made by section 509(f) is effective Nov. 30, 1999, and as if included in Pub. L. 106-117 as originally enacted.

#### [§ 7367. Repealed. Pub. L. 107-14, § 8(a)(14)(A), June 5, 2001, 115 Stat. 35]

Section, added Pub. L. 100-322, title II, § 204(a), May 20, 1988, 102 Stat. 512, § 4167; renumbered § 7367 and amended Pub. L. 102-40, title IV, §§ 401(a)(4)(B), 403(a)(1), May 7, 1991, 105 Stat. 221, 239, required a report to Congress on the experience through the end of fiscal year 1990 under this subchapter.

#### [§ 7368. Repealed. Pub. L. 110-387, title VIII, § 806(a), Oct. 10, 2008, 122 Stat. 4141]

Section, added Pub. L. 100-322, title II, § 204(a), May 20, 1988, 102 Stat. 512, § 4168; renumbered § 7368, Pub. L. 102-40, title IV, § 401(a)(4)(B), May 7, 1991, 105 Stat. 221; amended Pub. L. 102-291, § 3(b), May 20, 1992, 106 Stat. 179; Pub. L. 104-262, title III, § 343(a), Oct. 9, 1996, 110 Stat. 3207; Pub. L. 106-419, title IV, § 402(g), Nov. 1, 2000, 114 Stat. 1863; Pub. L. 108-170, title IV, § 402(c), Dec. 6, 2003, 117 Stat. 2062, related to the expiration of authority for corporations to be established under this subchapter.

## CHAPTER 74—VETERANS HEALTH ADMINISTRATION—PERSONNEL

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- Sec.  
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**Editorial Notes**

AMENDMENTS

2019—Pub. L. 116–12, §1(b)(4), Apr. 8, 2019, 133 Stat. 845, substituted “PAY FOR PHYSICIANS, PODIATRISTS, AND DENTISTS” for “PAY FOR PHYSICIANS AND DENTISTS” in item for subchapter III.

2018—Pub. L. 115–182, title V, §502(a)(2), June 6, 2018, 132 Stat. 1475, which directed amendment of the table of sections for chapter 74 by adding item 7413 after item 7412, without specifying the Code title to be amended, was executed to the table of sections for this chapter, to reflect the probable intent of Congress.

2014—Pub. L. 113–146, §301(a)(2), Aug. 7, 2014, 128 Stat. 1784, added item 7412.

2010—Pub. L. 111–163, title VI, §602(a)(2), May 5, 2010, 124 Stat. 1173, added item 7459.

2004—Pub. L. 108–445, §§3(g), 4(a)(2), Dec. 3, 2004, 118 Stat. 2643, 2645, substituted “PAY FOR PHYSICIANS AND DENTISTS” for “SPECIAL PAY FOR PHYSICIANS AND DENTISTS” in item for subchapter III, “Pay” for “Special pay: authority” in item 7431, “Pay of Under Secretary for Health” for “Special pay: written agreements” in item 7432, “Administrative matters” for “Special pay: full-time physicians” in item 7433, struck out items 7434 “Special pay: part-time physicians”, 7435 “Special pay: full-time dentists”, 7436 “Special pay: part-time dentists”, 7437 “Special pay: general provisions”, 7438 “Special pay: coordination with other benefits laws”, 7439 “Periodic review of pay of physicians and dentists; quadrennial report”, and 7440 “Annual report”, and added item 7456A.

1991—Pub. L. 102–40, title I, §§102, 103(a)(2), title II, §203(b), title IV, §401(b)(1), May 7, 1991, 105 Stat. 187, 199, 207, 221, added chapter heading and analysis.

SUBCHAPTER I—APPOINTMENTS

**§ 7401. Appointments in Veterans Health Administration**

There may be appointed by the Secretary such personnel as the Secretary may find necessary for the health care of veterans (in addition to those in the Office of the Under Secretary for Health appointed under section 7306 of this title), as follows:

(1) Physicians, dentists, podiatrists, chiropractors, optometrists, registered nurses, physician assistants, and expanded-function dental auxiliaries.

(2) Scientific and professional personnel, such as microbiologists, chemists, and biostatisticians.

(3) Audiologists, licensed hearing aid specialists, speech pathologists, and audiologist-speech pathologists, biomedical engineers, certified or registered respiratory therapists, dietitians, licensed physical therapists, licensed practical or vocational nurses, nurse assistants, medical instrument technicians, medical records administrators or specialists, medical records technicians, medical technologists, dental hygienists, dental assistants, nuclear medicine technologists, occupational therapists, occupational therapy assistants, kinesiotherapists, orthotist-prosthetists, pharmacists, pharmacy technicians, physical therapy assistants, prosthetic representatives, psychologists, diagnostic radiologic technologists, therapeutic radiologic technologists, social workers, marriage and family therapists, licensed professional mental health counselors, blind rehabilitation specialists, blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

(A) Such other classes of health care occupations—

(i) are not occupations relating to administrative, clerical, or physical plant maintenance and protective services;

(ii) would otherwise receive basic pay in accordance with the General Schedule under section 5332 of title 5;

(iii) provide, as determined by the Secretary, direct patient care services or services incident to direct patient services; and

(iv) would not otherwise be available to provide medical care or treatment for veterans.

(B) Not later than 45 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Office of Management and Budget notice of such appointment.

(C) Before submitting notice under subparagraph (B), the Secretary shall solicit comments from any labor organization rep-