

106TH CONGRESS  
1ST SESSION

# H. R. 1216

To amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the same manner as is applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those employees.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1999

Mr. LATOURETTE (for himself, Mr. BALDACCI, Mr. LEACH, Mr. PETERSON of Minnesota, Mrs. BONO, Mr. TRAFICANT, Mr. SHOWS, Mr. HOUGHTON, Mr. MINGE, Mr. NEY, Mr. SAWYER, Mrs. MEEK of Florida, Mr. RUSH, Mr. OLVER, Mr. STRICKLAND, Mr. LAHOOD, Mr. KING, Mr. OBERSTAR, Mr. ALLEN, Mr. VENTO, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. TAYLOR of North Carolina, Mr. ENGLISH, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. HORN, Mr. BORSKI, Mr. METCALF, Mr. BOEHLERT, Mr. BILBRAY, Mr. GUTIERREZ, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. MOORE, Mr. RAHALL, Mr. LUTHER, Mr. WELLER, Mr. BERMAN, Mr. HILL of Indiana, Mr. DOYLE, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLINK, Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Ms. DELAURO, Ms. BERKLEY, Mr. OXLEY, and Mr. TANNER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the same manner as is applicable to Federal employees generally and to revise

the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those employees.

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.**

4        This Act may be cited as the “Department of Vet-  
 5 erans Affairs Nurses Appreciation Act of 1999”.

6 **SEC. 2. REVISED AUTHORITY FOR ADJUSTMENT OF BASIC**  
 7                    **PAY FOR NURSES AND CERTAIN OTHER**  
 8                    **HEALTH-CARE PROFESSIONALS OF THE DE-**  
 9                    **PARTMENT OF VETERANS AFFAIRS.**

10        (a) REVISION OF COVERED POSITIONS.—Effective  
 11 October 1, 1999, section 7451 of title 38, United States  
 12 Code, is amended in subsection (a)(2) by striking “are the  
 13 following:” and all that follows and inserting “are reg-  
 14 istered nurses and each additional position referred to in  
 15 paragraphs (1), (2), and (3) of section 7401 of this title  
 16 (other than the positions of physician and dentist).”.

17        (b) ANNUAL ADJUSTMENTS UNDER TITLE 5.—Ef-  
 18 fective October 1, 1999, such section is further amended  
 19 by striking subsections (d), (e), (f), and (g) and inserting  
 20 the following:

21        “(d) The rates of basic pay for each grade in a cov-  
 22 ered position shall (notwithstanding subsection (a)(3)(A))

1 be adjusted in accordance with sections 5303 and 5304  
2 of title 5.”.

3 (c) REVISED TITLE 38 LOCALITY PAY AUTHOR-  
4 ITY.—Effective October 1, 2002, such section is further  
5 amended by inserting after subsection (d), as added by  
6 subsection (b) of this section, the following new sub-  
7 section:

8 “(e)(1) Whenever the Secretary determines that the  
9 rates of basic pay in effect for any grade of a covered posi-  
10 tion, as most recently adjusted under subsection (d), are  
11 inadequate in any area to recruit or retain high quality  
12 personnel at a Department health-care facility in that area  
13 for service in that position, the Secretary shall in accord-  
14 ance with this subsection adjust the rates of pay for em-  
15 ployees at that facility in that grade of that position.

16 “(2) An adjustment in rates of basic pay under this  
17 subsection for a grade shall be carried out by adjusting  
18 the minimum rate of basic pay for that grade in accord-  
19 ance with paragraph (3) and then adjusting the other  
20 rates for that grade to conform to the requirements of sub-  
21 section (c). Such an adjustment in the minimum rate of  
22 basic pay for a grade shall be made by the Secretary for  
23 employees of a Department health-care facility so as to  
24 achieve consistency with the rate of compensation for cor-  
25 responding health-care professionals with respect to that

1 grade in the Bureau of Labor Statistics labor-market area  
2 of that facility.

3       “(3)(A) In the case of a Department health-care fa-  
4 cility located in an area for which there is current informa-  
5 tion, based upon appropriate Bureau of Labor Statistics  
6 data for that survey area, on rates of compensation for  
7 corresponding health-care professionals for the Bureau of  
8 Labor Statistics survey or data area of that facility, the  
9 Secretary shall use that information as the basis for mak-  
10 ing adjustments in rates of pay under this subsection for  
11 that facility. Whenever the Bureau of Labor Statistics re-  
12 leases the results of a new appropriate wage survey for  
13 that labor market that includes information on rates of  
14 compensation for corresponding health-care professionals,  
15 the Secretary shall determine, not later than 30 days after  
16 the results of the survey are released, the amount of an  
17 adjustment in rates of pay for employees at that facility  
18 for any covered position necessary in order to meet the  
19 purposes of this section.

20       “(B) If the Secretary determines under subparagraph  
21 (A) that an adjustment described in that subparagraph  
22 is necessary, such adjustment, based upon the information  
23 determined in the survey under that subparagraph, shall  
24 take effect on the first day of the first pay period begin-  
25 ning after that determination.

1       “(4) An adjustment under this subsection may not  
2 reduce any rate of pay.

3       “(5) The Secretary shall prescribe regulations pro-  
4 viding for the adjustment of the rates of basic pay for  
5 Regional and Central Office employees in covered posi-  
6 tions in order to assure that those rates are sufficient and  
7 competitive.

8       “(6) In this subsection—

9           “(A) The term ‘rate of compensation’, with re-  
10 spect to health-care personnel positions in non-De-  
11 partment health-care facilities corresponding to a  
12 grade of a covered position, means the sum of—

13               “(i) the rate of pay established for per-  
14 sonnel in such positions who have education,  
15 training, and experience equivalent or similar to  
16 the education, training, and experience required  
17 for health-care personnel employed in the same  
18 category of Department covered positions; and

19               “(ii) other employees benefits for those po-  
20 sitions to the extent that those benefits are rea-  
21 sonably quantifiable.

22           “(B) The term ‘corresponding’, with respect to  
23 health care personnel in a specified grade of a cov-  
24 ered position in a Department health-care facility,  
25 means health-care personnel positions in non-De-

1       partment health-care facilities for which the edu-  
2       cation, training, and experience requirements are  
3       equivalent or similar to the education, training, and  
4       experience requirements for Department health care  
5       personnel in that grade of that covered position.”.

6       **SEC. 3. SAVINGS PROVISION.**

7       In the case of an employee of the Veterans Health  
8       Administration who on the day before the effective date  
9       for the amendment made by section 2(b) is receiving a  
10      rate of pay by reason of the second sentence of section  
11      7451(e) of title 38, United States Code, as in effect on  
12      that day, the provisions of the second and third sentences  
13      of that section, as in effect on that day, shall continue  
14      to apply to that employee, notwithstanding the amend-  
15      ment made by section 2(b).

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