

“(3) With respect to subsection (b)(2) of such section, not later than 18 months after the date of the enactment of this Act.”

AUDITS AND REPORTS

Pub. L. 117-328, div. U, title I, § 112(d), Dec. 29, 2022, 136 Stat. 5414, provided that:

“(1) AUDITS.—

“(A) IN GENERAL.—The Secretary of Veterans Affairs shall carry out annual audits of the compliance of medical centers of the Department of Veterans Affairs with the matters required by section 7414 of title 38, United States Code, as added by subsection (a).

“(B) CONDUCT OF AUDITS.—In carrying out audits under subparagraph (A), the Secretary—

“(i) may not authorize the medical center being audited to conduct the audit; and

“(ii) may enter into an agreement with another department or agency of the Federal Government or a nongovernmental entity to conduct such audits.

“(2) REPORTS.—

“(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 29, 2022], and annually thereafter for five years, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the audits conducted under paragraph (1).

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include a summary of the compliance by each medical center of the Department of Veterans Affairs with the matters required by section 7414 of title 38, United States Code, as added by subsection (a).

“(C) INITIAL REPORT.—The Secretary shall include in the first report submitted under subparagraph (A) the following:

“(i) A description of the progress made by the Secretary in implementing section 7414 of title 38, United States Code, as added by subsection (a), including any matters under such section that the Secretary has not fully implemented.

“(ii) An analysis of the feasibility, advisability, and cost of requiring credentialing employees of the Department to be trained by an outside entity and to maintain a credentialing certification.”

SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

§ 7421. Personnel administration: in general

(a) Notwithstanding any law, Executive order, or regulation, the Secretary shall prescribe by regulation the hours and conditions of employment and leaves of absence of employees appointed under any provision of this title in positions in the Veterans Health Administration listed in subsection (b).

(b) Subsection (a) refers to the following positions:

- (1) Physicians.
- (2) Dentists.
- (3) Podiatrists.
- (4) Optometrists.
- (5) Registered nurses.
- (6) Physician assistants.
- (7) Expanded-duty dental auxiliaries.
- (8) Chiropractors.

(9) Any position for which the employee is appointed under section 7306 or 7401(4) of this title.

(Added Pub. L. 102-40, title II, § 202, May 7, 1991, 105 Stat. 200; amended Pub. L. 108-170, title III, § 302(g), Dec. 6, 2003, 117 Stat. 2058; Pub. L.

117-168, title IX, § 906(c)(1), Aug. 10, 2022, 136 Stat. 1812.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 4108(a) of this title prior to the repeal of that section as part of the complete revision of chapter 73 of this title by Pub. L. 102-40.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-168, § 906(c)(1)(A), substituted “this title” for “this chapter”.

Subsec. (b)(9). Pub. L. 117-168, § 906(c)(1)(B), added par. (9).

2003—Subsec. (b)(8). Pub. L. 108-170 added par. (8).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-170 effective at end of 180-day period beginning on Dec. 6, 2003, see section 302(h) of Pub. L. 108-170, set out as a note under section 7316 of this title.

TREATMENT OF PRIOR LEAVE BALANCES

Pub. L. 117-168, title IX, § 906(c)(5), Aug. 10, 2022, 136 Stat. 1813, provided that: “Notwithstanding any other provision of law, the Secretary [of Veterans Affairs] may adjust the leave balance and carryover leave balance of any employee described in section 7421(b)(9) of title 38, United States Code, as amended by paragraph (1)(B), to ensure any leave accrued or carried over before the date of the enactment of this Act [Aug. 10, 2022] remains available to such employee.”

PRESERVATION OF EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS AND PENDING ACTIONS

Pub. L. 102-40, title II, § 205, May 7, 1991, 105 Stat. 207, provided that:

“(a) EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS.—Any determination under chapter 71 of title 5, United States Code, of a collective bargaining unit within the Veterans Health Administration of the Department of Veterans Affairs, and any recognition under that chapter of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit of the Department of Veterans Affairs, that is in effect on the date of the enactment of this Act [May 7, 1991] shall not be affected by the amendments made by this Act [see Tables for classification] and shall continue in effect in accordance with the terms of such determination or regulation.

“(b) PENDING CASES.—With respect to cases pending on the date of the enactment of this Act [May 7, 1991], or those cases which are brought before the establishment of either an administrative grievance procedure pursuant to section 7463 of title 38, United States Code (as added by the amendments made by this title), or a negotiated grievance procedure established under a collective bargaining agreement, such cases shall proceed in the same manner as they would have if this Act [see Tables for classification] had not been enacted.”

§ 7422. Collective bargaining

(a) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under section 7421 of this title is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations).