

103^D CONGRESS
2^D SESSION

S. 1534

**SENATE
AMENDMENTS TO
HOUSE AMENDMENTS**

In the Senate of the United States,

March 25 (legislative day, February 22), 1994.

Resolved, That the Senate agree to the amendments of the House of Representatives to the bill (S. 1534) entitled “An Act to amend title 38, United States Code, to repeal a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine” with the following

**SENATE AMENDMENTS TO
HOUSE AMENDMENTS:**

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

1 ***SECTION 1. MODIFICATION TO PHYSICIAN REQUIREMENT***
2 ***FOR CERTAIN SENIOR VETERANS HEALTH AD-***
3 ***MINISTRATION OFFICIALS.***

4 (a) *UNDER SECRETARY.*—Section 305 of title 38,
5 *United States Code, is amended—*

6 (1) *in subsection (a)(2), by striking out “shall be*
7 *a doctor of medicine and shall be” and inserting in*
8 *lieu thereof “shall (except as provided in subsection*
9 *(d)(1)) be a doctor of medicine. The Under Secretary*
10 *shall be”;*

11 (2) *in subsection (d)—*

12 (A) *by adding at the end of paragraph (1)*
13 *the following: “If at the time such a commission*

1 *is established both the position of Deputy Under*
2 *Secretary for Health and the position of Associ-*
3 *ate Deputy Under Secretary for Health are held*
4 *by individuals who are doctors of medicine, the*
5 *individual appointed by the President as Under*
6 *Secretary for Health may be someone who is not*
7 *a doctor of medicine. In any case, the Secretary*
8 *shall develop, and shall furnish to the commis-*
9 *sion, specific criteria which the commission shall*
10 *use in evaluating individuals for recommenda-*
11 *tions under paragraph (3).”;*

12 (B) *by redesignating paragraph (4) as*
13 *paragraph (5);*

14 (C) *by inserting after the first sentence of*
15 *paragraph (3) the following: “In a case in*
16 *which, pursuant to paragraph (1), the individ-*
17 *ual to be appointed as Under Secretary does not*
18 *have to be a doctor of medicine, the commission*
19 *may make recommendations without regard to*
20 *the requirement in subsection (a)(2)(A) that the*
21 *Under Secretary be appointed on the basis of*
22 *demonstrated ability in the medical profession.”;*
23 *and*

1 (D) by designating the sentence beginning
2 “The commission shall submit” as paragraph
3 (4).

4 (b) *DEPUTY AND ASSOCIATE DEPUTY UNDER SEC-*
5 *RETARY.*—Section 7306 of such title is amended—

6 (1) in subsection (a), by inserting “(except as
7 provided in subsection (c))” in paragraphs (1) and
8 (2) after “and who shall”;

9 (2) in subsection (c)—

10 (A) by inserting “(1)” after “(c)”; and

11 (B) by adding at the end the following:

12 “(2) If at the time of the appointment of the Deputy
13 Under Secretary for Health under subsection (a)(1), both
14 the position of Under Secretary for Health and the position
15 of Associate Deputy Under Secretary for Health are held
16 by individuals who are doctors of medicine, the individual
17 appointed as Deputy Under Secretary for Health may be
18 someone who is not a doctor of medicine.

19 “(3) If at the time of the appointment of the Associate
20 Deputy Under Secretary for Health under subsection (a)(2),
21 both the position of Under Secretary for Health and the
22 position of Deputy Under Secretary for Health are held by
23 individuals who are doctors of medicine, the individual ap-
24 pointed as Associate Deputy Under Secretary for Health
25 may be someone who is not a doctor of medicine.”.

1 **SEC. 2. REQUIREMENT RELATING TO MEMBERS OF COMMIS-**
2 **SION TO RECOMMEND APPOINTEES.**

3 *Section 305(d)(2) of title 38, United States Code, is*
4 *amended—*

5 *(1) by striking out “A commission” and insert-*
6 *ing in lieu thereof “(A) Subject to subparagraph (B),*
7 *a commission”;*

8 *(2) by redesignating subparagraphs (A), (B),*
9 *(C), (D), (E), and (F) as clauses (i), (ii), (iii), (iv),*
10 *(v), and (vi), respectively; and*

11 *(3) by adding at the end the following new sub-*
12 *paragraph (B):*

13 *“(B) Not less than five of the members of the commis-*
14 *sion shall be doctors of medicine.”.*

Amend the amendment of the House to the title so as to read: “An Act to amend title 38, United States Code, to allow one of the three senior officials in the Veterans Health Administration of the Department of Veterans Affairs to be an individual who is not a doctor of medicine, and for other purposes.”.

Attest:

Secretary.