

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4673
OFFERED BY MR. BOST OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Modernizing Veterans’
3 Health Care Eligibility Act”.

4 SEC. 2. COMMISSION ON ELIGIBILITY.

5 (a) ESTABLISHMENT OF COMMISSION.—

6 (1) IN GENERAL.—There is established a com-
7 mission, to be known as the “Commission on Eligi-
8 bility” (in this section referred to as the “Commis-
9 sion”), to examine eligibility for health care from the
10 Department of Veterans Affairs.

11 (2) MEMBERSHIP.—

12 (A) VOTING MEMBERS.—The Commission
13 shall be composed of 15 voting members who
14 are appointed as follows:

15 (i) Three members appointed by the
16 Speaker of the House of Representatives,
17 at least one of whom shall be a veteran.

1 (ii) Three members appointed by the
2 minority leader of the House of Represent-
3 atives, at least one of whom shall be a vet-
4 eran.

5 (iii) Three members appointed by the
6 majority leader of the Senate, at least one
7 of whom shall be a veteran.

8 (iv) Three members appointed by the
9 minority leader of the Senate, at least one
10 of whom shall be a veteran.

11 (v) Three members appointed by the
12 President, at least two of whom shall be
13 veterans.

14 (B) QUALIFICATIONS.—Of the members
15 appointed under subparagraph (A)—

16 (i) at least one member shall rep-
17 resent an organization recognized by the
18 Secretary of Veterans Affairs for the rep-
19 resentation of veterans under section 5902
20 of title 38, United States Code;

21 (ii) at least one member shall have ex-
22 perience as senior management for a pri-
23 vate integrated health care system with an
24 annual gross revenue of more than
25 \$50,000,000;

1 (iii) at least one member shall be fa-
2 miliar with government health care sys-
3 tems, including those systems of the De-
4 partment of Defense, the Indian Health
5 Service, or Federally-qualified health cen-
6 ters (as defined in section 1905(l)(2)(B) of
7 the Social Security Act (42 U.S.C.
8 1396d(l)(2)(B))); and

9 (iv) at least one member shall be fa-
10 miliar with the Veterans Health Adminis-
11 tration but shall not be currently employed
12 by the Veterans Health Administration.

13 (C) DATE.—The appointments of members
14 of the Commission shall be made not later than
15 one year after the date of the enactment of this
16 Act.

17 (3) PERIOD OF APPOINTMENT.—

18 (A) IN GENERAL.—Members shall be ap-
19 pointed for the life of the Commission.

20 (B) VACANCIES.—Any vacancy in the
21 Commission shall not affect its powers, but
22 shall be filled in the same manner as the origi-
23 nal appointment.

24 (4) INITIAL MEETING.—Not later than 15 days
25 after the date on which eight voting members of the

1 Commission have been appointed, the Commission
2 shall hold its first meeting.

3 (5) MEETINGS.—The Commission shall meet at
4 the call of the Chairperson.

5 (6) QUORUM.—A majority of the members of
6 the Commission shall constitute a quorum, but a
7 lesser number of members may hold hearings.

8 (7) CHAIRPERSON AND VICE CHAIRPERSON.—
9 The President shall designate a member of the com-
10 mission to serve as Chairperson of the Commission.
11 The Commission shall select a Vice Chairperson
12 from among its members.

13 (b) DUTIES OF COMMISSION.—

14 (1) EVALUATION AND ASSESSMENT.—The Com-
15 mission shall undertake a comprehensive evaluation
16 and assessment of eligibility to receive health care
17 from the Department of Veterans Affairs.

18 (2) MATTERS EVALUATED AND ASSESSED.—In
19 undertaking the comprehensive evaluation and as-
20 sessment required by paragraph (1), the Commission
21 shall evaluate and assess the following:

22 (A) General eligibility.

23 (B) Eligibility of veterans with service-con-
24 nected conditions.

1 (C) Eligibility of veterans with non-service-
2 connected conditions.

3 (D) Eligibility of veterans who have other
4 insurance or health care coverage (including
5 Medicare and TRICARE).

6 (E) Eligibility of veterans exposed to com-
7 bat.

8 (F) Eligibility of veterans exposed to toxic
9 substances or radiation.

10 (G) Eligibility of veterans with discharges
11 under conditions other than honorable.

12 (H) Eligibility for long-term care.

13 (I) Eligibility for mental health care.

14 (J) Assigned priority for care.

15 (K) Required copayments and other cost-
16 sharing mechanisms.

17 (L) Other matters the Commission deter-
18 mines appropriate.

19 (3) REPORTS.—The Commission shall submit
20 to the President, through the Secretary of Veterans
21 Affairs, reports as follows:

22 (A) Not later than 90 days after the date
23 of the initial meeting of the Commission, an in-
24 terim report on—

1 (i) the findings of the Commission
2 with respect to the evaluation and assess-
3 ment required by this subsection; and

4 (ii) such recommendations as the
5 Commission may have for legislative or ad-
6 ministrative action to revise and simplify
7 eligibility to receive health care from the
8 Department of Veterans Affairs.

9 (B) Not later than one year after the date
10 of the initial meeting of the Commission, a final
11 report on—

12 (i) the findings of the Commission
13 with respect to the evaluation and assess-
14 ment required by this subsection; and

15 (ii) such recommendations as the
16 Commission may have for legislative or ad-
17 ministrative action to revise and simplify
18 eligibility to receive health care from the
19 Department of Veterans Affairs.

20 (c) POWERS OF THE COMMISSION.—

21 (1) HEARINGS.—The Commission may hold
22 such hearings, sit and act at such times and places,
23 take such testimony, and receive such evidence as
24 the Commission considers advisable to carry out this
25 section.

1 (2) INFORMATION FROM FEDERAL AGENCIES.—

2 The Commission may secure directly from any Fed-
3 eral agency such information as the Commission
4 considers necessary to carry out this section. Upon
5 request of the Chairperson of the Commission, the
6 head of such agency shall furnish such information
7 to the Commission.

8 (d) COMMISSION PERSONNEL MATTERS.—

9 (1) COMPENSATION OF MEMBERS.—

10 (A) IN GENERAL.—Each member of the
11 Commission who is not an officer or employee
12 of the Federal Government shall be com-
13 pensated at a rate equal to the daily equivalent
14 of the annual rate of basic pay prescribed for
15 level IV of the Executive Schedule under section
16 5315 of title 5, United States Code, for each
17 day (including travel time) during which such
18 member is engaged in the performance of the
19 duties of the Commission.

20 (B) OFFICERS OR EMPLOYEES OF THE
21 UNITED STATES.—All members of the Commis-
22 sion who are officers or employees of the United
23 States shall serve without compensation in addi-
24 tion to that received for their services as offi-
25 cers or employees of the United States.

1 (2) TRAVEL EXPENSES.—The members of the
2 Commission shall be allowed travel expenses, includ-
3 ing per diem in lieu of subsistence, at rates author-
4 ized for employees of agencies under subchapter I of
5 chapter 57 of title 5, United States Code, while
6 away from their homes or regular places of business
7 in the performance of services for the Commission.

8 (3) STAFF.—

9 (A) IN GENERAL.—The Chairperson of the
10 Commission may, without regard to the civil
11 service laws and regulations, appoint and termi-
12 nate an executive director and such other addi-
13 tional personnel as may be necessary to enable
14 the Commission to perform its duties. The em-
15 ployment of an executive director shall be sub-
16 ject to confirmation by the Commission.

17 (B) COMPENSATION.—The Chairperson of
18 the Commission may fix the compensation of
19 the executive director and other personnel with-
20 out regard to chapter 51 and subchapter III of
21 chapter 53 of title 5, United States Code, relat-
22 ing to classification of positions and General
23 Schedule pay rates, except that the rate of pay
24 for the executive director and other personnel
25 may not exceed the rate payable for level V of

1 the Executive Schedule under section 5316 of
2 such title.

3 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

4 Any Federal Government employee may be detailed
5 to the Commission without reimbursement, and such
6 detail shall be without interruption or loss of civil
7 service status or privilege.

8 (5) PROCUREMENT OF TEMPORARY AND INTER-

9 MITTENT SERVICES.—The Chairperson of the Com-
10 mission may procure temporary and intermittent
11 services under section 3109(b) of title 5, United
12 States Code, at rates for individuals that do not ex-
13 ceed the daily equivalent of the annual rate of basic
14 pay prescribed for level V of the Executive Schedule
15 under section 5316 of such title.

16 (e) TERMINATION OF THE COMMISSION.—The Com-
17 mission shall terminate 30 days after the date on which
18 the Commission submits the report under subsection
19 (b)(3)(B).

20 (f) FUNDING.—The Secretary of Veterans Affairs
21 shall make available to the Commission from amounts ap-
22 propriated or otherwise made available to the Secretary
23 such amounts as the Secretary and the Chairperson of the
24 Commission jointly consider appropriate for the Commis-
25 sion to perform its duties under this section.

1 (g) EXECUTIVE ACTION.—

2 (1) ACTION ON RECOMMENDATIONS.—The
3 President shall require the Secretary of Veterans Af-
4 fairs and such other heads of relevant Federal de-
5 partments and agencies to implement each rec-
6 ommendation set forth in a report submitted under
7 subsection (b)(3) that the President—

8 (A) considers feasible and advisable; and

9 (B) determines can be implemented with-
10 out further legislative action.

11 (2) REPORTS.—Not later than 60 days after
12 the date on which the President receives a report
13 under subsection (b)(3), the President shall submit
14 to the Committees on Veterans' Affairs of the Sen-
15 ate and House of Representatives and such other
16 committees of Congress as the President considers
17 appropriate a report setting forth the following:

18 (A) An assessment of the feasibility and
19 advisability of each recommendation contained
20 in the report received by the President.

21 (B) For each recommendation assessed as
22 feasible and advisable under subparagraph (A)
23 the following:

24 (i) Whether such recommendation re-
25 quires legislative action.

1 (ii) If such recommendation requires
2 legislative action, a recommendation con-
3 cerning such legislative action.

4 (iii) A description of any administra-
5 tive action already taken to carry out such
6 recommendation.

7 (iv) A description of any administra-
8 tive action the President intends to be
9 taken to carry out such recommendation
10 and by whom.

Amend the title so as to read: “A bill to establish
an advisory commission regarding eligibility for health
care furnished by the Secretary of Veterans Affairs.”.

