

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

Add at the end the following:

1 **SEC. 12 ____. COMMISSION ON ELIGIBILITY.**

2 (a) ESTABLISHMENT OF COMMISSION.—

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

8 (2) MEMBERSHIP.—

9 (A) VOTING MEMBERS.—The Commission
10 shall be composed of 15 voting members who
11 are appointed as follows:

12 (i) Three members appointed by the
13 Speaker of the House of Representatives,
14 at least one of whom shall be a veteran.

15 (ii) Three members appointed by the
16 minority leader of the House of Represent-
17 atives, at least one of whom shall be a vet-
18 eran.

1 (iii) Three members appointed by the
2 majority leader of the Senate, at least one
3 of whom shall be a veteran.

4 (iv) Three members appointed by the
5 minority leader of the Senate, at least one
6 of whom shall be a veteran.

7 (v) Three members appointed by the
8 President, at least two of whom shall be
9 veterans.

10 (B) QUALIFICATIONS.—Of the members
11 appointed under subparagraph (A)—

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

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

22 (iii) at least one member shall be fa-
23 miliar with government health care sys-
24 tems, including those systems of the De-
25 partment of Defense, the Indian Health

1 Service, or Federally-qualified health cen-
2 ters (as defined in section 1905(l)(2)(B) of
3 the Social Security Act (42 U.S.C.
4 1396d(l)(2)(B))); and

5 (iv) at least one member shall be fa-
6 miliar with the Veterans Health Adminis-
7 tration but shall not be currently employed
8 by the Veterans Health Administration.

9 (C) DATE.—The appointments of members
10 of the Commission shall be made not later than
11 one year after the date of the enactment of this
12 Act.

13 (3) PERIOD OF APPOINTMENT.—

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

16 (B) VACANCIES.—Any vacancy in the
17 Commission shall not affect its powers, but
18 shall be filled in the same manner as the origi-
19 nal appointment.

20 (4) INITIAL MEETING.—Not later than 15 days
21 after the date on which eight voting members of the
22 Commission have been appointed, the Commission
23 shall hold its first meeting.

24 (5) MEETINGS.—The Commission shall meet at
25 the call of the Chairperson.

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

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

9 (b) DUTIES OF COMMISSION.—

10 (1) EVALUATION AND ASSESSMENT.—The Com-
11 mission shall undertake a comprehensive evaluation
12 and assessment of eligibility to receive health care
13 from the Department of Veterans Affairs.

14 (2) MATTERS EVALUATED AND ASSESSED.—In
15 undertaking the comprehensive evaluation and as-
16 sessment required by paragraph (1), the Commission
17 shall evaluate and assess the following:

18 (A) General eligibility.

19 (B) Eligibility of veterans with service-con-
20 nected conditions.

21 (C) Eligibility of veterans with non-service-
22 connected conditions.

23 (D) Eligibility of veterans who have other
24 insurance or health care coverage (including
25 Medicare and TRICARE).

1 (E) Eligibility of veterans exposed to com-
2 bat.

3 (F) Eligibility of veterans exposed to toxic
4 substances or radiation.

5 (G) Eligibility of veterans with discharges
6 under conditions other than honorable.

7 (H) Eligibility for long-term care.

8 (I) Eligibility for mental health care.

9 (J) Assigned priority for care.

10 (K) Required copayments and other cost-
11 sharing mechanisms.

12 (L) Other matters the Commission deter-
13 mines appropriate.

14 (3) REPORTS.—The Commission shall submit
15 to the President, through the Secretary of Veterans
16 Affairs, reports as follows:

17 (A) Not later than 90 days after the date
18 of the initial meeting of the Commission, an in-
19 terim report on—

20 (i) the findings of the Commission
21 with respect to the evaluation and assess-
22 ment required by this subsection; and

23 (ii) such recommendations as the
24 Commission may have for legislative or ad-
25 ministrative action to revise and simplify

1 eligibility to receive health care from the
2 Department of Veterans Affairs.

3 (B) Not later than one year after the date
4 of the initial meeting of the Commission, a final
5 report on—

6 (i) the findings of the Commission
7 with respect to the evaluation and assess-
8 ment required by this subsection; and

9 (ii) such recommendations as the
10 Commission may have for legislative or ad-
11 ministrative action to revise and simplify
12 eligibility to receive health care from the
13 Department of Veterans Affairs.

14 (c) POWERS OF THE COMMISSION.—

15 (1) HEARINGS.—The Commission may hold
16 such hearings, sit and act at such times and places,
17 take such testimony, and receive such evidence as
18 the Commission considers advisable to carry out this
19 section.

20 (2) INFORMATION FROM FEDERAL AGENCIES.—
21 The Commission may secure directly from any Fed-
22 eral agency such information as the Commission
23 considers necessary to carry out this section. Upon
24 request of the Chairperson of the Commission, the

1 head of such agency shall furnish such information
2 to the Commission.

3 (d) COMMISSION PERSONNEL MATTERS.—

4 (1) COMPENSATION OF MEMBERS.—

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

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

21 (2) TRAVEL EXPENSES.—The members of the
22 Commission shall be allowed travel expenses, includ-
23 ing per diem in lieu of subsistence, at rates author-
24 ized for employees of agencies under subchapter I of
25 chapter 57 of title 5, United States Code, while

1 away from their homes or regular places of business
2 in the performance of services for the Commission.

3 (3) STAFF.—

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

12 (B) COMPENSATION.—The Chairperson of
13 the Commission may fix the compensation of
14 the executive director and other personnel with-
15 out regard to chapter 51 and subchapter III of
16 chapter 53 of title 5, United States Code, relat-
17 ing to classification of positions and General
18 Schedule pay rates, except that the rate of pay
19 for the executive director and other personnel
20 may not exceed the rate payable for level V of
21 the Executive Schedule under section 5316 of
22 such title.

23 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
24 Any Federal Government employee may be detailed
25 to the Commission without reimbursement, and such

1 detail shall be without interruption or loss of civil
2 service status or privilege.

3 (5) PROCUREMENT OF TEMPORARY AND INTER-
4 MITTENT SERVICES.—The Chairperson of the Com-
5 mission may procure temporary and intermittent
6 services under section 3109(b) of title 5, United
7 States Code, at rates for individuals that do not ex-
8 ceed the daily equivalent of the annual rate of basic
9 pay prescribed for level V of the Executive Schedule
10 under section 5316 of such title.

11 (e) TERMINATION OF THE COMMISSION.—The Com-
12 mission shall terminate 30 days after the date on which
13 the Commission submits the report under subsection
14 (b)(3)(B).

15 (f) EXECUTIVE ACTION.—

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

22 (A) considers feasible and advisable; and

23 (B) determines can be implemented with-
24 out further legislative action.

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

8 (A) An assessment of the feasibility and
9 advisability of each recommendation contained
10 in the report received by the President.

11 (B) For each recommendation assessed as
12 feasible and advisable under subparagraph (A)
13 the following:

14 (i) Whether such recommendation re-
15 quires legislative action.

16 (ii) If such recommendation requires
17 legislative action, a recommendation con-
18 cerning such legislative action.

19 (iii) A description of any administra-
20 tive action already taken to carry out such
21 recommendation.

22 (iv) A description of any administra-
23 tive action the President intends to be
24 taken to carry out such recommendation
25 and by whom.

1 (g) FUNDING.—Of the amounts available for the De-
2 partment of Veterans Affairs under this title, \$5,000,000
3 shall be available to carry out this section.

