

118TH CONGRESS  
1ST SESSION

# H. R. 754

To establish an advisory commission regarding eligibility for health care furnished by the Secretary of Veterans Affairs.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. BOST introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To establish an advisory commission regarding eligibility for health care furnished by the Secretary of Veterans Affairs.

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 “Modernizing Veterans’  
5 Health Care Eligibility Act”.

6 **SEC. 2. COMMISSION ON ELIGIBILITY.**

7 (a) ESTABLISHMENT OF COMMISSION.—

8 (1) IN GENERAL.—There is established a com-  
9 mission, to be known as the “Commission on Eligi-  
10 bility” (in this section referred to as the “Commis-

1 sion”), to examine eligibility for health care from the  
2 Department of Veterans Affairs.

3 (2) MEMBERSHIP.—

4 (A) VOTING MEMBERS.—The Commission  
5 shall be composed of 15 voting members who  
6 are appointed as follows:

7 (i) Three members appointed by the  
8 Speaker of the House of Representatives,  
9 at least one of whom shall be a veteran.

10 (ii) Three members appointed by the  
11 minority leader of the House of Represent-  
12 atives, at least one of whom shall be a vet-  
13 eran.

14 (iii) Three members appointed by the  
15 majority leader of the Senate, at least one  
16 of whom shall be a veteran.

17 (iv) Three members appointed by the  
18 minority leader of the Senate, at least one  
19 of whom shall be a veteran.

20 (v) Three members appointed by the  
21 President, at least two of whom shall be  
22 veterans.

23 (B) QUALIFICATIONS.—Of the members  
24 appointed under subparagraph (A)—

1 (i) at least one member shall rep-  
2 resent an organization recognized by the  
3 Secretary of Veterans Affairs for the rep-  
4 resentation of veterans under section 5902  
5 of title 38, United States Code;

6 (ii) at least one member shall have ex-  
7 perience as senior management for a pri-  
8 vate integrated health care system with an  
9 annual gross revenue of more than  
10 \$50,000,000;

11 (iii) at least one member shall be fa-  
12 miliar with government health care sys-  
13 tems, including those systems of the De-  
14 partment of Defense, the Indian Health  
15 Service, or Federally-qualified health cen-  
16 ters (as defined in section 1905(l)(2)(B) of  
17 the Social Security Act (42 U.S.C.  
18 1396d(l)(2)(B))); and

19 (iv) at least one member shall be fa-  
20 miliar with the Veterans Health Adminis-  
21 tration but shall not be currently employed  
22 by the Veterans Health Administration.

23 (C) DATE.—The appointments of members  
24 of the Commission shall be made not later than

1           one year after the date of the enactment of this  
2           Act.

3           (3) PERIOD OF APPOINTMENT.—

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

6                 (B) VACANCIES.—Any vacancy in the  
7           Commission shall not affect its powers, but  
8           shall be filled in the same manner as the origi-  
9           nal appointment.

10           (4) INITIAL MEETING.—Not later than 15 days  
11           after the date on which eight voting members of the  
12           Commission have been appointed, the Commission  
13           shall hold its first meeting.

14           (5) MEETINGS.—The Commission shall meet at  
15           the call of the Chairperson.

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

19           (7) CHAIRPERSON AND VICE CHAIRPERSON.—  
20           The President shall designate a member of the com-  
21           mission to serve as Chairperson of the Commission.  
22           The Commission shall select a Vice Chairperson  
23           from among its members.

24           (b) DUTIES OF COMMISSION.—

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

5           (2) MATTERS EVALUATED AND ASSESSED.—In  
6 undertaking the comprehensive evaluation and as-  
7 sessment required by paragraph (1), the Commission  
8 shall evaluate and assess the following:

9                   (A) General eligibility.

10                   (B) Eligibility of veterans with service-con-  
11 nected conditions.

12                   (C) Eligibility of veterans with non-service-  
13 connected conditions.

14                   (D) Eligibility of veterans who have other  
15 insurance or health care coverage (including  
16 Medicare and TRICARE).

17                   (E) Eligibility of veterans exposed to com-  
18 bat.

19                   (F) Eligibility of veterans exposed to toxic  
20 substances or radiation.

21                   (G) Eligibility of veterans with discharges  
22 under conditions other than honorable.

23                   (H) Eligibility for long-term care.

24                   (I) Eligibility for mental health care.

25                   (J) Assigned priority for care.

1           (K) Required copayments and other cost-  
2           sharing mechanisms.

3           (L) Other matters the Commission deter-  
4           mines appropriate.

5           (3) REPORTS.—The Commission shall submit  
6           to the President, through the Secretary of Veterans  
7           Affairs, reports as follows:

8           (A) Not later than 90 days after the date  
9           of the initial meeting of the Commission, an in-  
10          terim report on—

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

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

19           (B) Not later than one year after the date  
20           of the initial meeting of the Commission, a final  
21           report on—

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

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

6           (c) POWERS OF THE COMMISSION.—

7                   (1) HEARINGS.—The Commission may hold  
8                   such hearings, sit and act at such times and places,  
9                   take such testimony, and receive such evidence as  
10                  the Commission considers advisable to carry out this  
11                  section.

12                  (2) INFORMATION FROM FEDERAL AGENCIES.—

13                  The Commission may secure directly from any Fed-  
14                  eral agency such information as the Commission  
15                  considers necessary to carry out this section. Upon  
16                  request of the Chairperson of the Commission, the  
17                  head of such agency shall furnish such information  
18                  to the Commission.

19           (d) COMMISSION PERSONNEL MATTERS.—

20                   (1) COMPENSATION OF MEMBERS.—

21                           (A) IN GENERAL.—Each member of the  
22                           Commission who is not an officer or employee  
23                           of the Federal Government shall be com-  
24                           pensated at a rate equal to the daily equivalent  
25                           of the annual rate of basic pay prescribed for

1 level IV of the Executive Schedule under section  
2 5315 of title 5, United States Code, for each  
3 day (including travel time) during which such  
4 member is engaged in the performance of the  
5 duties of the Commission.

6 (B) OFFICERS OR EMPLOYEES OF THE  
7 UNITED STATES.—All members of the Commis-  
8 sion who are officers or employees of the United  
9 States shall serve without compensation in addi-  
10 tion to that received for their services as offi-  
11 cers or employees of the United States.

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

19 (3) STAFF.—

20 (A) IN GENERAL.—The Chairperson of the  
21 Commission may, without regard to the civil  
22 service laws and regulations, appoint and termi-  
23 nate an executive director and such other addi-  
24 tional personnel as may be necessary to enable  
25 the Commission to perform its duties. The em-



1           employment of an executive director shall be sub-  
2           ject to confirmation by the Commission.

3           (B) COMPENSATION.—The Chairperson of  
4           the Commission may fix the compensation of  
5           the executive director and other personnel with-  
6           out regard to chapter 51 and subchapter III of  
7           chapter 53 of title 5, United States Code, relat-  
8           ing to classification of positions and General  
9           Schedule pay rates, except that the rate of pay  
10          for the executive director and other personnel  
11          may not exceed the rate payable for level V of  
12          the Executive Schedule under section 5316 of  
13          such title.

14          (4) DETAIL OF GOVERNMENT EMPLOYEES.—  
15          Any Federal Government employee may be detailed  
16          to the Commission without reimbursement, and such  
17          detail shall be without interruption or loss of civil  
18          service status or privilege.

19          (5) PROCUREMENT OF TEMPORARY AND INTER-  
20          MITTENT SERVICES.—The Chairperson of the Com-  
21          mission may procure temporary and intermittent  
22          services under section 3109(b) of title 5, United  
23          States Code, at rates for individuals that do not ex-  
24          ceed the daily equivalent of the annual rate of basic

1 pay prescribed for level V of the Executive Schedule  
2 under section 5316 of such title.

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

7 (f) FUNDING.—The Secretary of Veterans Affairs  
8 shall make available to the Commission from amounts ap-  
9 propriated or otherwise made available to the Secretary  
10 such amounts as the Secretary and the Chairperson of the  
11 Commission jointly consider appropriate for the Commis-  
12 sion to perform its duties under this section.

13 (g) EXECUTIVE ACTION.—

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

20 (A) considers feasible and advisable; and

21 (B) determines can be implemented with-  
22 out further legislative action.

23 (2) REPORTS.—Not later than 60 days after  
24 the date on which the President receives a report  
25 under subsection (b)(3), the President shall submit

1 to the Committees on Veterans' Affairs of the Sen-  
2 ate and House of Representatives and such other  
3 committees of Congress as the President considers  
4 appropriate a report setting forth the following:

5 (A) An assessment of the feasibility and  
6 advisability of each recommendation contained  
7 in the report received by the President.

8 (B) For each recommendation assessed as  
9 feasible and advisable under subparagraph (A)  
10 the following:

11 (i) Whether such recommendation re-  
12 quires legislative action.

13 (ii) If such recommendation requires  
14 legislative action, a recommendation con-  
15 cerning such legislative action.

16 (iii) A description of any administra-  
17 tive action already taken to carry out such  
18 recommendation.

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

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