

118TH CONGRESS
1ST SESSION

S. 2757

To limit the Secretary of Veterans Affairs from modifying the rate of payment or reimbursement for transportation of veterans or other individuals via special modes of transportation under the laws administered by the Secretary, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2023

Mr. TESTER (for himself, Mr. MORAN, Mrs. MURRAY, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To limit the Secretary of Veterans Affairs from modifying the rate of payment or reimbursement for transportation of veterans or other individuals via special modes of transportation under the laws administered by the Secretary, and for other purposes.

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 “VA Emergency Trans-
5 portation Access Act”.

1 **SEC. 2. LIMITATION ON MODIFICATION OF RATE OF PAY-**
2 **MENT OR REIMBURSEMENT FOR TRANSPOR-**
3 **TATION OF VETERANS OR OTHER INDIVID-**
4 **UALS VIA SPECIAL MODES OF TRANSPOR-**
5 **TATION.**

6 (a) IN GENERAL.—Except as provided in subsection

7 (b)—

8 (1) the rate of payment or reimbursement for
9 transportation of a veteran or other individual via a
10 special mode of transportation under the laws ad-
11 ministered by the Secretary of Veterans Affairs on
12 or after January 1, 2023, shall be the rate in effect
13 as of such date; and

14 (2) the Secretary may not modify any such rate
15 on or after the date of the enactment of this Act.

16 (b) EXCEPTIONS.—

17 (1) INCREASE OF RATE.—The Secretary may
18 modify the rate of payment or reimbursement for
19 transportation of a veteran or other individual via a
20 special mode of transportation under the laws ad-
21 ministered by the Secretary if such a change would
22 increase such rate of payment or reimbursement.

23 (2) DECREASE OF RATE.—

24 (A) REVIEW AND DEVELOPMENT OF PROC-
25 ESS.—The Secretary may decrease the rate of
26 payment or reimbursement for transportation of

1 a veteran or other individual via a special mode
2 of transportation under the laws administered
3 by the Secretary if the following requirements
4 are met before the effective date of such de-
5 crease:

6 (i) The Secretary conducts a thorough
7 review and analysis of such decrease with
8 respect to the following:

9 (I) The economic impact of such
10 decrease on the Department.

11 (II) The economic impact of such
12 decrease on the appropriate industry
13 associated with the special mode of
14 transportation or special modes of
15 transportation in question.

16 (III) The impact of such decrease
17 on access to care for veterans.

18 (ii) The Secretary develops a formal
19 process for updating such rate of payment
20 or reimbursement that would protect or ex-
21 pand the current level of access reviewed
22 and analyzed under clause (i)(III).

23 (iii) The Secretary conducts the re-
24 view and analysis under clause (i) and de-
25 velops the process under clause (ii) in con-

1 sultation with a committee comprised of
2 representation from the following:

3 (I) Relevant industry experts.

4 (II) The Centers for Medicare &
5 Medicaid Services.

6 (III) Appropriate subject matter
7 experts of the Department of Vet-
8 erans Affairs in the areas of transpor-
9 tation, access to care, integrated vet-
10 eran care, rural veterans, native vet-
11 erans, and any other areas as deter-
12 mined appropriate by the Secretary.

13 (IV) Veterans service organiza-
14 tions.

15 (iv) The Secretary confirms that the
16 new rate reflects, at a minimum, the actual
17 costs of transportation.

18 (B) ADDITIONAL REQUIREMENTS BEFORE
19 RATE DECREASE.—If a decrease permitted
20 under subparagraph (A) to the rate of payment
21 or reimbursement for transportation of a vet-
22 eran or other individual via a special mode of
23 transportation under the laws administered by
24 the Secretary would allow for the establishment
25 of a contracted rate different from the estab-

1 lished rate of the Department, not later than
2 two years before the effective date of such
3 change, the Secretary shall—

4 (i) establish a template and standard-
5 ized process for such contracts and submit
6 such template and standardized process to
7 Congress for feedback; and

8 (ii) issue guidance regarding such
9 template and standardized process across
10 appropriate entities within the Department
11 and across the industry associated with the
12 special mode of transportation or special
13 modes of transportation covered by such
14 contract.

15 (c) DEFINITIONS.—In this section:

16 (1) SPECIAL MODE OF TRANSPORTATION.—The
17 term “special mode of transportation” has the
18 meaning given that term in section 70.2 of title 38,
19 Code of Federal Regulations, or successor regula-
20 tions.

21 (2) VETERANS SERVICE ORGANIZATION.—The
22 term “veterans service organization” means any or-
23 ganization recognized by the Secretary of Veterans

- 1 Affairs for the representation of veterans under sec-
- 2 tion 5902 of title 38, United States Code.

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