

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO**  
**RULES COMMITTEE PRINT 117-26**  
**OFFERED BY MR. BOST OF ILLINOIS**

Page 1, strike line 1 and all that follows 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.

