

118TH CONGRESS
2D SESSION

S. 5269

To amend title 38, United States Code, to establish a commission to review operations at the Veterans Health Administration and submit to Congress reports with respect to that review, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. CASSIDY (for himself and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish a commission to review operations at the Veterans Health Administration and submit to Congress reports with respect to that review, 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 “VetPAC Act of 2024”.

1 **SEC. 2. ESTABLISHMENT OF VETERANS HEALTH ADMINIS-**
 2 **TRATION POLICY ADVISORY COMMISSION.**

3 (a) IN GENERAL.—Subchapter I of chapter 73 of title
 4 38, United States Code, is amended by adding at the end
 5 the following new section:

6 **“§ 7310B. Veterans Health Administration Policy Ad-**
 7 **visory Commission**

8 “(a) ESTABLISHMENT.—There is established the Vet-
 9 erans Health Administration Policy Advisory Commission
 10 (in this section referred to as the ‘Commission’).

11 “(b) MEMBERSHIP.—

12 “(1) COMPOSITION.—The Commission shall be
 13 composed of 17 members appointed by the Comp-
 14 troller General of the United States, of which not
 15 fewer than 2 shall be veterans.

16 “(2) QUALIFICATIONS.—

17 “(A) IN GENERAL.—An individual is eligi-
 18 ble for appointment to the Commission under
 19 paragraph (1) if the individual has significant
 20 expertise in operating or advising large medical
 21 systems, including expertise in quality of care,
 22 staffing issues, information technology, artificial
 23 intelligence in health care, medical supply
 24 chains, procurement of medical supplies, med-
 25 ical facility construction or leasing, medical fa-

1 cility architecture or engineering, medical re-
2 search, and managed care plans and networks.

3 “(B) EXPERIENCE OF MEMBERS.—In ap-
4 pointing members under paragraph (1), the
5 Comptroller General shall select individuals
6 from backgrounds that reflect the broad diver-
7 sity of health care received by veterans, includ-
8 ing nonprofit health systems, public and private
9 health systems, care furnished by the Veterans
10 Health Administration, and care furnished by
11 the Department of Defense.

12 “(3) ETHICAL DISCLOSURE.—A member of the
13 Commission shall be considered an employee of Con-
14 gress whose compensation is disbursed by the Sec-
15 retary of the Senate for purposes of applying sub-
16 chapter I of chapter 131 of title 5, United States
17 Code, except that a member of the Commission is
18 required to file public financial disclosure reports
19 without regard to their number of days of service or
20 rate of pay.

21 “(c) PERIOD OF APPOINTMENT; VACANCIES.—

22 “(1) TERMS.—A member of the Commission
23 shall be appointed under subsection (b)(1) for a
24 term of 5 years, except that the Comptroller General

1 shall designate staggered terms for the members
2 first appointed.

3 “(2) VACANCIES.—

4 “(A) IN GENERAL.—A vacancy on the
5 Commission shall be filled in the manner in
6 which the original appointment was made and
7 shall be subject to any conditions that applied
8 with respect to the original appointment.

9 “(B) FILLING UNEXPIRED TERM.—An in-
10 dividual chosen to fill a vacancy shall be ap-
11 pointed for the unexpired term of the member
12 replaced.

13 “(3) EXPIRATION OF TERMS.—The term of any
14 member shall not expire before the date on which
15 the member’s successor takes office.

16 “(d) MEETINGS.—

17 “(1) FREQUENCY.—The Commission shall meet
18 at the call of the Chairman, but not less frequently
19 than once per year.

20 “(2) QUORUM.—A majority of the members of
21 the Commission shall constitute a quorum, but a
22 lesser number of members may hold meetings.

23 “(e) CHAIRMAN AND VICE CHAIRMAN.—The Comp-
24 troller General shall designate one member of the Commis-
25 sion as Chairman and one member of the Commission as

1 Vice Chairman, at the time of appointment of such mem-
2 ber and for the term of appointment of such member, ex-
3 cept that in the case of vacancy of the Chairmanship or
4 Vice Chairmanship, the Comptroller General may des-
5 ignate another member for the remainder of that mem-
6 ber's term.

7 “(f) DUTIES OF THE COMMISSION.—

8 “(1) REVIEW.—The Commission shall—

9 “(A) review operations at the Veterans
10 Health Administration; and

11 “(B) prepare reports for Congress based
12 on such review, including recommendations to
13 Congress.

14 “(2) TOPICS TO BE REVIEWED.—In conducting
15 a review under paragraph (1)(A), the Commission
16 shall include periodic reviews of the following, taking
17 into consideration other independent assessments in
18 selecting topics to limit duplicative efforts:

19 “(A) Information technology infrastructure
20 at medical facilities of the Department, includ-
21 ing with respect to electronic health record sys-
22 tems.

23 “(B) Referrals to care at facilities of the
24 Department and under the Veterans Commu-

1 nity Care Program under section 1703 of this
2 title, and factors impacting those referrals.

3 “(C) Access and wait times at medical fa-
4 cilities of the Department and under the Vet-
5 erans Community Care Program, including both
6 primary and specialty care, and factors impact-
7 ing those wait times.

8 “(D) The quality of health care furnished
9 by the Department and through the Veterans
10 Community Care Program.

11 “(E) Workforce issues, including workforce
12 performance, recruitment, and retention fac-
13 tors.

14 “(F) Patient satisfaction and customer
15 service at medical facilities of the Department
16 and through the Veterans Community Care
17 Program.

18 “(G) The training of health care providers
19 and the standards of care at facilities of the
20 Department and in the Veterans Community
21 Care Program.

22 “(H) The long-term budgetary outlook of
23 the Veterans Health Administration, as well as
24 key components driving budgetary changes over
25 time.

1 “(I) Procurement of supplies at medical fa-
2 cilities of the Department.

3 “(J) The research program of the Depart-
4 ment, including both internal and external re-
5 search.

6 “(K) Hospital construction, leasing, and
7 capital requirements.

8 “(L) The interaction of care under the
9 Medicare program under title XVIII of the So-
10 cial Security Act (42 U.S.C. 1395 et seq.), the
11 Medicaid program under title XIX of such Act
12 (42 U.S.C. 1396 et seq.), the TRICARE pro-
13 gram under chapter 55 of title 10, and commer-
14 cial health care plans with care furnished by the
15 Veterans Health Administration.

16 “(3) ISSUES REGARDING VETERAN HEALTH
17 CARE DELIVERY GENERALLY.—In carrying out the
18 requirements of this subsection, the Commission
19 shall review the effect of policies under this title on
20 the delivery of health care services to veterans and
21 assess the implications of changes in health care de-
22 livery for veterans in the United States.

23 “(4) TRANSMITTAL OF CERTAIN REPORTS.—If
24 the Secretary or the Inspector General of the De-
25 partment of Veterans Affairs submits to Congress

1 (or a committee of Congress) a report that is re-
2 quired by law and that relates to policies for health
3 care furnished under the laws administered by the
4 Secretary, the Secretary shall transmit a copy of
5 that report to the Commission.

6 “(5) CONSULTATION AND ADDITIONAL REVIEWS
7 AND STUDIES.—

8 “(A) CONSULTATION.—In carrying out the
9 requirements of this subsection, the Commis-
10 sion shall consult periodically with the chairmen
11 and ranking members of the Committee on Vet-
12 erans’ Affairs of the Senate and the Committee
13 on Veterans’ Affairs of the House of Represent-
14 atives regarding the agenda of the Commission
15 and progress towards achieving that agenda.

16 “(B) ADDITIONAL REVIEWS AND RE-
17 PORTS.—The Commission may conduct addi-
18 tional reviews, and may submit additional re-
19 ports to the Committee on Veterans’ Affairs of
20 the Senate and the Committee on Veterans’ Af-
21 fairs of the House of Representatives, from
22 time to time on such topics relating to the ac-
23 tivities of the Commission as may be requested
24 by the Chairman and members and as the Com-
25 mission determines appropriate.

1 “(C) SPECIAL STUDIES.—The Commission
2 may conduct special studies requested by the
3 chairman or ranking member of the Committee
4 on Veterans’ Affairs of the Senate or the Com-
5 mittee on Veterans’ Affairs of the House of
6 Representatives and as the Commission deter-
7 mines appropriate.

8 “(6) BUDGETARY CONSIDERATIONS.—Before
9 making any recommendations to Congress, the Com-
10 mission shall examine the budget consequences of
11 such recommendations, directly or through consulta-
12 tion with appropriate expert entities.

13 “(7) REPORT.—

14 “(A) IN GENERAL.—By not later than
15 March 15 of each year, the Commission shall
16 submit to Congress a report containing the re-
17 sults and recommendations from the review
18 conducted under paragraph (1).

19 “(B) INCLUSION OF RECOMMENDA-
20 TIONS.—A recommendation may be included in
21 a report under subparagraph (A) if a simple
22 majority of the members of the Commission
23 vote to include the recommendation in the re-
24 port.

25 “(g) POWERS OF COMMISSION.—

1 “(1) IN GENERAL.—The Commission may—

2 “(A) employ and fix the compensation of
3 an Executive Director (at a rate of pay not
4 greater than that provided for level III of the
5 Executive Schedule under section 5314 of title
6 5) and such other personnel as may be nec-
7 essary to carry out the duties of the Commis-
8 sion, without regard to the provisions of title 5
9 governing appointments in the competitive serv-
10 ice;

11 “(B) seek such assistance and support as
12 may be required in the performance of its du-
13 ties from appropriate departments and agencies
14 of the United States or departments or agencies
15 of a State;

16 “(C) enter into contracts or make other ar-
17 rangements, as may be necessary for the con-
18 duct of the work of the Commission (without
19 regard to section 3709 of the Revised Statutes
20 (41 U.S.C. 5));

21 “(D) make advance, progress, and other
22 payments that relate to the work of the Com-
23 mission;

1 “(E) provide transportation and subsist-
2 ence for individuals serving the Commission
3 without compensation; and

4 “(F) prescribe such rules and regulations
5 as the Commission determines necessary with
6 respect to the internal organization and oper-
7 ation of the Commission.

8 “(2) DATA COLLECTION.—In order to carry out
9 its functions, the Commission shall—

10 “(A) utilize existing information, both pub-
11 lished and unpublished, if possible, collected
12 and assessed either by its own staff or under
13 other arrangements made in accordance with
14 this section;

15 “(B) carry out, or award grants or con-
16 tracts for, original research and experimen-
17 tation, if existing information is inadequate;
18 and

19 “(C) adopt procedures allowing any inter-
20 ested party to submit information for use by
21 the Commission in making reports and rec-
22 ommendations.

23 “(3) INFORMATION FROM FEDERAL AGEN-
24 CIES.—

1 “(A) IN GENERAL.—The Commission may
2 secure directly from any relevant department or
3 agency of the United States health care infor-
4 mation the Chairman determines would be help-
5 ful to enable the Commission to carry out this
6 section.

7 “(B) TIMING.—Upon request of the Chair-
8 man, the head of a department or agency of the
9 United States shall furnish information re-
10 quested under subparagraph (A) to the Com-
11 mission on an agreed upon schedule or not later
12 than 180 days after the date of the request.

13 “(h) COMPENSATION.—

14 “(1) MEMBERS.—

15 “(A) IN GENERAL.—While conducting the
16 business of the Commission (including travel
17 time), a member of the Commission shall be en-
18 titled to compensation at the per diem equiva-
19 lent of the rate provided for level IV of the Ex-
20 ecutive Schedule under section 5315 of title 5.

21 “(B) TRAVEL EXPENSES.—While con-
22 ducting the business of the Commission away
23 from home and the regular place of business of
24 the member, a member may be allowed travel
25 expenses, as authorized by the Chairman.

1 “(2) PHYSICIAN COMPARABILITY ALLOWANCE
2 FOR PERSONNEL.—The Commission may provide a
3 physician comparability allowance to physicians serv-
4 ing as personnel of the Commission in the same
5 manner as physicians of the Federal Government
6 may be provided such an allowance by an agency
7 under section 5948 of title 5, and for such purpose,
8 subsection (i) of such section shall apply to the Com-
9 mission in the same manner as it applies to the Ten-
10 nessee Valley Authority.

11 “(3) TREATMENT OF PERSONNEL.—For pur-
12 poses of pay (other than pay of members of the
13 Commission) and employment benefits, rights, and
14 privileges, all personnel of the Commission shall be
15 treated as if they were employees of the United
16 States Senate.

17 “(i) DETAIL OF FEDERAL EMPLOYEES.—An em-
18 ployee of the Federal Government may be detailed to the
19 Commission without reimbursement and without interrup-
20 tion or loss of civil service status or privileges.

21 “(j) ACCESS OF CONGRESSIONAL SUPPORT AGEN-
22 CIES TO INFORMATION.—The Commission shall provide to
23 the Comptroller General, the Congressional Research
24 Service, and the Congressional Budget Office unrestricted
25 access to all deliberations, records, and nonproprietary

1 data of the Commission not later than 30 days after such
2 access is requested.

3 “(k) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) REQUEST FOR APPROPRIATIONS.—The
5 Commission shall submit requests for appropriations
6 in the same manner as the Comptroller General sub-
7 mits requests for appropriations, but amounts ap-
8 propriated for the Commission shall be separate
9 from amounts appropriated for the Comptroller Gen-
10 eral.

11 “(2) AUTHORIZATION.—There are authorized to
12 be appropriated such sums as may be necessary to
13 carry out this section.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by inserting
16 after the item relating to section 7310A the following new
17 item:

“7310B. Veterans Health Administration Policy Advisory Commission.”.

18 (c) INITIAL APPOINTMENT.—Not later than 280 days
19 after the date on which amounts are first appropriated
20 to the Veterans Health Administration Policy Advisory
21 Commission established under section 7310B of title 38,
22 United States Code, as added by subsection (a), the
23 Comptroller General of the United States shall make ini-

1 tial appointments of members to the Commission under
2 subsection (b)(1) of such section.

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