118TH CONGRESS
1ST Session

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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

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

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”.
SEC. 2. LIMITATION ON MODIFICATION OF RATE OF PAYMENT OR REIMBURSEMENT FOR TRANSPORTATION OF VETERANS OR OTHER INDIVIDUALS VIA SPECIAL MODES OF TRANSPORTATION.

(a) In General.—Except as provided in subsection (b)—

(1) the rate of payment or reimbursement for transportation of a veteran or other individual via a special mode of transportation under the laws administered by the Secretary of Veterans Affairs on or after January 1, 2023, shall be the rate in effect as of such date; and

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

(b) Exceptions.—

(1) Increase of Rate.—The Secretary may modify the rate of payment or reimbursement for transportation of a veteran or other individual via a special mode of transportation under the laws administered by the Secretary if such a change would increase such rate of payment or reimbursement.

(2) Decrease of Rate.—

(A) Review and Development of Process.—The Secretary may decrease the rate of payment or reimbursement for transportation of
a veteran or other individual via a special mode of transportation under the laws administered by the Secretary if the following requirements are met before the effective date of such decrease:

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

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

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

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

(ii) The Secretary develops a formal process for updating such rate of payment or reimbursement that would protect or expand the current level of access reviewed and analyzed under clause (i)(III).

(iii) The Secretary conducts the review and analysis under clause (i) and develops the process under clause (ii) in con-
sultation with a committee comprised of
representation from the following:

(I) Relevant industry experts.

(II) The Centers for Medicare &
Medicaid Services.

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

(IV) Veterans service organiza-
tions.

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

(B) ADDITIONAL REQUIREMENTS BEFORE
rate decrease.—If a decrease permitted
under subparagraph (A) to the rate of payment
or reimbursement for transportation of a vet-
eran or other individual via a special mode of
transportation under the laws administered by
the Secretary would allow for the establishment
of a contracted rate different from the estab-
lished rate of the Department, not later than
two years before the effective date of such
change, the Secretary shall—

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

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

(c) Definitions.—In this section:

(1) Special mode of transportation.—The
term “special mode of transportation” has the
meaning given that term in section 70.2 of title 38,
Code of Federal Regulations, or successor regula-
tions.

(2) Veterans service organization.—The
term “veterans service organization” means any or-
ganization recognized by the Secretary of Veterans
Affairs for the representation of veterans under sec-
tion 5902 of title 38, United States Code.