

107TH CONGRESS
2D SESSION

H. R. 5533

To provide for reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2002

Mr. BACA (for himself, Mr. ACEVEDO-VILÁ, Mrs. NAPOLITANO, Mr. ROHR-ABACHER, Mr. HINOJOSA, Mr. CUMMINGS, Mr. BERRY, and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide for reduction in the backlog of claims for benefits pending with the Department 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 “Department of Vet-
5 erans Affairs Claims Backlog Reduction Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) There are over 25,000,000 honorably dis-
2 charged veterans of the Armed Forces of the United
3 States.

4 (2) There are over 500,000 veterans who have
5 claims pending with the Department of Veterans Af-
6 fairs for veterans' benefits, and approximately
7 100,000 of such claims are over one year old without
8 resolution.

9 (3) The Nation's veterans are dying at a rate
10 of over 1,000 veterans a day.

11 (4) It is the responsibility of the United States
12 Government to live up to the promises to the Na-
13 tion's veterans that were made and accepted.

14 (5) The National Association of County Vet-
15 erans Service Officers is an organization that in-
16 cludes approximately 2,400 full-time employees and
17 whose members are present in 37 States.

18 (6) Members of the National Association of
19 County Veterans Service Officers stand ready to
20 partner with the Department of Veterans Affairs in
21 order to eliminate the backlog of claims for veterans'
22 benefits.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) The term “claimant” means an individual
2 applying for, or submitting a claim for, any benefit
3 under the laws administered by the Secretary of Vet-
4 erans Affairs.

5 (2) The term “County Veterans Service Offi-
6 cer” means any person employed by or funded by
7 any county, parish, borough, or territory whose job
8 it is to assist veterans and eligible dependents in the
9 application for, administration of, or receipt of bene-
10 fits under any Federal, State, or County veterans’
11 benefit program.

12 (3) The term “injury or illness claim” means a
13 claim for benefits that is documented as being serv-
14 ice-connected.

15 (4) The term “presumptive claim” means a
16 claim for benefits that is presumptively connected to
17 a specific tour of duty or to specific types of military
18 assignment.

19 (5) The term “statutory claims” means those
20 claims for benefits defined in section 5101 of title
21 38, United States Code.

22 (6) The term “specific claims” includes statu-
23 tory claims, presumptive claims, and injury or illness
24 claims.

1 (7) The term “ready to be rated” means that
2 there is sufficient information to evaluate the
3 claimed disability and to assign a rating based on
4 degree of disability.

5 (8) The term “State” has the meaning given
6 that term in section 101(20) of title 38, United
7 States Code.

8 **SEC. 4. REDUCTION OF BACKLOG OF VETERANS’ CLAIMS.**

9 (a) REFERRAL OF CLAIMS TO COUNTY VETERANS
10 SERVICE OFFICERS.—

11 (1) The Secretary of Veterans Affairs shall
12 identify the backlog of veterans’ claims as of the
13 date of the enactment of this Act and shall cat-
14 egorize those claims into types of specific claims. As
15 part of such categorization, the Secretary shall iden-
16 tify the pending claims that require development.
17 The Secretary shall refer those claims requiring de-
18 velopment to a County Veterans Service Office for
19 development.

20 (2) The Secretary shall choose a County Vet-
21 erans Service Office for development of a claim
22 based upon the office’s geographical proximity to the
23 claimant.

24 (3) A claim referred to a County Veterans Serv-
25 ice Office for development shall be accompanied by

1 specification from the Secretary of the information
2 that is required to develop the claim and the infor-
3 mation that is needed to make the claim ready to
4 rate.

5 (b) FILING OF CLAIMS WITH COUNTY VETERANS
6 SERVICE OFFICERS.—Claims for benefits under laws ad-
7 ministered by the Secretary of Veterans Affairs may be
8 submitted to County Veterans Service Officers. Receipt of
9 such a claim by a County Veterans Service Officer under
10 this Act shall be treated for all purposes as receipt of the
11 claim by the Secretary of Veterans Affairs.

12 **SEC. 5. DEVELOPMENT OF CLAIMS.**

13 (a) DEVELOPMENT OF CLAIMS BY COUNTY VET-
14 ERANS SERVICE OFFICER.—When a County Veterans
15 Service Officer receives a claim referred under section 4(a)
16 or receives a claim under section 4(b), that officer shall
17 make personal contact with the claimant, explain the situ-
18 ation, and develop the claim.

19 (b) AUTHORITY TO FULLY DEVELOP CLAIM.—A
20 County Veterans Service Officer to whom a claim is re-
21 ferred under section 4(a) or receives a claim under section
22 4(b) shall have the authority to fully develop the claim
23 and to transmit the claim to the Secretary of Veterans
24 Affairs when the claim is ready to be rated.

1 (c) PROCEDURE.—Once the claim has been fully de-
2 veloped, the claim shall be transmitted back to the Sec-
3 retary with the information developed in accordance with
4 the specification under section 3(a)(3) and a statement
5 from the County Veterans Service Officer indicating that
6 the claim is ready to rate.

7 (d) FULLY DEVELOPED CLAIMS.—For purposes of
8 this section, a claim shall be considered to be fully devel-
9 oped when the County Veterans Service Officer has ob-
10 tained all items that that officer determines are necessary
11 to substantiate the claim and all items that the Secretary
12 of Veterans Affairs has specifically specified to be devel-
13 oped in connection with the claim.

14 **SEC. 6. INFORMATION SHARING.**

15 Veterans' information contained in the Benefits De-
16 livery Network of the Department of Veterans Affairs
17 shall be accessible to County Veterans Service Offices in
18 order to provide County Veterans Service Offices with on-
19 line access to client information contained in the Depart-
20 ment of Veterans Affairs database. Such information shall
21 be used by such offices to develop veterans' claims under
22 this Act and for no other purpose.

23 **SEC. 7. ALLOCATION OF FUNDS.**

24 (a) IN GENERAL.—Funding for purposes of this Act
25 shall be allocated by grant to the States based on the pop-

1 ulation of veterans in the respective States. Funds allo-
2 cated to a State under this Act shall be directed to County
3 Veterans Service Offices within the State through the
4 State Department of Veterans Affairs (or the equivalent).

5 (b) STATE OVERHEAD.—A State Department of Vet-
6 erans Affairs may retain from any such grant for any fis-
7 cal year an amount equal to the expenses incurred by that
8 State for administrative overhead in administering grants
9 for that year, except that the amount so retained in any
10 fiscal year may not exceed 3 percent of the amount of the
11 grant to that State for that fiscal year.

12 (c) FUNDS FOR EDUCATION AND TRAINING.—A por-
13 tion of the funding received by a State under this Act for
14 any fiscal year, as determined by the Secretary of Vet-
15 erans Affairs in agreement with County Veterans Service
16 Offices, shall be used for County Veterans Service Officers
17 to attend educational programs sponsored by or equivalent
18 to the National Association of County Veterans Service
19 Officers annual continuing education and accreditation
20 training.

21 (d) LIMITATION ON FEDERAL FUNDING.—Federal
22 funds under this Act may not be used to provide more
23 than 50 percent of the total costs for County Veterans
24 Service Offices and shall be used to expand existing pro-
25 grams, not to supplant existing local government funding.

1 (e) ESTABLISHMENT OF NEW CVSO PROGRAMS.—(1)

2 In the case of a State that as of the date of the enactment
3 of this Act does not have a County Veterans Service Offi-
4 cer program, Federal funding under this Act may be used
5 by units of local government to establish such a program
6 to assist veterans and their dependents in filing applica-
7 tions for veterans benefits and for the purposes specified
8 in this Act.

9 (2) In a State covered by paragraph (1), if a unit
10 of local government chooses not to establish a County Vet-
11 erans Service Officers program as described in that para-
12 graph, the State department of veterans affairs (or the
13 equivalent) may elect to perform the services as specified
14 in this Act for that State.

15 (3) In a State covered by paragraph (1), if both units
16 of local government and the State government elect not
17 to use some or all of the funds, the unused amount shall
18 revert back to the Secretary of Veterans Affairs and shall
19 be reallocated to those State department of veterans af-
20 fairs (or the equivalent) in which County Veterans Service
21 Officers programs exist to further expand services to vet-
22 erans in those States in support of the veterans claims
23 backlog reduction services under this Act.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Sec-
3 retary of Veterans Affairs to carry out this Act
4 \$70,000,000 for each of fiscal years 2003, 2004, and
5 2005.

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