### 109TH CONGRESS 1ST SESSION

# H. R. 616

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

## IN THE HOUSE OF REPRESENTATIVES

February 8, 2005

Mr. Baca (for himself, Mr. Holden, Mr. Wynn, Mr. Pallone, Ms. Carson, Mrs. Jones of Ohio, Mr. Scott of Georgia, Mr. Sanders, Mr. Moore of Kansas, Mrs. Tauscher, Mr. Foley, Mr. Cardoza, Mr. Bishop of Georgia, Mrs. Lowey, and Mr. Gene Green of Texas) 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 2005".
- 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 of over 1,000 veterans a day.
  - (4) It is the responsibility of the United States Government to live up to the promises to the Nation's veterans that were made and accepted.
    - (5) The National Association of County Veterans Service Officers is an organization that includes approximately 2,400 full-time employees and whose members are present in 37 States.
- 18 (6) Members of the National Association of
  19 County Veterans Service Officers stand ready to act
  20 in partnership with the Department of Veterans Af21 fairs in order to eliminate the backlog of claims for
  22 veterans' benefits.
- 23 SEC. 3. DEFINITIONS.
- 24 In this Act:

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- 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.
  - (2) The term "County Veterans Service Officer" means any person employed by or funded by any county, parish, borough, or territory whose job it is to assist veterans and eligible dependents in the application for, administration of, or receipt of benefits under any Federal, State, or County veterans benefit program.
  - (3) The term "injury or illness claim" means a claim for benefits that is documented as being service-connected.
  - (4) The term "presumptive claim" means a claim for benefits that is presumptively connected to a specific tour of duty or to specific types of military assignment.
  - (5) The term "statutory claims" means those claims for benefits defined in section 5101 of title 38, United States Code.
  - (6) The term "specific claims" includes statutory claims, presumptive claims, and injury or illness 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.—
  - (1) IDENTIFICATION OF CLAIMS BACKLOG.—
    The Secretary of Veterans Affairs shall identify the backlog of veterans' claims as of the date of the enactment of this Act and shall categorize those claims into types of specific claims. As part of such categorization, the Secretary shall identify the pending claims that require development. The Secretary shall refer those claims requiring development to a County Veterans Service Office for development.
    - (2) SELECTION OF COUNTY VSO BASED ON GEOGRAPHIC PROXIMITY.—The Secretary shall choose a County Veterans Service Office for development of a claim based upon the office's geographical proximity to the claimant.

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- 1 (3) Information required to develop
- 2 CLAIM.—A claim referred to a County Veterans
- 3 Service Office for development shall be accompanied
- 4 by specification from the Secretary of the informa-
- 5 tion that is required to develop the claim and the in-
- 6 formation that is needed to make the claim ready to
- 7 rate.
- 8 (b) FILING OF CLAIMS WITH COUNTY VETERANS
- 9 Service Officers.—Claims for benefits under laws ad-
- 10 ministered by the Secretary of Veterans Affairs may be
- 11 submitted to County Veterans Service Officers. Receipt of
- 12 such a claim by a County Veterans Service Officer under
- 13 this Act shall be treated for all purposes as receipt of the
- 14 claim by the Secretary of Veterans Affairs.

#### 15 SEC. 5. DEVELOPMENT OF CLAIMS.

- 16 (a) Development of Claims by County Vet-
- 17 ERANS SERVICE OFFICER.—When a County Veterans
- 18 Service Officer receives a claim referred under section 4(a)
- 19 or receives a claim under section 4(b), that officer shall
- 20 make personal contact with the claimant, explain the situ-
- 21 ation, and develop the claim.
- 22 (b) Authority to Fully Develop Claim.—A
- 23 County Veterans Service Officer to whom a claim is re-
- 24 ferred under section 4(a) or who receives a claim under
- 25 section 4(b) shall have the authority to fully develop the

- 1 claim and to transmit the claim to the Secretary of Vet-
- 2 erans Affairs when the claim is ready to be rated.
- 3 (c) Procedure.—Once the claim has been fully de-
- 4 veloped, the claim shall be transmitted back to the Sec-
- 5 retary with the information developed in accordance with
- 6 the specification under section 4(a)(3) and a statement
- 7 from the County Veterans Service Officer indicating that
- 8 the claim is ready to rate.
- 9 (d) Fully Developed Claims.—For purposes of
- 10 this section, a claim shall be considered to be fully devel-
- 11 oped when the County Veterans Service Officer has ob-
- 12 tained all items that that officer determines are necessary
- 13 to substantiate the claim and all items that the Secretary
- 14 of Veterans Affairs has specifically specified to be devel-
- 15 oped in connection with the claim.

#### 16 SEC. 6. INFORMATION SHARING.

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

#### SEC. 7. ALLOCATION OF FUNDS.

- 2 (a) IN GENERAL.—Funding for purposes of this Act
- 3 shall be allocated by grant to the States based on the pop-
- 4 ulation of veterans in the respective States. Funds allo-
- 5 cated to a State under this Act shall be directed to County
- 6 Veterans Service Offices within the State through the
- 7 State Department of Veterans Affairs (or the equivalent).
- 8 (b) State Overhead.—A State Department of Vet-
- 9 erans Affairs may retain from any such grant for any fis-
- 10 cal year an amount equal to the expenses incurred by that
- 11 State for administrative overhead in administering grants
- 12 for that year, except that the amount so retained in any
- 13 fiscal year may not exceed 3 percent of the amount of the
- 14 grant to that State for that fiscal year.
- 15 (c) Funds for Education and Training.—A por-
- 16 tion of the funding received by a State under this Act for
- 17 any fiscal year, as determined by the Secretary of Vet-
- 18 erans Affairs in agreement with County Veterans Service
- 19 Offices, shall be used for County Veterans Service Officers
- 20 to attend educational programs sponsored by or equivalent
- 21 to the National Association of County Veterans Service
- 22 Officers annual continuing education and accreditation
- 23 training.
- 24 (d) Limitation on Federal Funding.—Federal
- 25 funds under this Act may not be used to provide more
- 26 than 50 percent of the total costs for County Veterans

- 1 Service Offices and shall be used to expand existing pro-
- 2 grams, not to supplant existing local government funding.
- 3 (e) Establishment of New CVSO Programs.—
- 4 (1) In the case of a State that as of the date of the enact-
- 5 ment of this Act does not have a County Veterans Service
- 6 Officer program, Federal funding under this Act may be
- 7 used by units of local government to establish such a pro-
- 8 gram to assist veterans and their dependents in filing ap-
- 9 plications for veterans benefits and for the purposes speci-
- 10 fied in this Act.
- 11 (2) In a State covered by paragraph (1), if a unit
- 12 of local government chooses not to establish a County Vet-
- 13 erans Service Officers program as described in that para-
- 14 graph, the State department of veterans affairs (or the
- 15 equivalent) may elect to perform the services as specified
- 16 in this Act for that State.
- 17 (3) In a State covered by paragraph (1), if both units
- 18 of local government and the State government elect not
- 19 to use some or all of the funds, the unused amount shall
- 20 revert back to the Secretary of Veterans Affairs and shall
- 21 be reallocated to those State department of veterans af-
- 22 fairs (or the equivalent) in which County Veterans Service
- 23 Officers programs exist to further expand services to vet-

- 1 erans in those States in support of the veterans claims
- 2 backlog reduction services under this Act.

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