

113TH CONGRESS
2D SESSION

H. R. 4766

To prohibit the Secretary of Veterans Affairs from paying bonuses to certain employees of the Department of Veterans Affairs until the backlog of disability claims is resolved, to establish a commission to evaluate such backlog, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2014

Mr. GARDNER (for himself, Mr. TIPTON, Mr. LAMBORN, and Mrs. LUMMIS) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the Secretary of Veterans Affairs from paying bonuses to certain employees of the Department of Veterans Affairs until the backlog of disability claims is resolved, to establish a commission to evaluate such backlog, 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. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

Sec. 1. Table of contents.

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- Sec. 3. Evaluation of backlog of disability claims and appeals of claims of Department of Veterans Affairs.
- Sec. 4. Supplemental reports to the Strategic Plan to Eliminate the Compensation Claims Backlog.
- Sec. 5. Expedition of transfer of certain records.
- Sec. 6. Claims processors training.
- Sec. 7. Report by Comptroller General of the United States.
- Sec. 8. Priority for processing claims of the Department of Veterans Affairs.
- Sec. 9. Public availability of certain information about pending and completed claims for compensation under the laws administered by the Secretary of Veterans Affairs.
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1 **SEC. 2. LIMITATION ON PAYMENT OF BONUSES UNTIL THE**
 2 **RESOLUTION OF THE BACKLOG OF DIS-**
 3 **ABILITY CLAIMS.**

4 The Secretary of Veterans Affairs may not pay to an
 5 individual who is employed in the Senior Executive Service
 6 an award or bonus under chapter 45 or 53 of title 5,
 7 United States Code, or any other award or bonus author-
 8 ized under such title, until the date on which the Secretary
 9 certifies to the Committees on Veterans' Affairs of the
 10 House of Representatives and the Senate that the backlog
 11 of disability claims has been resolved.

12 **SEC. 3. EVALUATION OF BACKLOG OF DISABILITY CLAIMS**
 13 **AND APPEALS OF CLAIMS OF DEPARTMENT**
 14 **OF VETERANS AFFAIRS.**

15 (a) IN GENERAL.—There is established a commission
 16 or task force to evaluate the backlog of claims within the

1 Department of Veterans Affairs and the appeals process
2 of claims.

3 (b) STUDIES.—

4 (1) BACKLOG STUDY.—

5 (A) IN GENERAL.—The Commission or
6 Task Force, acting through the subcommittee
7 described in subsection (d)(2)(A), shall carry
8 out a study on the backlog of claims, including
9 the current process the Secretary of Veterans
10 Affairs uses to evaluate claims and appeals and
11 the laws and regulations applicable to such
12 claims and appeals. Such study shall be a com-
13 prehensive evaluation and assessment of the
14 backlog of claims, an analysis of possible im-
15 provements to the procedures used to process
16 such claims, and any related issues that the
17 Commission or Task Force considers relevant.

18 (B) MATTERS INCLUDED.—In carrying out
19 the study under subparagraph (A), the Com-
20 mission or Task Force shall examine the fol-
21 lowing:

22 (i) The backlog of claims, including
23 an analysis of—

24 (I) the most effective means to
25 quickly and accurately resolve all

1 claims pending as of the date of the
2 study; and

3 (II) with respect to the Depart-
4 ment, the annual funding, number of
5 full-time employees, workload manage-
6 ment practices, and the progress, as
7 of the date of the study, of the stra-
8 tegic plan.

9 (ii) Possible improvements to the
10 claims process, including an evaluation and
11 recommendations with respect to whether
12 substantive and structural changes to the
13 overall claims process are required.

14 (iii) In carrying out the evaluation
15 and recommendations under subparagraph
16 (B), an examination of—

17 (I) options that make no major
18 substantive changes to the claims
19 process;

20 (II) options that maintain the
21 process but make minor changes; and

22 (III) options that make broad
23 changes to the process.

24 (2) APPEALS PROCESS STUDY.—

1 (A) IN GENERAL.—The Commission or
2 Task Force, acting through the subcommittee
3 described in subsection (d)(2)(B), shall carry
4 out a study on the anticipated increase of ap-
5 peals of claims, including the current appeals
6 process and the laws and regulations applicable
7 to such appeals. Such study shall be a com-
8 prehensive evaluation and assessment of such
9 anticipated increase of appeals claims, an anal-
10 ysis of possible improvements to the procedures
11 used to process such appeals, and any related
12 issues that the Commission or Task Force con-
13 siders relevant.

14 (B) MATTERS INCLUDED.—In carrying out
15 the study under subparagraph (A), the Com-
16 mission or Task Force shall examine the fol-
17 lowing:

18 (i) The anticipated surge in appeals of
19 claims, including an analysis of—

20 (I) the most effective means to
21 quickly and accurately resolve pending
22 appeals and future appeals;

23 (II) with respect to both the
24 Board and the Court of Appeals for
25 Veterans Claims, the annual funding,

1 number of full-time employees, work-
2 load management practices, and the
3 progress, as of the date of the study,
4 of the strategic plan; and

5 (III) the efficiency, effectiveness,
6 and utility of the Veterans Benefits
7 Management System with respect to
8 appeals operations, including an iden-
9 tification of key changes that may
10 need to be implemented to such sys-
11 tem.

12 (ii) Possible improvements to the ap-
13 peals process, including an evaluation and
14 recommendations with respect to whether
15 substantive and structural changes to the
16 overall appeals process are required.

17 (iii) In carrying out the evaluation
18 and recommendations under clause (ii), an
19 examination of—

20 (I) options that make no major
21 substantive changes to the appeals
22 process;

23 (II) options that maintain the
24 process but make minor changes;

1 (III) options that make broad
2 changes to the process;

3 (IV) the necessity of the multi-
4 tiered levels of appeals at the regional
5 office level, including filing a notice of
6 disagreement, receipt of a statement
7 of the case, supplemental statement of
8 the case (if applicable), and sub-
9 stantive appeal (VA Form 9);

10 (V) the role of the Board and the
11 Appeals Management Center, includ-
12 ing—

13 (aa) the effectiveness of the
14 workload management of the
15 Board and the Center;

16 (bb) whether the Board and
17 Center should be regionalized or
18 maintain the centralized struc-
19 ture in the District of Columbia;

20 (cc) whether Board members
21 should be required to pass the
22 administrative law judges certifi-
23 cation examination; and

1 (dd) whether the Board
2 should continue to require de
3 novo review of appeals; and

4 (VI) the role of the Court of Ap-
5 peals for Veterans Claims and the
6 United States Court of Appeals for
7 the Federal Circuit, including—

8 (aa) the continued effective-
9 ness and necessity of a multi-
10 tiered structure of judicial re-
11 view;

12 (bb) whether the Court of
13 Appeals for Veterans Claims
14 should have article I or article III
15 status;

16 (cc) expansion of either the
17 Court of Appeals for Veterans
18 Claims or the United States
19 Court of Appeals for the Federal
20 Circuit jurisdiction, including by
21 allowing such courts to hear class
22 action lawsuits with respect to
23 claims; and

24 (dd) the possibility of ex-
25 panding judicial review of claims

1 to all Federal circuit courts of
2 appeals or allowing judicial re-
3 view beyond the Court of Appeals
4 for Veterans Claims only by the
5 Supreme Court.

6 (3) CONSIDERATION.—In carrying out the stud-
7 ies under paragraph (1)(A) and (2)(A) and making
8 any recommendations under this section, the Com-
9 mission or Task Force shall consider the following:

10 (A) The interests of veterans, including
11 with respect to accuracy, fairness, and trans-
12 parency in the claims process of the Depart-
13 ment.

14 (B) The values and requirements of the
15 Constitution, including with respect to compli-
16 ance with procedural and substantive due proc-
17 ess.

18 (C) The public interest, including with re-
19 spect to the responsible use of available re-
20 sources.

21 (D) With respect to the study conducted
22 under paragraph (1)(A), the importance of the
23 claimant friendly, nonadversarial nature of the
24 claims process.

1 (E) With respect to the study conducted
2 under paragraph (2)(A), the importance of an
3 appeals process that is efficient and easily un-
4 derstandable by a claimant.

5 (4) ROLE OF SECRETARY, CHAIRMAN OF THE
6 BOARD, AND CHIEF JUDGE.—

7 (A) INFORMATION.—In carrying out each
8 study under paragraph (1)(A) and (2)(A), at
9 times that the Commission or Task Force de-
10 termines appropriate, the Commission or Task
11 Force shall submit to the Secretary of Veterans
12 Affairs, the Chairman of the Board, and the
13 Chief Judge of the Court of Appeals for Vet-
14 erans Claims, as the case may be, information
15 with respect to remedies and solutions that the
16 Commission or Task Force identifies pursuant
17 to such a study.

18 (B) IMPLEMENTATION.—The Secretary,
19 the Chairman of the Board, and the Chief
20 Judge shall each—

21 (i) fully consider the remedies and so-
22 lutions submitted to the Secretary, the
23 Chairman, or the Chief Judge, as the case
24 may be, under subparagraph (A);

1 (ii) implement such remedies and so-
2 lutions as the Secretary, the Chairman, or
3 the Chief Judge, respectively, determines
4 appropriate; and

5 (iii) submit to Congress justification
6 for failing to implement any such remedy
7 or solution.

8 (C) PLAN.—The Commission or Task
9 Force shall submit to the Secretary, the Chair-
10 man of the Board, and the Chief Judge a fea-
11 sible, timely, and cost-effective plan to eliminate
12 the backlog of appeals of claims based on the
13 remedies and solutions identified pursuant to
14 the study under paragraph (2)(A) and the in-
15 formation submitted under subparagraph (A).

16 (c) COMPREHENSIVE REPORTS.—

17 (1) INITIAL COMPREHENSIVE REPORT.—Not
18 later than 60 days after the date on which the Com-
19 mission or Task Force first meets, the Commission
20 or Task Force shall submit to the President and
21 Congress an initial comprehensive report on the
22 studies conducted under paragraphs (1)(A) and
23 (2)(A) of subsection (b), including—

24 (A) the findings of the causes of the back-
25 log of claims;

1 (B) a proposed plan to handle the antici-
2 pated surge in appeals of claims; and

3 (C) the level of cooperation the Commis-
4 sion or Task Force has received from the Sec-
5 retary and the heads of other departments or
6 agencies of the Federal Government.

7 (2) INTERIM COMPREHENSIVE REPORTS.—Not
8 later than 90 days after the date on which the Com-
9 mission or Task Force first meets, and each 30-day
10 period thereafter ending on the date on which the
11 Commission or Task Force submits the final com-
12 prehensive report under paragraph (3), the Commis-
13 sion or Task Force shall submit to the President
14 and Congress a comprehensive report on—

15 (A) the progress of the Secretary with re-
16 spect to implementing solutions to expedite the
17 elimination of the backlog of claims pursuant to
18 subsection (b)(4)(B)(ii);

19 (B) the progress of the Secretary, the
20 Chairman of the Board, and the Chief Judge of
21 the Court of Appeals for Veterans Claims with
22 respect to implementing solutions to complete
23 appeals of claims in a timely manner in a time-
24 ly manner pursuant to such subsection; and

1 (C) the level of cooperation the Commis-
2 sion or Task Force has received from the Sec-
3 retary and the heads of other departments or
4 agencies of the Federal Government.

5 (3) FINAL COMPREHENSIVE REPORT.—Not
6 later than 180 days after the date on which the
7 Commission or Task Force first meets, the Commis-
8 sion or Task Force shall submit to the President
9 and Congress a comprehensive report on the fol-
10 lowing:

11 (A) With respect to the study conducted
12 under subsection (b)(1)(A)—

13 (i) The findings, conclusions, and rec-
14 ommendations of the Commission or Task
15 Force with respect to the matters referred
16 to in such subsection.

17 (ii) The recommendations of the Com-
18 mission or Task Force for revising and im-
19 proving the backlog of claims and the pro-
20 cedures used to process claims.

21 (iii) The progress of the Secretary
22 with respect to implementing solutions to
23 expedite the elimination of the backlog of
24 claims pursuant to subsection (b)(4)(B)(ii).

1 (iv) Other information and rec-
2 ommendations with respect to claims as
3 the Commission or Task Force considers
4 appropriate.

5 (B) With respect to the study conducted
6 under subsection (b)(2)(A)—

7 (i) The findings, conclusions, and rec-
8 ommendations of the Commission or Task
9 Force with respect to the matters referred
10 to in such subsection.

11 (ii) The recommendations of the Com-
12 mission or Task Force for revising and im-
13 proving the appeals process;

14 (iii) The information described in sub-
15 section (b)(4)(A).

16 (iv) The feasible, timely, and cost ef-
17 fective plan described in subsection
18 (b)(4)(C).

19 (v) The progress of the Secretary, the
20 Chairman of the Board, and the Chief
21 Judge of the Court of Appeals for Vet-
22 erans Claims with respect to implementing
23 solutions to provide timely appeals of
24 claims.

1 (vi) Other information and rec-
2 ommendations with respect to the appeals
3 process as the Commission or Task Force
4 considers appropriate.

5 (d) MEMBERSHIP.—

6 (1) NUMBER AND APPOINTMENT.—The Com-
7 mission or Task Force shall be composed of 15
8 members, appointed as follows:

9 (A) Two members appointed by the Speak-
10 er of the House of Representatives, one of
11 whom shall be designated to serve upon the
12 Subcommittee on the Backlog of Claims and
13 one of whom shall be designated to serve upon
14 the Subcommittee on Appeals.

15 (B) Two members appointed by the minor-
16 ity leader of the House of Representatives, one
17 of whom shall be designated to serve upon the
18 Subcommittee on the Backlog of Claims and
19 one of whom shall be designated to serve upon
20 the Subcommittee on Appeals.

21 (C) Two members appointed by the major-
22 ity leader of the Senate, one of whom shall be
23 designated to serve upon the Subcommittee on
24 the Backlog of Claims and one of whom shall

1 be designated to serve upon the Subcommittee
2 on Appeals.

3 (D) Two members appointed by the minor-
4 ity leader of the Senate, one of whom shall be
5 designated to serve upon the Subcommittee on
6 the Backlog of Claims and one of whom shall
7 be designated to serve upon the Subcommittee
8 on Appeals.

9 (E) Three members appointed by the
10 President, two of whom shall be designated to
11 serve upon the Subcommittee on the Backlog of
12 Claims and one of whom shall be designated to
13 serve upon the Subcommittee on Appeals.

14 (F) One member appointed by the Sec-
15 retary of Defense, whom shall be designated to
16 serve upon the Subcommittee on the Backlog of
17 Claims.

18 (G) Two members appointed by the Sec-
19 retary of Veterans Affairs, one of whom shall be
20 designated to serve upon the Subcommittee on
21 the Backlog of Claims and one of whom shall
22 be designated to serve upon the Subcommittee
23 on Appeals.

24 (H) One member appointed by the Chief
25 Judge of the Court of Appeals for Veterans

1 Claims, whom shall be designated to serve upon
2 the Subcommittee on Appeals.

3 (2) SUBCOMMITTEES.—The Commission or
4 Task Force shall have two subcommittees as follows:

5 (A) A Subcommittee on the Backlog of
6 Claims consisting of the eight members des-
7 ignated in accordance with paragraph (1).

8 (B) A Subcommittee on Appeals consisting
9 of the seven members designated in accordance
10 with paragraph (1).

11 (3) QUALIFICATIONS.—Each member appointed
12 under paragraph (1) shall be appointed based on the
13 experience of the member as a veteran or on the
14 subject matter expertise or other relevant experience
15 of the member.

16 (4) ADVISORS.—

17 (A) IN GENERAL.—In addition to the 15
18 members appointed under paragraph (1), the
19 Commission or Task Force shall—

20 (i) have five nonvoting, nonmember
21 advisors, appointed by a majority of the
22 Commission or Task Force, each from a
23 different organization that represents the
24 interests of veterans; and

1 (ii) seek advice from experts from
2 nongovernmental organizations (including
3 veterans service organizations and military
4 organizations), the Internet technology in-
5 dustry, and the insurance industry.

6 (B) ADVICE.—Individuals described in
7 clause (i) and (ii) of subparagraph (A) shall
8 provide advice to both subcommittees described
9 in paragraph (2).

10 (5) CHAIRMAN.—The President shall designate
11 a member of the Commission or Task Force who is
12 appointed by the President and designated to serve
13 upon the Subcommittee on the Backlog of Claims to
14 serve as the chairman of the Commission or Task
15 Force. The chairman may designate a member to
16 serve as the chairman of the Subcommittee on the
17 Backlog of Claims and a member to serve as the
18 chairman of the Subcommittee on Appeals to chair
19 such subcommittees as the designee of the chairman
20 of the Commission or Task Force.

21 (6) PERIOD OF APPOINTMENT.—Members of
22 the Commission or Task Force shall be appointed
23 for the life of the Commission or Task Force. A va-
24 cancy shall not affect its powers.

1 (7) VACANCY.—A vacancy on the Commission
2 or Task Force shall be filled in the manner in which
3 the original appointment was made.

4 (8) APPOINTMENT DEADLINE.—The appoint-
5 ment of members of the Commission or Task Force
6 established in this section shall be made not later
7 than 15 days after the date of the enactment of this
8 Act.

9 (e) MEETINGS.—

10 (1) INITIAL MEETING.—The Commission or
11 Task Force shall hold its first meeting not later
12 than 15 days after the date on which a majority of
13 the members are appointed.

14 (2) MEETINGS.—The Commission or Task
15 Force shall meet at the call of the chairman.

16 (3) QUORUM.—A majority of the members of
17 the Commission or Task Force shall constitute a
18 quorum, but a lesser number may hold hearings.

19 (f) POWERS OF THE COMMISSION OR TASK FORCE.—

20 (1) HEARINGS.—The Commission or Task
21 Force may hold such hearings, sit and act at such
22 times and places, take such testimony, and receive
23 such evidence as the Commission or Task Force con-
24 sidered advisable to carry out the purposes of this
25 section.

1 (2) INFORMATION FROM FEDERAL AGENCIES.—

2 The Commission or Task Force may secure directly
3 from any department or agency of the Federal Gov-
4 ernment such information as the Commission or
5 Task Force considers necessary to carry out the pro-
6 visions of this section. Upon request of the chair-
7 man, the head of such department or agency shall
8 furnish such information to the Commission or Task
9 Force.

10 (3) POSTAL SERVICES.—The Commission or
11 Task Force may use the United States mails in the
12 same manner and under the same conditions as
13 other departments and agencies of the Federal Gov-
14 ernment.

15 (4) GIFTS.—The Commission or Task Force
16 may accept, use, and dispose of gifts or donations of
17 service or property.

18 (g) PERSONNEL MATTERS.—

19 (1) COMPENSATION OF MEMBERS.—Each mem-
20 ber of the Commission or Task Force who is not an
21 officer or employee of the United States shall be
22 compensated at a rate equal to the daily equivalent
23 of the annual rate of basic pay prescribed for level
24 IV of the Executive Schedule under section 5315 of
25 title 5, United States Code, for each day (including

1 travel time) during which the member is engaged in
2 the performance of the duties of the Commission or
3 Task Force. All members of the Commission or
4 Task Force who are officers or employees of the
5 United States shall serve without compensation in
6 addition to that received for their services as officers
7 or employees of the United States.

8 (2) TRAVEL EXPENSES.—The members of the
9 Commission or Task Force shall be allowed travel
10 expenses, including per diem in lieu of subsistence,
11 at rates authorized for employees of agencies under
12 subchapter I of chapter 57 of title 5, United States
13 Code, while away from their homes or regular places
14 of business in the performance of service of the
15 Commission or Task Force.

16 (3) STAFF.—

17 (A) APPOINTMENT.—The chairman of the
18 Commission or Task Force may, without regard
19 to the civil service laws and regulations, appoint
20 an executive director and such other personnel
21 as may be necessary to enable the Commission
22 or Task Force to perform its duties. The ap-
23 pointment of an executive director shall be sub-
24 ject to the approval of the Commission or Task
25 Force.

1 (B) COMPENSATION.—The chairman of
2 the Commission or Task Force may fix the
3 compensation of the executive director and
4 other personnel without regard to the provisions
5 of chapter 51 and subchapter III of chapter 53
6 of title 5, United States Code, relating to classi-
7 fication of positions and General Schedule pay
8 rates, except that the rate of pay for the execu-
9 tive director and other personnel may not ex-
10 ceed the rate payable for level V of the Execu-
11 tive Schedule under section 5316 of such title.

12 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
13 Upon request of the chairman of the Commission or
14 Task Force, the head of any department or agency
15 of the Federal Government may detail, on a nonre-
16 imbursable basis, any personnel of that department
17 or agency to the Commission or Task Force to assist
18 it in carrying out its duties.

19 (5) PROCUREMENT OF TEMPORARY AND INTER-
20 MITTENT SERVICES.—The chairman of the Commis-
21 sion or Task Force may procure temporary and
22 intermittent services under section 3109(b) of title
23 5, United States Code, at rates for individuals which
24 do not exceed the daily equivalent of the annual rate

1 of basic pay prescribed for level V of the Executive
2 Schedule under section 5316 of such title.

3 (h) TERMINATION OF COMMISSION OR TASK
4 FORCE.—The Commission or Task Force shall terminate
5 60 days after the date on which the Commission or Task
6 Force submits the final comprehensive report under sub-
7 section (c)(3).

8 (i) FUNDING.—

9 (1) IN GENERAL.—The Secretary shall, upon
10 the request of the chairman of the Commission or
11 Task Force, make available to the Commission or
12 Task Force such amounts as the Commission or
13 Task Force may require to carry out the duties of
14 the Commission or Task Force under this section.

15 (2) AVAILABILITY.—Any sums made available
16 to the Commission or Task Force shall remain avail-
17 able, without fiscal year limitation, until the termi-
18 nation of the Commission or Task Force.

19 (j) DEFINITIONS.—In this section:

20 (1) The term “appeals process” means the
21 process to appeal the determination by the Secretary
22 of a claim beginning with the notice of disagreement
23 filed pursuant to section 7105 of title 38, United
24 States Code, and ending with the review of a deci-

1 sion by the Supreme Court pursuant to section
2 7292(e) of such title.

3 (2) The term “Board” means the Board of Vet-
4 erans’ Appeals.

5 (3) The term “strategic plan” means the Stra-
6 tegic Plan to Eliminate the Compensation Claims
7 Backlog, published by the Secretary of Veterans Af-
8 fairs on January 25, 2013.

9 **SEC. 4. SUPPLEMENTAL REPORTS TO THE STRATEGIC**
10 **PLAN TO ELIMINATE THE COMPENSATION**
11 **CLAIMS BACKLOG.**

12 Not later than 60 days after the date of the enact-
13 ment of this Act, and every 120 days thereafter until Me-
14 morial Day (May 25), 2015, the Secretary of Veterans Af-
15 fairs shall submit to Congress a supplemental report on
16 the implementation by the Department of Veterans Affairs
17 of the Strategic Plan to Eliminate the Compensation
18 Claims Backlog. Each such report shall include—

19 (1) verification that during the period covered
20 by the report, each claim was approved or denied by
21 not later than 125 days after the date on which the
22 claim is submitted with an accuracy rate of 98 per-
23 cent, as specified in the Strategic Plan;

24 (2) a description of the specific measures, pro-
25 cedures, and metrics used to assess the implementa-

1 tion of the Strategic Plan for purposes of the supple-
2 mental report; and

3 (3) a detailed timeline for the implementation
4 of each initiative contained in the Strategic Plan.

5 **SEC. 5. EXPEDITION OF TRANSFER OF CERTAIN RECORDS.**

6 (a) SSA RECORDS.—Not later than 60 days after the
7 date of the enactment of this Act, the Secretary of Vet-
8 erans Affairs shall enter into an agreement with the Com-
9 missioner of the Social Security Administration to ensure
10 that the Commissioner transfers to the Secretary disability
11 or medical records of the Commissioner that the Secretary
12 will use to evaluate a claim by not later than 30 days after
13 the Secretary requests such records.

14 (b) DOD RECORDS.—Not later than 60 days after
15 the date of the enactment of this Act, the Secretary of
16 Veterans Affairs shall enter into an agreement with the
17 Secretary of Defense to ensure that the Secretary of De-
18 fense transfers to the Secretary of Veterans Affairs med-
19 ical records of members or former members of the Armed
20 Forces that the Secretary will use to evaluate a claim by
21 not later than 30 days after the Secretary requests such
22 records.

23 (c) NATIONAL GUARD RECORDS.—Not later than 60
24 days after the date of the enactment of this Act, the Sec-

1 retary of Veterans Affairs and the Secretary of Defense
2 shall jointly—

3 (1) submit to Congress a plan to reduce to 30
4 days the amount of time needed to provide members
5 of the National Guard and the Secretary of Veterans
6 Affairs with the medical records of such members,
7 including by partnering with appropriate officials of
8 Federal or State departments or agencies; and

9 (2) implement such plan.

10 (d) EFFECTIVE DATE.—This section shall take effect
11 on the date that is one year after the date of the enact-
12 ment of this Act.

13 **SEC. 6. CLAIMS PROCESSORS TRAINING.**

14 (a) ESTABLISHMENT.—The Secretary of Veterans
15 Affairs shall establish a training program to provide newly
16 hired claims processors of the Department of Veterans Af-
17 fairs with training for a period of not less than two years.
18 In carrying out such program, the Secretary shall identify
19 successful claims processors of the Department who can
20 assist in the training of newly hired claims processors.

21 (b) ABILITY TO PROCESS CLAIMS.—The Secretary
22 shall carry out the training program established under
23 subsection (a) without increasing the amount of time in
24 which claims are processed by the Department.

1 (c) EFFECTIVE DATE.—This section shall take effect
2 on the date that is one year after the date of the enact-
3 ment of this Act.

4 **SEC. 7. REPORT BY COMPTROLLER GENERAL OF THE**
5 **UNITED STATES.**

6 Not later than one year after the date of the enact-
7 ment of this Act, the Comptroller General of the United
8 States shall submit to Congress a report on the progress
9 of the Secretary of Veterans Affairs in improving the time-
10 liness of claims processing and eliminating the backlog of
11 claims. The report shall include any recommendations of
12 the Comptroller General with respect to improving the
13 ability of the Secretary to make such progress.

14 **SEC. 8. PRIORITY FOR PROCESSING CLAIMS OF THE DE-**
15 **PARTMENT OF VETERANS AFFAIRS.**

16 (a) IN GENERAL.—Subchapter I of chapter 51 of title
17 38, United States Code, is amended by adding at the end
18 the following new section:

19 **“§ 5109C. Priority for processing claims**

20 “(a) PRIORITY.—In processing claims for compensa-
21 tion under this chapter, the Secretary shall provide the
22 following claimants with priority over other claimants:

23 “(1) Veterans who have attained the age of 70.

24 “(2) Veterans who are terminally ill.

25 “(3) Veterans with life-threatening illnesses.

1 “(4) Homeless veterans (as defined in section
2 2002 of this title).

3 “(5) Veterans who were awarded the Medal of
4 Honor.

5 “(6) Veterans who are former prisoners of war.

6 “(7) Veterans whose claims are being reviewed
7 again in relation to a previously denied claim relat-
8 ing to military sexual trauma.

9 “(8) Veterans whom the Secretary determines,
10 on a case-by-case basis, are seriously or very seri-
11 ously injured.

12 “(9) Veterans whom the Secretary determines,
13 on a case-by-case basis, should be given priority
14 under this section based on an application for good
15 cause established by the Secretary.

16 “(b) REGULATIONS.—The Secretary shall prescribe
17 regulations to carry out subsection (a).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 5109B the following new
21 item:

“5109C. Priority for processing claims.”.

1 **SEC. 9. PUBLIC AVAILABILITY OF CERTAIN INFORMATION**
2 **ABOUT PENDING AND COMPLETED CLAIMS**
3 **FOR COMPENSATION UNDER THE LAWS AD-**
4 **MINISTERED BY THE SECRETARY OF VET-**
5 **ERANS AFFAIRS.**

6 (a) IN GENERAL.—Subchapter I of chapter 51 of title
7 38, United States Code, is amended by adding after sec-
8 tion 5109C, as added by section 106, the following new
9 section:

10 **“§ 5109D. Information about pending and completed**
11 **claims**

12 “(a) AVAILABILITY OF INFORMATION.—The Sec-
13 retary shall maintain on the Internet website of the De-
14 partment publicly accessible information about pending
15 and completed claims for compensation under chapter 11
16 of this title. Such information shall include each of the
17 following:

18 “(1) For each regional office and for the De-
19 partment as a whole—

20 “(A) the average number of days between
21 the date of the submittal of a claim and the
22 date of the decision with respect to the claim
23 for each of the preceding three-month and one-
24 year period;

1 “(B) the average number of days such a
2 claim is pending during the preceding three-
3 month and one-year periods;

4 “(C) the quality and accuracy rating of the
5 claims adjudication process during the pre-
6 ceding three-month and one-year periods;

7 “(D) the number of claims pending;

8 “(E) the number of pending claims that
9 have been pending for more than 125 days; and

10 “(F) the number of claims completed dur-
11 ing—

12 “(i) the current month, to date;

13 “(ii) the month preceding the current
14 month;

15 “(iii) the current calendar year, to
16 date; and

17 “(iv) the calendar year preceding the
18 current calendar year.

19 “(2) For each medical condition for which a
20 claim for compensation is submitted, for each re-
21 gional office and for the Department as a whole—

22 “(A) the average number of days between
23 the date of the submittal of a claim relating to
24 such medical condition and the date of the deci-

1 sion with respect to the claim for each of the
2 preceding three-month and one-year period;

3 “(B) the average number of days such a
4 claim is pending during the preceding three-
5 month and one-year periods;

6 “(C) the quality and accuracy rating of the
7 claims adjudication process as applied to claims
8 relating to such medical condition during the
9 preceding three-month and one-year periods;

10 “(D) the number of pending claims relat-
11 ing to such condition;

12 “(E) the number of such pending claims
13 that have been pending for more than 125 days;
14 and

15 “(F) the number of claims relating to such
16 medical condition completed during—

17 “(i) the current month, to date;

18 “(ii) the month preceding current
19 month;

20 “(iii) the current calendar year, to
21 date; and

22 “(iv) the calendar year preceding the
23 current calendar year.

1 “(b) UPDATES.—The Secretary shall update the in-
2 formation on the website under subsection (a) not less fre-
3 quently than once every seven days.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 after the item relating to section 5109C, as added by sec-
7 tion 8, the following new item:

“5109D. Information about pending and completed claims.”.

8 **SEC. 10. ANNUAL REPORT ON PROCESSING OF CLAIMS.**

9 (a) IN GENERAL.—Subchapter I of chapter 51 of title
10 38, United States Code, is amended by adding after sec-
11 tion 5109D, as added by section 9, the following new sec-
12 tion:

13 **“§ 5109E. Annual report on processing of claims**

14 “(a) ANNUAL REPORT.—The Secretary shall include
15 in the annual report to Congress required under section
16 529 of this title information on the following:

17 “(1) The automatic processing of claims for
18 compensation.

19 “(2) The performance of any regional office
20 that fails to meet the administrative goals of the re-
21 gional office with respect to timeliness and accuracy
22 in processing claims for compensation.

23 “(3) The timeliness of receiving information
24 pursuant to a request by the Secretary to the head
25 of another department or agency of the United

1 States for information required by the Secretary in
2 adjudicating a claim for compensation under chapter
3 11 of this title.

4 “(b) MATTERS INCLUDED.—In carrying out sub-
5 section (a) to include information in the report required
6 under section 529 of this title, the Secretary shall include
7 the following:

8 “(1) With respect to the information required
9 by subsection (a)(1)—

10 “(A) each medical condition for which
11 claims relating to such condition were processed
12 in an electronic automated fashion during the
13 fiscal year covered by the report;

14 “(B) the feasibility of processing any addi-
15 tional medical conditions in an electronic auto-
16 mated fashion and any barriers to such proc-
17 essing, including any such barriers relating to
18 the schedule for rating disabilities under section
19 1155 of this title;

20 “(C) the number of claims for compensa-
21 tion relating to each medical condition sub-
22 mitted during such fiscal year; and

23 “(D) for each medical condition, the per-
24 centage of claims denied and the percentage of
25 claims approved during such fiscal year.

1 “(2) With respect to the information required
2 by subsection (a)(2), in the case of any regional of-
3 fice that, for the fiscal year covered by the report,
4 did not meet the administrative goal of having no
5 claim pending for more than 125 days and achieving
6 an accuracy rating of 98 percent—

7 “(A) a signed statement prepared by the
8 individual serving as director of the regional of-
9 fice as of the date of the submittal of the report
10 containing—

11 “(i) an explanation for why the re-
12 gional office did not meet the goal;

13 “(ii) a description of the additional re-
14 sources needed to enable the regional office
15 to reach the goal; and

16 “(iii) a description of any additional
17 actions planned for the subsequent fiscal
18 year that are proposed to enable the re-
19 gional office to meet the goal; and

20 “(B) a statement prepared by the Under
21 Secretary for Benefits explaining how the fail-
22 ure of the regional office to meet the goal af-
23 fected the performance evaluation of the direc-
24 tor of the regional office.

1 “(3) With respect to the information required
2 by subsection (a)(3)—

3 “(A) the number of requests described in
4 such paragraph made during the fiscal year
5 covered by the report; and

6 “(B) the average response time for such
7 requests made during each month of such fiscal
8 year, as determined based on the period begin-
9 ning on the date on which the Secretary made
10 the request and ending on the date on which
11 the Secretary determines that the request is
12 completed.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by adding
15 after the item relating to section 5109D, as added by sec-
16 tion 9, the following new item:

 “5109E. Annual report on processing of claims.”.

17 (c) EFFECTIVE DATE.—Section 5109E of title 38,
18 United States Code, as added by subsection (a) shall take
19 effect on the date that is one year after the date of the
20 enactment of this Act.

1 **SEC. 11. DEPARTMENT OF VETERANS AFFAIRS NOTICE OF**
2 **AVERAGE TIMES FOR PROCESSING CLAIMS**
3 **AND PERCENTAGE OF CLAIMS APPROVED.**

4 (a) PUBLIC NOTICE.—The Secretary of Veterans Af-
5 fairs shall post the information described in subsection

6 (c)—

7 (1) in a conspicuous place in each regional of-
8 fice and claims intake facilities of the Department of
9 Veterans Affairs; and

10 (2) on the Internet website of the Department.

11 (b) NOTICE TO APPLICANTS.—

12 (1) IN GENERAL.—The Secretary shall provide
13 to each person who submits a claim for benefits
14 under the laws administered by the Secretary before
15 the person submits such claim—

16 (A) notice of the information described in
17 subsection (c); and

18 (B) notice that, during the period ending
19 on August 6, 2015, the person is eligible to re-
20 ceive up to an extra year of benefits payments
21 if the person files an original claim that is fully
22 developed.

23 (2) ACKNOWLEDGMENT OF RECEIPT OF NO-
24 TICE.—Each person who submits a claim for bene-
25 fits under the laws administered by the Secretary
26 shall include in such application a signed form ac-

1 knowledging that the person received the informa-
2 tion described in subsection (c).

3 (c) INFORMATION DESCRIBED.—

4 (1) IN GENERAL.—The information described in
5 this subsection is the following:

6 (A) The average processing time of the
7 claims described in paragraph (2) and the per-
8 centage of such submitted claims for which ben-
9 efits are awarded.

10 (B) The percentage of each of the fol-
11 lowing types of submitted claims for benefits
12 under the laws administered by the Secretary of
13 Veterans Affairs for which benefits are award-
14 ed:

15 (i) Claims filed by veterans who au-
16 thorized a veterans service organization to
17 act on the veterans' behalf under a durable
18 power of attorney.

19 (ii) Claims filed by veterans who au-
20 thorized a person other than a veterans
21 service organization to act on the veterans'
22 behalf under a durable power of attorney.

23 (iii) Claims filed by veterans who did
24 not authorize a person to act on the vet-

1 erans' behalf under a durable power of at-
2 torney.

3 (2) CLAIMS DESCRIBED.—The claims described
4 in this paragraph are each of the following types of
5 claims for benefits under the laws administered by
6 the Secretary of Veterans Affairs:

7 (A) A fully developed claim that is sub-
8 mitted in standard electronic form.

9 (B) A fully developed claim that is sub-
10 mitted in standard paper form.

11 (C) A claim that is not fully developed that
12 is submitted in standard electronic form.

13 (D) A claim that is not fully developed
14 that is submitted in standard paper form.

15 (E) A claim that is not fully developed that
16 is submitted in nonstandard paper form.

17 (3) UPDATE OF INFORMATION.—The informa-
18 tion described in this subsection shall be updated not
19 less frequently than once each fiscal quarter.

20 (d) EFFECTIVE DATE.—This section shall take effect
21 on the date that is one year after the date of the enact-
22 ment of this Act.

23 **SEC. 12. CLAIM DEFINED.**

24 Except as otherwise provided, in this Act, the term
25 “claim” means a claim for disability compensation under

- 1 the laws administered by the Secretary of Veterans Af-
- 2 fairs.

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