

114TH CONGRESS  
1ST SESSION

# H. R. 675

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2015

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To increase, effective as of December 1, 2015, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to amend title 38, United States Code, to improve the United States Court of Appeals for Veterans Claims, to improve the processing of claims by the Secretary of Veterans Affairs, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Veterans’ Compensation Cost-of-Living Adjustment Act  
 4 of 2015”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT**

Sec. 101. Increase in rates of disability compensation and dependency and in-  
 demnity compensation.

Sec. 102. Publication of adjusted rates.

**TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS  
 CLAIMS**

Sec. 201. Extending temporary expansion of United States Court of Appeals  
 for Veterans Claims.

Sec. 202. Recall of retired judges of United States Court of Appeals for Vet-  
 erans Claims.

Sec. 203. Life insurance program relating to judges of United States Court of  
 Appeals for Veterans Claims.

Sec. 204. Voluntary contributions to enlarge survivors’ annuity.

Sec. 205. Salaries of judges of United States Court of Appeals for Veterans  
 Claims.

Sec. 206. Selection of chief judge of United States Court of Appeals for Vet-  
 erans Claims.

**TITLE III—IMPROVEMENT OF CLAIMS PROCESSING**

Sec. 301. Interim payments of compensation benefits under laws administered  
 by the Secretary of Veterans Affairs.

Sec. 302. Claims processors training.

Sec. 303. Notice of average times for processing claims and percentage of  
 claims approved.

**TITLE IV—OTHER MATTERS**

Sec. 401. Clarification of eligible recipients of certain accrued benefits upon  
 death of beneficiary.

Sec. 402. Observance of Veterans Day.

1 **TITLE I—COMPENSATION COST-**  
2 **OF-LIVING ADJUSTMENT**

3 **SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSA-**  
4 **TION AND DEPENDENCY AND INDEMNITY**  
5 **COMPENSATION.**

6 (a) **RATE ADJUSTMENT.**—Effective on December 1,  
7 2015, the Secretary of Veterans Affairs shall increase, in  
8 accordance with subsection (c), the dollar amounts in ef-  
9 fect on November 30, 2015, for the payment of disability  
10 compensation and dependency and indemnity compensa-  
11 tion under the provisions specified in subsection (b).

12 (b) **AMOUNTS TO BE INCREASED.**—The dollar  
13 amounts to be increased pursuant to subsection (a) are  
14 the following:

15 (1) **WARTIME DISABILITY COMPENSATION.**—  
16 Each of the dollar amounts under section 1114 of  
17 title 38, United States Code.

18 (2) **ADDITIONAL COMPENSATION FOR DEPEND-**  
19 **ENTS.**—Each of the dollar amounts under section  
20 1115(1) of such title.

21 (3) **CLOTHING ALLOWANCE.**—The dollar  
22 amount under section 1162 of such title.

23 (4) **DEPENDENCY AND INDEMNITY COMPENSA-**  
24 **TION TO SURVIVING SPOUSE.**—Each of the dollar

1 amounts under subsections (a) through (d) of sec-  
2 tion 1311 of such title.

3 (5) DEPENDENCY AND INDEMNITY COMPENSA-  
4 TION TO CHILDREN.—Each of the dollar amounts  
5 under sections 1313(a) and 1314 of such title.

6 (c) DETERMINATION OF INCREASE.—

7 (1) PERCENTAGE.—Except as provided in para-  
8 graph (2), each dollar amount described in sub-  
9 section (b) shall be increased by the same percentage  
10 as the percentage by which benefit amounts payable  
11 under title II of the Social Security Act (42 U.S.C.  
12 401 et seq.) are increased effective December 1,  
13 2015, as a result of a determination under section  
14 215(i) of such Act (42 U.S.C. 415(i)).

15 (2) ROUNDING.—Each dollar amount increased  
16 under paragraph (1), if not a whole dollar amount,  
17 shall be rounded to the next lower whole dollar  
18 amount.

19 (d) SPECIAL RULE.—The Secretary of Veterans Af-  
20 fairs may adjust administratively, consistent with the in-  
21 creases made under subsection (a), the rates of disability  
22 compensation payable to persons under section 10 of Pub-  
23 lic Law 85–857 (72 Stat. 1263) who have not received  
24 compensation under chapter 11 of title 38, United States  
25 Code.

1 **SEC. 102. PUBLICATION OF ADJUSTED RATES.**

2       The Secretary of Veterans Affairs shall publish in the  
3 Federal Register the amounts specified in section 101(b),  
4 as increased under that section, not later than the date  
5 on which the matters specified in section 215(i)(2)(D) of  
6 the Social Security Act (42 U.S.C. 415(i)(2)(D)) are re-  
7 quired to be published by reason of a determination made  
8 under section 215(i) of such Act during fiscal year 2016.

9 **TITLE II—UNITED STATES**  
10 **COURT OF APPEALS FOR VET-**  
11 **ERANS CLAIMS**

12 **SEC. 201. EXTENDING TEMPORARY EXPANSION OF UNITED**  
13 **STATES COURT OF APPEALS FOR VETERANS**  
14 **CLAIMS.**

15       Section 7253(i)(2) of title 38, United States Code,  
16 is amended by striking “January 1, 2013” and inserting  
17 “January 1, 2020”.

18 **SEC. 202. RECALL OF RETIRED JUDGES OF UNITED STATES**  
19 **COURT OF APPEALS FOR VETERANS CLAIMS.**

20       Paragraph (1) of section 7257(b) of title 38, United  
21 States Code, is amended to read as follows:

22       “(1)(A) The chief judge may recall for further service  
23 on the Court a recall-eligible retired judge in accordance  
24 with this section. Such a recall shall be made upon written  
25 certification by the chief judge that substantial service is  
26 expected to be performed by the retired judge for such

1 period, not to exceed 90 days (or the equivalent), as deter-  
2 mined by the chief judge to be necessary to meet the needs  
3 of the Court.

4 “(B)(i) A recall-eligible judge may request that the  
5 chief judge recall the recall-eligible judge for a period of  
6 service of not less than 90 days (or the equivalent).

7 “(ii) The chief judge shall approve a request made  
8 by a recall-eligible judge pursuant to clause (i) unless the  
9 chief judge certifies, in writing, that the Court does not  
10 have—

11 “(I) sufficient work to assign such recall-eligible  
12 judge during the period of recalled service; or

13 “(II) sufficient resources to provide to such re-  
14 call-eligible judge appropriate administrative and of-  
15 fice support.

16 “(iii) At any time during the period of recalled service  
17 of a judge who is recalled pursuant to clause (i), the chief  
18 judge may terminate such recalled service if the chief  
19 judge makes a written certification described in clause  
20 (ii).”.

1 **SEC. 203. LIFE INSURANCE PROGRAM RELATING TO**  
2 **JUDGES OF UNITED STATES COURT OF AP-**  
3 **PEALS FOR VETERANS CLAIMS.**

4 (a) IN GENERAL.—Section 7281 of title 38, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(j) For purposes of chapter 87 of title 5, a judge  
8 who is in regular active service and a judge who is retired  
9 under section 7296 of this title or under chapter 83 or  
10 84 of title 5 shall be treated as an employee described  
11 in section 8701(a)(5) of title 5.”

12 (b) EFFECTIVE DATE.—The amendment made by  
13 subsection (a) shall apply with respect to any payment  
14 made on or after the first day of the first applicable pay  
15 period beginning on or after the date of the enactment  
16 of this Act.

17 **SEC. 204. VOLUNTARY CONTRIBUTIONS TO ENLARGE SUR-**  
18 **VIVORS’ ANNUITY.**

19 Section 7297 of title 38, United States Code, is  
20 amended by adding at the end the following new sub-  
21 section:

22 “(p)(1) A covered judge who makes an election under  
23 subsection (b) may purchase, in 3-month increments, up  
24 to an additional year of service credit for each year of Fed-  
25 eral judicial service completed, under the terms set forth  
26 in this section.

1 “(2) In this subsection, the term ‘covered judge’  
2 means any of the following:

3 “(A) A judge in regular active service.

4 “(B) A retired judge who is a recall-eligible re-  
5 tired judge pursuant to subsection (a) of section  
6 7257 of this title.

7 “(C) A retired judge who would be a recall-eli-  
8 gible retired judge pursuant to subsection (a) of sec-  
9 tion 7257 but for—

10 “(i) meeting the aggregate recall service  
11 requirements under subsection (b)(3) of such  
12 section; or

13 “(ii) being permanently disabled as de-  
14 scribed by subsection (b)(4) of such section.”.

15 **SEC. 205. SALARIES OF JUDGES OF UNITED STATES COURT**  
16 **OF APPEALS FOR VETERANS CLAIMS.**

17 Section 7253(e) of title 38, United States Code, is  
18 amended by striking “district courts” and inserting  
19 “courts of appeals”.

20 **SEC. 206. SELECTION OF CHIEF JUDGE OF UNITED STATES**  
21 **COURT OF APPEALS FOR VETERANS CLAIMS.**

22 Section 7253(d) of title 38, United States Code, is  
23 amended—

24 (1) in paragraph (1)—



1 (A) in subparagraph (A), by striking  
2 “and”;

3 (B) by redesignating subparagraph (B) as  
4 subparagraph (C); and

5 (C) by inserting after subparagraph (A)  
6 the following new subparagraph (B):

7 “(B) are 64 years of age or under and have at  
8 least 3 years remaining in term of office; and”;

9 (2) by amending paragraph (2) to read as fol-  
10 lows:

11 “(2)(A) In any case in which there is no judge of  
12 the Court in regular active service who meets the require-  
13 ments under paragraph (1), the judge of the Court in reg-  
14 ular active service who is senior in commission and meets  
15 subparagraph (A) or (B) and subparagraph (C) of para-  
16 graph (1) shall act as the chief judge.

17 “(B) In any case under subparagraph (A) of this  
18 paragraph in which there is no judge of the Court in reg-  
19 ular active service who meets subparagraph (A) or (B) and  
20 subparagraph (C) of paragraph (1), the judge of the Court  
21 in regular active service who is senior in commission and  
22 meets subparagraph (C) shall act as the chief judge.”.

1       **TITLE III—IMPROVEMENT OF**  
2                   **CLAIMS PROCESSING**

3       **SEC. 301. INTERIM PAYMENTS OF COMPENSATION BENE-**  
4                   **FITS UNDER LAWS ADMINISTERED BY THE**  
5                   **SECRETARY OF VETERANS AFFAIRS.**

6           (a) IN GENERAL.—Subchapter III of chapter 51 of  
7 title 38, United States Code, is amended by adding at the  
8 end the following new section:

9       **“§ 5127. Interim payments of compensation benefits**

10           “(a) IN GENERAL.—In the case of a claim described  
11 in subsection (b), prior to adjudicating the claim, the Sec-  
12 retary shall make interim payments of monetary benefits  
13 to the claimant based on any disability for which the Sec-  
14 retary has made a decision or, with respect to such a dis-  
15 ability that is not compensable, notify the claimant of the  
16 rating relating to such disability. Upon the adjudication  
17 of the claim, the Secretary shall pay to the claimant any  
18 monetary benefits awarded to the claimant for the period  
19 of payment under section 5111 of this title less the  
20 amount of such benefits paid to the claimant under this  
21 section.

22           “(b) CLAIM DESCRIBED.—A claim described in this  
23 subsection is a claim for disability compensation under  
24 chapter 11 of this title (including a claim regarding an  
25 increased rating)—

1           “(1) the adjudication of which requires the Sec-  
2           retary to make decisions with respect to two or more  
3           disabilities; and

4           “(2) for which, before completing the adjudica-  
5           tion of the claim, the Secretary makes a decision  
6           with respect to a disability that would result in the  
7           payment of monetary benefits to the claimant upon  
8           the adjudication of the claim.”.

9           (b) CLERICAL AMENDMENT.—The table of sections  
10          at the beginning of such chapter is amended by adding  
11          at the end of the items relating to such subchapter the  
12          following new item:

          “5127. Interim payments of compensation benefits.”.

13          **SEC. 302. 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 2 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 1 year after the date of the enactment  
3 of this Act.

4 **SEC. 303. NOTICE OF AVERAGE TIMES FOR PROCESSING**  
5                           **CLAIMS AND PERCENTAGE OF CLAIMS AP-**  
6                           **PROVED.**

7           (a) **PUBLIC NOTICE.**—The Secretary of Veterans Af-  
8 fairs shall post the information described in subsection  
9 (c)—

10                   (1) in a conspicuous place in each regional of-  
11 fice and claims intake facilities of the Department of  
12 Veterans Affairs; and

13                   (2) on the Internet Web site of the Department.

14           (b) **NOTICE TO APPLICANTS.**—

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

19                           (A) notice of the information described in  
20 subsection (c); and

21                           (B) notice that the person is eligible to re-  
22 ceive up to an extra year of benefits payments  
23 if the person files a claim that is fully devel-  
24 oped.

1           (2) ACKNOWLEDGMENT OF RECEIPT OF NO-  
2           TICE.—Each person who submits a claim for bene-  
3           fits under the laws administered by the Secretary  
4           shall include in such application a signed form ac-  
5           knowledging that the person received the informa-  
6           tion described in subsection (c).

7           (c) INFORMATION DESCRIBED.—

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

10                   (A) The average processing time of the  
11                   claims described in paragraph (2) and the per-  
12                   centage of such submitted claims for which ben-  
13                   efits are awarded.

14                   (B) The percentage of each of the fol-  
15                   lowing types of submitted claims for benefits  
16                   under the laws administered by the Secretary of  
17                   Veterans Affairs for which benefits are award-  
18                   ed:

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

23                           (ii) Claims filed by veterans who au-  
24                           thorized a person other than a veterans

1 service organization to act on the veterans'  
2 behalf under a durable power of attorney.

3 (iii) Claims filed by veterans who did  
4 not authorize a person to act on the vet-  
5 erans' behalf under a durable power of at-  
6 torney.

7 (2) CLAIMS DESCRIBED.—The claims described  
8 in this paragraph are each of the following types of  
9 claims for benefits under the laws administered by  
10 the Secretary of Veterans Affairs:

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

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

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

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

19 (E) A claim that is not fully developed that  
20 is submitted in non-standard paper form.

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

1       **TITLE IV—OTHER MATTERS**

2       **SEC. 401. CLARIFICATION OF ELIGIBLE RECIPIENTS OF**  
3                   **CERTAIN ACCRUED BENEFITS UPON DEATH**  
4                   **OF BENEFICIARY.**

5           (a) **ELIGIBILITY OF ESTATE.**—Section 5121(a)(2) of  
6 title 38, United States Code, is amended—

7               (1) in the matter preceding subparagraph (A),  
8               by inserting “, or estate,” after “person”; and

9               (2) by adding at the end the following new sub-  
10              paragraph:

11                       “(D) The estate of the veteran (unless the  
12                       estate will escheat).”.

13           (b) **EFFECTIVE DATE.**—The amendment made by  
14 subsection (a) shall apply with respect to the death of an  
15 individual on or after the date that is 2 years after the  
16 date of the enactment of this Act.

17       **SEC. 402. OBSERVANCE OF VETERANS DAY.**

18           (a) **TWO MINUTES OF SILENCE.**—Chapter 1 of title  
19 36, United States Code, is amended by adding at the end  
20 the following new section:

21       **“§ 145. Veterans Day**

22               “The President shall issue each year a proclamation  
23 calling on the people of the United States to observe 2  
24 minutes of silence on Veterans Day in honor of the service

1 and sacrifice of veterans throughout the history of the Na-  
2 tion, beginning at—

3 “(1) 3:11 p.m. Atlantic standard time;

4 “(2) 2:11 p.m. eastern standard time;

5 “(3) 1:11 p.m. central standard time;

6 “(4) 12:11 p.m. mountain standard time;

7 “(5) 11:11 a.m. Pacific standard time;

8 “(6) 10:11 a.m. Alaska standard time; and

9 “(7) 9:11 a.m. Hawaii-Aleutian standard  
10 time.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 for chapter 1 of title 36, United States Code, is amended  
13 by adding at the end the following new item:

“145. Veterans Day.”.

Passed the House of Representatives July 28, 2015.

Attest:

KAREN L. HAAS,

*Clerk.*