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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 38, United States Code, to improve the quality of the adjudication of claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LUTTRELL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to improve the quality of the adjudication of claims for benefits under the laws administered 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Claims Qual-
5 ity Improvement Act of 2025”.

1 **SEC. 2. NOTICE OF AVOIDABLE DEFERRALS OF CLAIMS**
2 **FOR BENEFITS UNDER LAWS ADMINISTERED**
3 **BY THE SECRETARY OF VETERANS AFFAIRS;**
4 **STUDY AND REPORT ON CERTAIN OPINIONS**
5 **OF DEPARTMENT OF VETERANS AFFAIRS OF-**
6 **FICE OF GENERAL COUNSEL.**

7 (a) NOTICE OF AVOIDABLE DEFERRALS.—Not later
8 than one year after the date of the enactment of this Act,
9 the Secretary of Veterans Affairs shall develop policies,
10 procedures, and technological capabilities to ensure that
11 each employee of the Veterans Benefits Administration
12 that commits an avoidable deferral with respect to a claim
13 for benefits under the laws administered by the Secretary
14 of Veterans Affairs in the National Work Queue is notified
15 of any avoidable deferrals that such employee commits
16 with respect to the same claim.

17 (b) STUDY AND REPORT ON CERTAIN OGC OPIN-
18 IONS.—

19 (1) STUDY.—Not later than one year after the
20 date of the enactment of this Act, the Secretary of
21 Veterans Affairs, in consultation with the Office of
22 the General Counsel of the Department of Veterans
23 Affairs and the Chairman of the Board of Veterans'
24 Appeals, shall complete a study to identify—

25 (A) issues about which an opinion from the
26 Office of the General Counsel of the Depart-

1 ment would foster consistency in the decisions
2 of the Secretary with respect to claims for bene-
3 fits under the laws administered by the Sec-
4 retary; and

5 (B) issues raised in appeals of such deci-
6 sions to the United States Court of Appeals for
7 Veterans Claims before the date of the enact-
8 ment of this Act about which the Office of the
9 General Counsel has had inconsistent opinions
10 in matters involving substantially similar ques-
11 tions of law or fact.

12 (2) REPORT.—Not later than one year after the
13 date of the enactment of this Act, the Secretary of
14 Veterans Affairs shall submit to the Committees on
15 Veterans’ Affairs of the House of Representatives a
16 report that includes—

17 (A) the findings of the study required by
18 paragraph (1); and

19 (B) a statement of which issues identified
20 pursuant to such study about which the Office
21 of the General Counsel of the Department in-
22 tends to publish an opinion; and

23 (C) a timeline for the publication of any
24 such opinion.

1 **SEC. 3. IMPROVEMENTS TO SYSTEM FOR ADJUDICATION**
2 **OF CLAIMS FOR BENEFITS UNDER LAWS AD-**
3 **MINISTERED BY SECRETARY OF VETERANS**
4 **AFFAIRS.**

5 (a) PROGRAM FOR QUALITY ASSURANCE IN DECISIONS OF BOARD OF VETERANS' APPEALS; PERFORMANCE REVIEWS.—

8 (1) IN GENERAL.—Section 7101 of title 38,
9 United States Code, is amended by adding at the
10 end the following new subsection:

11 “(f)(1) The Chairman shall carry out a program to
12 ensure quality in the decisions of the Board. Under such
13 program, the Chairman shall—

14 “(A) develop policies and procedures for—

15 “(i) measuring quality in such decisions;

16 “(ii) maintaining data and identifying
17 trends with respect to—

18 “(I) errors in such decisions;

19 “(II) errors in decisions remanded or
20 returned to the Board by the Court of Ap-
21 peals for Veterans Claims; and

22 “(III) specific members of the Board
23 that issued decisions that were subse-
24 quently vacated by the Court of Appeals
25 for Veterans Claims; and

1 “(iii) ensuring any such decision of the
2 Board to remand a claim for a benefit under a
3 law administered by the Secretary is necessary
4 under any applicable law or regulation;

5 “(B) with respect to a claim for such a benefit
6 that is remanded to the Board by the Court of Ap-
7 peals for Veterans Claims—

8 “(i) inform any employee of the Board re-
9 sponsible for drafting the decision of the Board
10 with respect to such claim that such decision
11 was remanded;

12 “(ii) provide any such employee with a
13 copy of the relevant order of the Court of Ap-
14 peals for Veterans Claims (including a copy of
15 any accompanying joint motion for remand);
16 and

17 “(iii) provide incentives to such employees
18 to review such relevant orders and joint motions
19 for remand; and

20 “(C) ensure, to the maximum extent prac-
21 ticable, that any error identified by the Board under
22 such program is corrected before the date on which
23 the Board issues the final decision associated with
24 such error.

1 “(2) In developing policies and procedures to measure
2 quality in decisions of the Board pursuant to clause (i)
3 of subparagraph (A) of paragraph (1), the Chairman shall
4 consider the data and trends maintained and identified
5 pursuant to clause (ii) of such subparagraph.

6 “(3) The Chairman may use technology, including ar-
7 tificial intelligence, to maintain such data and identify
8 such trends.

9 “(4) The Secretary shall submit to the Committees
10 on Veterans’ Affairs of the House of Representatives and
11 the Senate an annual report on the program required by
12 this subsection that includes, with respect to the period
13 covered by the report, an identification of—

14 “(A) elements, if any of the process of the
15 Board for reviewing an appeal under this chapter
16 that lead to errors in decisions of the Board; and

17 “(B) the most common reasons that a claim for
18 a benefit under a law administered by the Secretary
19 was remanded to such Board by the Court of Ap-
20 peals for Veterans Claims.”.

21 (2) DEADLINE.—The Secretary shall submit
22 the first report required by paragraph (2) of such
23 section (as added by paragraph (1)) by not later
24 than one year after the date of the enactment of this
25 Act.

1 (b) TRAINING PROGRAM FOR CERTAIN EMPLOYEES
2 OF BOARD OF VETERANS' APPEALS; PERFORMANCE RE-
3 VIEWS.—

4 (1) TRAINING PROGRAM.—

5 (A) IN GENERAL.—Chapter 71 of such
6 title (as amended by subsection (a)) is further
7 amended by inserting after section 7101A the
8 following new section:

9 **“§ 7101B. Training program for Members of Board on**
10 **timely and correct adjudication of ap-**
11 **peals**

12 “(a) IN GENERAL.—The Secretary, in conjunction
13 with the Chairman of the Board of Veterans' Appeals,
14 shall develop and carry out a program to provide Members
15 of the Board training on timely and correct adjudication
16 of appeals under this chapter.

17 “(b) REQUIRED CONSIDERATIONS.—In carrying out
18 the program required by subsection (a), the Secretary
19 shall consider the following:

20 “(1) Feedback, if any, from members of the
21 Board and covered employees with respect to such
22 program.

23 “(2) Data on errors in decisions of the Board
24 maintained pursuant to the program for quality as-

1 surance required by subsection (f) of section 7101 of
2 this title.

3 “(3) Any decision of the Court of Appeals for
4 Veterans Claims to remand a claim for benefits
5 under the laws administered by the Secretary to the
6 Board for further action, including a joint motion to
7 remand such claim.

8 “(c) ASSESSMENTS OF EFFECTIVENESS.—The Sec-
9 retary, in conjunction with the Chairman of the Board of
10 Veterans’ Appeals, shall develop a method to assess, on
11 an annual basis, the effectiveness of the training program
12 under this section. In developing such method, the Sec-
13 retary shall consider best practices for assessing the effec-
14 tiveness of training programs, including the Kirkpatrick
15 evaluation model.

16 “(d) REPORT.—The Secretary shall submit to the
17 Committees on Veterans’ Affairs of the House of Rep-
18 resentatives and the Senate an annual report on the pro-
19 gram required by subsection (a) that includes, with respect
20 to the period covered by the report—

21 “(1) a statement of the topics of the training
22 provided pursuant to this section, disaggregated
23 by—

24 “(A) mandatory training; and

25 “(B) non-mandatory training; and

1 “(2) the results of the assessment of the effec-
2 tiveness of such program required under subsection
3 (b).

4 “(e) COVERED EMPLOYEE DEFINED.—In this sec-
5 tion, the term ‘covered employee’ means an employee of
6 the Board who is—

7 “(1) not a member of the Board; and

8 “(2) responsible for drafting decisions of the
9 Board.”.

10 (B) CLERICAL AMENDMENT.—The table of
11 sections at the beginning of such chapter is
12 amended by inserting after the item relating to
13 section 7101A the following new item:

“7101B. Training program for Members of Board on timely and correct
adjudication of appeals.”.

14 (2) PERFORMANCE REVIEWS OF MEMBERS OF
15 THE BOARD.—Section 7101A of such title (as
16 amended by paragraph (1)) is amended—

17 (A) in subparagraph (B) of subsection
18 (c)(1) by striking “not less often than once
19 every three years” and inserting “not less often
20 than annually”; and

21 (B) by adding at the end the following new
22 subsection:

1 “(h)(1) With respect to any performance review of
2 a covered employee, the Secretary may not consider the
3 timeliness or quality of work of any Member of the Board.

4 “(2) In this subsection, the term ‘covered employee’
5 has the meaning given such term in section 7101B of this
6 title.”.

7 (c) DECISIONS OF BOARD TO REMAND.—

8 (1) INFORMATION RELATING TO DECISIONS TO
9 REMAND.—Section 7104 of such title is amended in
10 subsection (d)—

11 (A) by redesignating paragraphs (1)
12 through (3) as paragraphs (2) through (4),
13 respectively; and

14 (B) by inserting before paragraph (2) (as
15 so redesignated), the following new paragraph:

16 “(1) with respect to a claim that the Board re-
17 mands for further action, a statement of the specific
18 reasons such claim was remanded, including any
19 failure on the part of the Secretary to comply with—

20 “(A) the Secretary’s duty to assist under
21 section 5103A of this title; and

22 “(B) the Secretary’s duty to notify under
23 section 5103 of this title;”.

1 (2) NOTICE OF REMANDED DECISION FOR CER-
2 TAIN EMPLOYEES.—Such section is further amended
3 in—

4 (A) subsection (e)—

5 (i) by redesignating paragraphs (1)
6 through (3) as subparagraphs (A) through
7 (C), respectively;

8 (ii) by striking “After” and inserting
9 “(1) After”; and

10 (iii) by adding at the end the fol-
11 lowing new paragraph:

12 “(2) If, pursuant to a decision on an appeal, the
13 Board remands a claim for a benefit under a law adminis-
14 tered by the Secretary for further action, the Secretary
15 shall, to the maximum extent practicable, issue a copy of
16 such decision to each employee of the Veterans Benefits
17 Administration who committed the error resulting in the
18 decision of the Board to remand, when applicable.”; and

19 (B) in subsection (f), by striking “under
20 subsection (e)” and inserting “ under para-
21 graph (1) of subsection (e)”.

22 (d) ANNUAL REPORTS FOR BOARD OF VETERANS’
23 APPEALS.—

1 (1) IN GENERAL.—Chapter 71 of title 38,
2 United States Code, is amended by inserting after
3 section 7114 the following new section:

4 **“§ 7115. Annual report on Board of Veterans’ Appeals**

5 “The Chairman of the Board shall submit to the
6 Committees on Veterans’ Affairs of the House of Rep-
7 resentatives and the Senate an annual report that in-
8 cludes, for each decision of the Board to remand a claim
9 for a benefit under a law administered by the Secretary
10 to the Secretary for further adjudication during the period
11 covered by the report, a statement of the reasons for such
12 decision of the Board, disaggregated by decisions on—

13 “(1) claims with a rating decision dated on or
14 after February 19, 2019; and

15 “(2) claims with a rating decision dated before
16 such date.”.

17 (2) DEADLINES.—The Secretary shall submit
18 the first reports required by subsections (a) and (b)
19 of section 7115 of such title (as added by paragraph
20 (1)) by not later than one year after the date of the
21 enactment of this Act.

22 (3) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by inserting after the item relating to section 7114
25 the following new item:

“7115. Annual report on Board of Veterans’ Appeals”.

1 (e) PLAN FOR IMPROVEMENTS TO QUALITY IN DECI-
2 SIONS OF BOARD.—

3 (1) IN GENERAL.—Not later than six months
4 after the date of the enactment of this Act, the Sec-
5 retary of Veterans Affairs, in consultation with the
6 Chairman of the Board of Veterans' Appeals and the
7 head of the Office of Administrative Review of the
8 Veterans Benefits Administration, shall develop a
9 plan to—

10 (A) improve the quality of decisions of the
11 Board to remand, pursuant to section 7104 of
12 title 38, United States Code, claims for a ben-
13 efit under a law administered by the Secretary
14 to the Secretary for further action; and

15 (B) mitigate the number of such decisions
16 that are unnecessary under any applicable law
17 or regulation.

18 (2) REPORT.—The Secretary shall submit to
19 the Committees on Veterans' Affairs of the House of
20 Representatives and the Senate a report on such
21 plan by not later than six months after the date of
22 the enactment of this Act.