

Union Calendar No. 162

118TH CONGRESS
1ST SESSION

H. R. 1530

[Report No. 118–199]

To amend title 38, United States Code, to improve the requirement to publish disability benefit questionnaire forms of Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2023

Mr. LUTTRELL (for himself and Mr. PAPPAS) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

SEPTEMBER 14, 2023

Additional sponsors: Mr. MCGARVEY, Ms. BROWNLEY, Mr. SELF, and Mrs.
BICE

SEPTEMBER 14, 2023

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 10, 2023]

A BILL

To amend title 38, United States Code, to improve the requirement to publish disability benefit questionnaire forms of Department 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; TABLE OF CONTENTS.**

4 *This Act may be cited as the “Veterans Benefits Im-*
 5 *provement Act of 2023”.*

6 **SEC. 2. IMPROVEMENT OF PUBLICATION OF DEPARTMENT**
 7 **OF VETERANS AFFAIRS DISABILITY BENEFIT**
 8 **QUESTIONNAIRE FORMS.**

9 *Section 5101 of title 38, United States Code, is amend-*
 10 *ed—*

11 *(1) in subsection (d)—*

12 *(A) in paragraph (1)(A), by inserting “, in-*
 13 *cluding (except as provided in paragraph (4)(A))*
 14 *all disability benefit questionnaire forms avail-*
 15 *able to personnel of the Veterans Health Admin-*
 16 *istration and covered non-Department providers*
 17 *for the completion of examinations with respect*
 18 *to medical disability of applicants for benefits*
 19 *under laws administered by the Secretary” before*
 20 *the semicolon; and*

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

23 *“(4)(A) The Secretary may exclude from publication*
 24 *under clauses (i) and (ii) of paragraph (1)(A) any form*
 25 *described in subparagraph (B) of this paragraph that the*

1 *Secretary determines could not reasonably be completed to*
2 *a clinically acceptable standard by someone not an em-*
3 *ployee or a contractor of the Department.*

4 “(B) *A form described in this subparagraph is a form*
5 *that—*

6 “(i) *was available or in use at any time after the*
7 *date of the enactment of the Veterans Benefits Act of*
8 *2023; and*

9 “(ii) *has not been published under paragraph*
10 *(1).*

11 “(C) *The Secretary shall include on the same internet*
12 *website as the website on which forms are published under*
13 *paragraph (1)(A) a list of forms that have been excluded*
14 *from publication pursuant to subparagraph (A), and for*
15 *each such form, a justification for the exclusion of the form*
16 *from publication.”; and*

17 *(2) in subsection (e), by adding at the end the*
18 *following new paragraph:*

19 “(3) *The term ‘covered non-Department provider’*
20 *means a medical provider who is not an employee of*
21 *the Department and who provides examinations with*
22 *respect to medical disability of applicants for benefits*
23 *under laws administered by the Secretary pursuant to*
24 *a contract with the Department.”.*

1 **SEC. 3. IMPROVEMENT OF PROVISION OF MEDICAL DIS-**
2 **ABILITY EXAMINATIONS BY CONTRACTORS.**

3 (a) *REPORT ON IMPROVING REIMBURSEMENT FOR*
4 *TRAVEL RELATING TO MEDICAL DISABILITY EXAMINA-*
5 *TIONS.*—Not later than one year after the date of the enact-
6 ment of this Act, the Secretary of Veterans Affairs, after
7 consulting with the Secretary of State and the Commis-
8 sioner of the Social Security Administration, shall submit
9 to the Committees on Veterans' Affairs of the Senate and
10 the House of Representatives a report on the efforts of the
11 Secretary to reimburse veterans for expenses incurred trav-
12 eling to a facility of the Department or of a covered non-
13 Department provider incident to an examination with re-
14 spect to the medical disability of the veteran for purposes
15 of benefits under the laws administered by the Secretary,
16 regardless of whether the facility is located inside or outside
17 the United States.

18 (b) *COMMUNICATION BY NON-DEPARTMENT PRO-*
19 *VIDERS PROVIDING MEDICAL DISABILITY EXAMINATIONS*
20 *WITH INDIVIDUALS AND ORGANIZATIONS DESIGNATED FOR*
21 *PREPARATION, PRESENTATION, AND PROSECUTION OF*
22 *CLAIMS.*—Any contract entered into by the Secretary of
23 Veterans Affairs after the date of the enactment of this Act
24 under which a covered non-Department provider agrees to
25 provide examinations with respect to medical disability for
26 applicants for benefits under the laws administered by the

1 *Secretary, shall include a requirement that every commu-*
2 *nication from the covered non-Department provider to such*
3 *an applicant regarding the scheduling of a covered medical*
4 *disability examination be contemporaneously transmitted*
5 *to any person or organization—*

6 *(1) designated by the applicant by a power of at-*
7 *torney filed with the Secretary; and*

8 *(2) recognized under sections 5902, 5903, and*
9 *5904 of title 38, United States Code, for the prepara-*
10 *tion, presentation, and prosecution of claims.*

11 *(c) DEPARTMENT OF VETERANS AFFAIRS OUTREACH*
12 *REGARDING CONTACT INFORMATION FOR CONTRACTORS*
13 *PROVIDING COVERED MEDICAL DISABILITY EXAMINA-*
14 *TIONS.—Not later than 120 days after the date of enactment*
15 *of this Act, the Secretary of Veterans Affairs, in partnership*
16 *with veterans service organizations and such other stake-*
17 *holders as the Secretary considers relevant and appropriate,*
18 *shall implement an outreach program to provide veterans*
19 *with the following information:*

20 *(1) Contact information for covered non-Depart-*
21 *ment providers that provide examinations with re-*
22 *spect to medical disability of applicants for benefits*
23 *under laws administered by the Secretary, including*
24 *the telephone numbers such providers may use to con-*
25 *tact veterans.*

1 (2) *Notice of the requirement for a veteran to*
 2 *provide personally identifiable information to such a*
 3 *provider when contacted in order to verify the iden-*
 4 *tity of the veteran.*

5 (d) *COVERED NON-DEPARTMENT PROVIDER.—In this*
 6 *section, the term “covered non-Department provider” means*
 7 *a medical provider who is not an employee of the Depart-*
 8 *ment of Veterans Affairs and who provides examinations*
 9 *with respect to medical disability of applicants for benefits*
 10 *under laws administered by the Secretary of Veterans Af-*
 11 *fairs pursuant to a contract with the Department.*

12 **SEC. 4. REPORT ON SUPPORTING GOVERNMENTAL VET-**
 13 **ERANS SERVICE OFFICERS WHO PREPARE,**
 14 **PRESENT, AND PROSECUTE BENEFITS**
 15 **CLAIMS BEFORE DEPARTMENT OF VETERANS**
 16 **AFFAIRS.**

17 (a) *REPORT.—Not later than one year after the date*
 18 *of the enactment of this Act and after consulting veterans*
 19 *service organizations and such other stakeholders as the Sec-*
 20 *retary of Veterans Affairs considers relevant and appro-*
 21 *priate, the Secretary shall submit to the Committee on Vet-*
 22 *erans’ Affairs of the Senate and the House of Representa-*
 23 *tives a report on improving the support by the Department*
 24 *of Veterans Affairs of covered governmental veterans service*
 25 *officers.*

1 (b) *ELEMENTS.*—*The report submitted under sub-*
2 *section (a) shall include the following:*

3 (1) *An assessment of the feasibility, advisability,*
4 *and current technical limitations of providing covered*
5 *governmental veterans service officers enhanced access*
6 *to certain Department systems to better serve veterans*
7 *those governmental service officers may not have au-*
8 *thorization to represent.*

9 (2) *An assessment as to whether the Department*
10 *would benefit from the establishment or designation of*
11 *an office or working group within the Department to*
12 *serve as an intergovernmental liaison between the De-*
13 *partment and governmental veterans service officers.*

14 (3) *Any other recommendations to improve how*
15 *the Department monitors, coordinates with, or pro-*
16 *vides support to covered governmental veterans service*
17 *officers.*

18 (c) *DEFINITIONS.*—*In this section:*

19 (1) *The term “covered governmental veterans*
20 *service officer” means an employee of a State, county,*
21 *municipal, or Tribal government—*

22 (A) *who is recognized by the Secretary of*
23 *Veterans Affairs as a representative of a veterans*
24 *service organization to serve as a veterans service*
25 *officer; and*

1 (B) whose primary responsibilities include
 2 preparing, presenting, and prosecuting before the
 3 Department of Veterans Affairs claims for bene-
 4 fits under laws administered by the Secretary.

5 (2) The term “veterans service organization”
 6 means an organization recognized by the Secretary
 7 for the representation of veterans under section 5902
 8 of title 38, United States Code.

9 **SEC. 5. BOARD OF VETERANS’ APPEALS INTERNSHIP PRO-**
 10 **GRAM.**

11 (a) *IN GENERAL.*—Chapter 71 of title 38, United
 12 States Code, is amended by adding at the end the following
 13 new section:

14 **“§ 7114. Internship program**

15 “The Secretary shall establish a competitive internship
 16 program of the Board for individuals enrolled in the first
 17 or second year of law schools accredited by the American
 18 Bar Association.”.

19 (b) *CLERICAL AMENDMENT.*—The table of sections at
 20 the beginning of chapter 71 of such title is amended by add-
 21 ing at the end the following new item:

“7114. Internship program.”.

22 (c) *DEADLINE.*—The Secretary of Veterans Affairs
 23 shall establish the internship program required by section
 24 7114 of such title, as added by subsection (a), not later than
 25 one year after the date of the enactment of this Act.

1 **SEC. 6. BENEFITS FOR PARTICIPANTS IN CERTAIN PRO-**
2 **GRAMS OF THE DEPARTMENT OF VETERANS**
3 **AFFAIRS.**

4 (a) *ESTABLISHMENT.*—Not later than one year after
5 the date of the enactment of this Act, the Secretary of Vet-
6 erans Affairs shall carry out a program to furnish certain
7 benefits to covered participants.

8 (b) *BENEFITS: STUDENT LOAN REPAYMENT; REIM-*
9 *BURSEMENTS.*—

10 (1) *IN GENERAL.*—Subject to an agreement
11 under paragraph (2), the Secretary shall provide to
12 each covered attorney—

13 (A) *student loan repayment benefits under*
14 *section 5379 of title 5, United States Code, in the*
15 *case of a covered attorney who is eligible for such*
16 *benefits; and*

17 (B) *reimbursement for the cost of—*

18 (i) *enrollment in a course designed to*
19 *prepare an individual for licensure to prac-*
20 *tice law in a State;*

21 (ii) *sitting for a bar examination in a*
22 *State; and*

23 (iii) *annual dues required to maintain*
24 *membership in the bar of any State.*

25 (2) *AGREEMENT.*—The Secretary shall enter into
26 an agreement with a covered attorney who will re-

1 *ceive benefits under paragraph (1). Each such agree-*
2 *ment shall specify that—*

3 *(A) the covered attorney agrees to remain in*
4 *the service of the Department for a period of not*
5 *less than three years, unless involuntarily sepa-*
6 *rated; and*

7 *(B) if separated involuntarily on account of*
8 *misconduct, or voluntarily, before the end of the*
9 *period specified in the agreement, the covered at-*
10 *torney shall repay to the United States the*
11 *amount of any benefits received by the covered*
12 *participant under paragraph (1).*

13 *(c) PROFESSIONAL DEVELOPMENT ACTIVITIES.—*

14 *(1) MENTORSHIP.—Not later than 90 days after*
15 *the date on which an individual becomes a covered*
16 *participant, the Secretary shall assign the covered*
17 *participant a mentor who is an employee of the De-*
18 *partment who is—*

19 *(A) to the extent practicable, a managerial*
20 *employee; and*

21 *(B) outside the participant's chain of com-*
22 *mand.*

23 *(2) ASSIGNMENTS.—At the election of a covered*
24 *participant who has completed at least two years of*

1 *service to the Department, the Secretary shall assign*
2 *such covered participant to:*

3 *(A) The Office of General Counsel, in a po-*
4 *sition—*

5 *(i) that includes full-time legal respon-*
6 *sibilities in order to further the professional*
7 *development of the covered participant; and*

8 *(ii) for a period of not less than 120*
9 *days and not more than 180 days, or longer*
10 *at the discretion of the Secretary.*

11 *(B) In the case of a covered participant who*
12 *has already held a position described in sub-*
13 *paragraph (A), an assignment described in*
14 *clauses (i) and (ii) of such subparagraph with*
15 *the Board of Veterans' Appeals.*

16 *(3) OTHER ROTATIONAL ASSIGNMENTS.—The*
17 *Secretary may provide a covered participant one or*
18 *more other short-term rotational assignments. Such*
19 *an assignment shall be for a period of not less than*
20 *30 days and not more than 180 days, at the discre-*
21 *tion of the Secretary.*

22 *(d) PERIODIC REPORTS.—*

23 *(1) REPORTS REQUIRED.—Not later than three*
24 *years after the date on which the Secretary begins to*
25 *carry out the program under this section, and not less*

1 *frequently than once every three years thereafter, the*
2 *Secretary shall submit to the Committee on Veterans’*
3 *Affairs of the Senate and the Committee on Veterans’*
4 *Affairs of the House of Representatives regarding such*
5 *program.*

6 (2) *ELEMENTS.—Each report submitted under*
7 *paragraph (1) shall include the following elements:*

8 (A) *Costs to the United States to provide*
9 *benefits under subsection (b).*

10 (B) *The rates of retention of covered par-*
11 *ticipants compared to other employees of the De-*
12 *partment.*

13 (C) *Recommendations of the Secretary re-*
14 *garding legislative or administrative action to*
15 *improve such program.*

16 (e) *DEFINITIONS.—In this section:*

17 (1) *The term “covered attorney” means an indi-*
18 *vidual who—*

19 (A) *is a covered participant;*

20 (B) *has graduated from a law school accred-*
21 *ited by the American Bar Association; and*

22 (C) *is a member in good standing of the bar*
23 *of a State.*

24 (2) *The term “covered participant” means an*
25 *individual who participates in—*

1 (A) the Honors Attorney Program (or suc-
 2 cessor program) of the Office of General Counsel
 3 of the Department of Veterans Affairs; or

4 (B) the Law Clerk Program (or successor
 5 program) of the Board of Veterans' Appeals.

6 (3) The term "State" has the meaning given such
 7 term in section 101 of title 38, United States Code.

8 **SEC. 7. INCREASE IN MAXIMUM NUMBER OF JUDGES AP-**
 9 **POINTED TO UNITED STATES COURT OF AP-**
 10 **PEALS FOR VETERANS CLAIMS.**

11 Section 7253(a) of title 38, United States Code, is
 12 amended by striking "seven" and inserting "nine".

13 **SEC. 8. REPORT ON IMPROVING ACCESS TO BOARD OF VET-**
 14 **ERANS' APPEALS TELEHEARINGS.**

15 (a) *IN GENERAL.*—Not later than 180 days after the
 16 date of the enactment of this Act, the Secretary of Veterans
 17 Affairs shall submit to the Committee on Veterans' Affairs
 18 of the Senate and the Committee on Veterans' Affairs of
 19 the House of Representatives a report on improving access
 20 to hearings before the Board of Veterans' Appeals held by
 21 picture and voice transmission.

22 (b) *CONTENTS.*—The report required by subsection (a)
 23 shall include the following:

24 (1) Recommendations on the feasibility and ad-
 25 visability of reimbursing veterans for expenses in-

1 *curred for travel from the home of a veteran to the lo-*
2 *cation at which a hearing before the Board of Vet-*
3 *erans' Appeals is held by picture and voice trans-*
4 *mission, if the Secretary determines that travel to*
5 *such location is reasonably necessary for such a hear-*
6 *ing.*

7 *(2) Recommendations on establishment of pilot*
8 *programs to assess the feasibility and advisability of*
9 *using other methods that could improve veteran access*
10 *to hearings before the Board of Veterans' Appeals held*
11 *by picture and voice transmission from a veteran's*
12 *home.*

13 *(3) Such other recommendations to improve ac-*
14 *cess to hearings before the Board of Veterans' Appeals*
15 *held by picture and voice transmission as the Sec-*
16 *retary may receive from stakeholders.*

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[Report No. 118–199]

A BILL

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Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed