

118TH CONGRESS
2D SESSION

H. R. 7919

To amend title 38, United States Code, to provide for certain revisions to the manual of the Veterans Benefits Administration and 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

APRIL 10, 2024

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

A BILL

To amend title 38, United States Code, to provide for certain revisions to the manual of the Veterans Benefits Administration and 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 2024”.

1 **SEC. 2. REVIEW OF CERTAIN REVISIONS TO MANUALS OF**
2 **VETERANS BENEFITS ADMINISTRATION RE-**
3 **QUIRED; TRAINING PROGRAM FOR CERTAIN**
4 **EMPLOYEES OF DEPARTMENT OF VETERANS**
5 **AFFAIRS.**

6 (a) IN GENERAL.—Section 311 of title 38, United
7 States Code, is amended—

8 (1) by striking “There is in the Department”
9 and inserting “(a) IN GENERAL.—There is in the
10 Department”; and

11 (2) by adding at the end the following new sub-
12 sections:

13 “(b) REVIEW OF REVISIONS TO CERTAIN MANU-
14 ALS.—With respect to any revisions to the manuals of the
15 Veterans Benefits Administration for the adjudication of
16 a claim for benefits under the laws administered by the
17 Secretary that would have a material effect on such adju-
18 dication, the General Counsel shall review such revision.

19 “(c) PROGRAM FOR TRAINING.—The General Coun-
20 sel shall develop and carry out a program to provide em-
21 ployees of the Veterans Benefits Administration who are
22 responsible for drafting rules, guidance, or other issuances
23 of the Veterans Benefits Administration training on such
24 rules, guidance, or other issuances that—

1 “(1) would have a material effect on the adju-
2 dication of a claim for benefits under the laws ad-
3 ministered by the Secretary; or

4 “(2) require review by the General Counsel.”.

5 (b) STUDY AND REPORT ON CERTAIN OGC OPIN-
6 IONS.—

7 (1) STUDY.—Not later than one year after the
8 date of the enactment of this Act, the Secretary of
9 Veterans Affairs, in consultation with the General
10 Counsel of the Department of Veterans Affairs and
11 the Chairman of the Board of Veterans’ Appeals,
12 shall complete a study to identify issues about which
13 an opinion from the General Counsel of the Depart-
14 ment would foster consistency in the decisions of the
15 Secretary with respect to claims for benefits under
16 the laws administered by the Secretary.

17 (2) REPORT.—Not later than one year after the
18 date of the enactment of this Act, the Secretary of
19 Veterans Affairs shall submit to the Committees on
20 Veterans’ Affairs of the House of Representatives a
21 report that contains the findings of the study re-
22 quired by paragraph (1).

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 on—

17 “(I) errors in such decisions; and

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

21 “(iii) ensuring any such decision of the
22 Board to remand a claim for a benefit under a
23 law administered by the Secretary is necessary
24 under any applicable law or regulation;

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

4 “(i) inform any employee of the Board re-
5 sponsible for drafting the decision of the Board
6 with respect to such claim that such decision
7 was remanded;

8 “(ii) provide any such employee with a
9 copy of the relevant order of the Court of Ap-
10 peals for Veterans Claims (including a copy of
11 any accompanying joint motion for remand);
12 and

13 “(iii) provide incentives to such employees
14 to review such relevant orders and joint motions
15 for remand; and

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

21 “(2) The Secretary shall submit to the Committees
22 on Veterans’ Affairs of the House of Representatives and
23 the Senate an annual report on the program required by
24 this subsection that includes, with respect to the period
25 covered by the report, an identification of—

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

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

8 (2) DEADLINE.—The Secretary shall submit
9 the first report required by paragraph (2) of such
10 section (as added by paragraph (1)) by not later
11 than one year after the date of the enactment of this
12 Act.

13 (b) TRAINING PROGRAM FOR CERTAIN EMPLOYEES
14 OF BOARD OF VETERANS’ APPEALS; PERFORMANCE RE-
15 VIEWS.—

16 (1) TRAINING PROGRAM.—

17 (A) IN GENERAL.—Chapter 71 of such
18 title (as amended by subsection (a)) is further
19 amended by inserting after section 7101A the
20 following new section:

21 **“§ 7101B. Training program for Members of Board on**
22 **timely and correct adjudication of ap-**
23 **peals**

24 “(a) IN GENERAL.—The Secretary, in conjunction
25 with the Chairman of the Board of Veterans’ Appeals,

1 shall develop and carry out a program to provide Members
2 of the Board training on timely and correct adjudication
3 of appeals under this chapter.

4 “(b) REQUIRED CONSIDERATIONS.—In carrying out
5 the program required by subsection (a), the Secretary
6 shall consider the following:

7 “(1) Feedback, if any, from members of the
8 Board and covered employees with respect to such
9 program.

10 “(2) Data on errors in decisions of the Board
11 maintained pursuant to the program for quality as-
12 surance required by subsection (f) of section 7101 of
13 this title.

14 “(3) Any decision of the Court of Appeals for
15 Veterans Claims to remand a claim for benefits
16 under the laws administered by the Secretary to the
17 Board for further action, including a joint motion to
18 remand such claim.

19 “(c) REPORT.—The Secretary shall submit to the
20 Committees on Veterans’ Affairs of the House of Rep-
21 resentatives and the Senate an annual report on the pro-
22 gram required by subsection (a) that includes a statement
23 of the topics of training provided pursuant to this section,
24 disaggregated by—

25 “(1) mandatory training; and

1 “(2) non-mandatory training.

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

5 “(1) not a member of the Board; and

6 “(2) responsible for drafting decisions of the
7 Board.”.

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

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

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

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

19 (B) by adding at the end the following new
20 subsection:

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

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

4 (c) DECISIONS OF BOARD TO REMAND.—

5 (1) INFORMATION RELATING TO DECISIONS TO
6 REMAND.—Section 7104 of such title is amended in
7 subsection (d)—

8 (A) by redesignating paragraphs (1)
9 through (3) as paragraphs (2) through (4),
10 respectively; and

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

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

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

19 “(B) the Secretary’s duty to notify under
20 section 5103 of this title.”.

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

24 (A) subsection (e)—

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

4 (ii) by striking “After” and inserting
5 “(1) After”; and

6 (iii) by adding at the end the fol-
7 lowing new paragraph:

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

15 (B) in subsection (f), by striking “under
16 subsection (e)” and inserting “under paragraph
17 (1) of subsection (e)”.

18 (d) ANNUAL REPORTS FOR BOARD OF VETERANS’
19 APPEALS.—

20 (1) IN GENERAL.—Chapter 71 of such title 38,
21 United States Code, is amended by inserting after
22 section 7113 the following new section:

1 **“§ 7114. Annual reports on Board of Veterans’ Ap-**
2 **peals**

3 “(a) REPORT ON REASONS FOR REMANDS.—The
4 Chairman of the Board shall submit to the Committees
5 on Veterans’ Affairs of the House of Representatives and
6 the Senate an annual report that includes, for each deci-
7 sion of the Board to remand a claim for a benefit under
8 a law administered by the Secretary to the Secretary for
9 further adjudication during the period covered by the re-
10 port, a statement of the reasons for such decision of the
11 Board, disaggregated by decisions on—

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

14 “(2) claims with a relevant decision dated be-
15 fore such date.

16 “(b) REPORT ON UNNECESSARY REMANDS.—The
17 Secretary, in consultation with the Chairman of the Board
18 and the head of the Office of Administrative Review of
19 the Veterans Benefits Administration, shall submit to
20 Congress an annual report that includes a statement of
21 the number of decisions of the Board to remand a claim
22 for a benefit under a law administered by the Secretary
23 to the Secretary for further action that the Secretary de-
24 termines were unnecessary during the period covered by
25 the report.”.

1 (2) DEADLINES.—The Secretary shall submit
2 the first reports required by subsections (a) and (b)
3 of section 7114 of title 38, United States Code (as
4 added by paragraph (1)) by not later than one year
5 after the date of the enactment of this Act.

6 (e) PLAN FOR IMPROVEMENTS TO QUALITY IN DECISIONS OF BOARD.—
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8 (1) IN GENERAL.—Not later than six months
9 after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the
10 Chairman of the Board of Veterans' Appeals and the
11 head of the Office of Administrative Review of the
12 Veterans Benefits Administration, shall develop a
13 plan to—
14

15 (A) improve the quality of decisions of the
16 Board to remand, pursuant to section 7104 of
17 title 38, United States Code, claims for a benefit under a law administered by the Secretary
18 to the Secretary for further action; and
19

20 (B) mitigate the number of such decisions
21 that are unnecessary under any applicable law
22 or regulation.

23 (2) REPORT.—The Secretary shall submit to
24 the Committees on Veterans' Affairs of the House of
25 Representatives and the Senate a report on such

1 plan by not later than six months after the date of
2 the enactment of this Act.

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