

## Union Calendar No. 549

119TH CONGRESS  
2D SESSION**H. R. 2137****[Report No. 119–633]**

To amend title 38, United States Code, to limit the authority of the Secretary of Veterans Affairs to deny the claim of a veteran for benefits under the laws administered by such Secretary on the sole basis that such veteran failed to appear for a medical examination associated with such claim.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2025

Mr. LUTTRELL (for himself, Mr. MCGARVEY, Mr. WEBER of Texas, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 4, 2026

Additional sponsors: Mr. MILLS, Mr. VINDMAN, Mr. NEGUSE, Mr. THOMPSON of California, Mrs. KIGGANS of Virginia, and Mr. HERNÁNDEZ

MAY 4, 2026

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 14, 2025]

# **A BILL**

To amend title 38, United States Code, to limit the authority of the Secretary of Veterans Affairs to deny the claim of a veteran for benefits under the laws administered by such Secretary on the sole basis that such veteran failed to appear for a medical examination associated with such claim.

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 “Review Every Veterans*  
 5       *Claim Act of 2025”.*

6       **SEC. 2. PROHIBITION ON DENIAL OF CLAIMS FOR BENEFITS**

7                       **UNDER LAWS ADMINISTERED BY SECRETARY**  
 8                       **OF VETERANS AFFAIRS ON SOLE BASIS THAT**  
 9                       **VETERAN FAILED TO APPEAR FOR CERTAIN**  
 10                      **MEDICAL EXAMINATION.**

11       *Subsection (d) of section 5103A of title 38, United*  
 12       *States Code, is amended—*

13               (1) *in the heading, by striking “COMPENSATION*  
 14       *CLAIMS” and inserting “CLAIMS FOR BENEFITS”;*

15               (2) *in paragraph (2), by striking “treat an ex-*  
 16       *amination or opinion as being necessary to make a*  
 17       *decision on a claim for purposes of” and inserting*  
 18       *“provide for a medical examination or obtain a med-*  
 19       *ical opinion under”; and*

20               (3) *by adding at the end the following new para-*  
 21       *graph:*

22       “(3) *If a veteran fails to appear for a medical exam-*  
 23       *ination provided by the Secretary in conjunction with a*  
 24       *claim for a benefit under a law administered by the Sec-*  
 25       *retary, the Secretary may not deny such claim on the sole*

1 *basis that such veteran failed to appear for such medical*  
 2 *examination.”.*

3 **SEC. 3. IMPROVEMENTS TO EFFICIENCY OF ADJUDICA-**  
 4 **TIONS AND APPEALS OF CLAIMS FOR BENE-**  
 5 **FITS UNDER LAWS ADMINISTERED BY SEC-**  
 6 **RETARY OF VETERANS AFFAIRS.**

7 *(a) ANNUAL REPORT ON LENGTH OF ADJUDICA-*  
 8 *TIONS.—*

9 *(1) IN GENERAL.—Section 5109B of title 38,*  
 10 *United States Code, is amended—*

11 *(A) by striking “The Secretary” and insert-*  
 12 *ing “(a) IN GENERAL.—The Secretary”; and*

13 *(B) by adding at the end the following new*  
 14 *subsection:*

15 *“(b) ANNUAL REPORT.—The Secretary shall submit to*  
 16 *the Committees on Veterans’ Affairs of the House of Rep-*  
 17 *resentatives and the Senate an annual report that includes,*  
 18 *with respect to the period covered by the report—*

19 *“(1) the average length of time a claim (or an*  
 20 *issue within a claim) that was remanded by the*  
 21 *Board of Veterans’ Appeals was or has been pending*  
 22 *before the Secretary after such remand;*

23 *“(2) the number of cases that advanced on the*  
 24 *docket by reason of a motion that was filed under sec-*

1        *tion 7107(b) of this title and on which the Board*  
2        *ruled, disaggregated by—*

3                *“(A) whether a motion was granted or de-*  
4                *nied; and*

5                *“(B) the reason provided for the motion;*  
6                *and*

7                *“(3) the number of appeals dismissed by the*  
8        *Board, disaggregated by—*

9                *“(A) whether or not the dismissal was by*  
10                *reason of the death of the appellant; and*

11                *“(B) in the case of a dismissal by reason of*  
12                *the death of the appellant, whether or not such*  
13                *death was a result of suicide.”.*

14                *(2) DEADLINE.—The Secretary of Veterans Af-*  
15        *fairs shall submit the first report required by sub-*  
16        *section (b) of section 5109B of such title (as added by*  
17        *paragraph (1)) by not later than one year after the*  
18        *date of the enactment of this Act.*

19                *(b) GUIDELINES FOR ADVANCEMENT OF CASES ON*  
20        *DOCKET OF BOARD.—Not later than one year after the date*  
21        *of the enactment of this Act, the Secretary of Veterans Af-*  
22        *fairs, in consultation with the Board of Veterans’ Appeals*  
23        *and the General Counsel of the Department of Veterans Af-*  
24        *fairs, shall prescribe guidelines for the advancement of a*  
25        *case on the docket of the Board on a motion for earlier con-*

1 *sideration and determination under section 7107(b)(3) of*  
 2 *title 38, United States Code. Such guidelines shall include*  
 3 *the type of evidence that may be submitted with the motion*  
 4 *for the advancement of the case to show grounds for such*  
 5 *a motion.*

6 (c) *REQUIREMENT TO TRACK CERTAIN CLAIMS FOR*  
 7 *BENEFITS.—*

8 (1) *IN GENERAL.—Chapter 51 of title 38, United*  
 9 *States Code, is amended by inserting after section*  
 10 *5109B the following new section:*

11 **“§5109C. Requirement to track and maintain infor-**  
 12 **mation on certain claims for benefits; no-**  
 13 **tice of certain assignments**

14 “(a) *IN GENERAL.—The Secretary shall use technology*  
 15 *to track and maintain information (including information*  
 16 *with respect to timeliness) on—*

17 “(1) *claims for benefits under the laws adminis-*  
 18 *tered by the Secretary (including issues within such*  
 19 *claims) that are—*

20 “(A) *continuously pursued in accordance*  
 21 *with—*

22 “(i) *sections 5104C(a) and 5110(a)(2)*  
 23 *of this title; or*

24 “(ii) *any other policy established by*  
 25 *the Secretary;*

1           “(B) filed in the National Work Queue (or  
2           any successor system) but have not been assigned  
3           to an office of the Veterans Benefits Administra-  
4           tion for adjudication;

5           “(C) afforded expeditious treatment by the  
6           Veterans Benefits Administration pursuant to  
7           section 5109B of this title or any other policy es-  
8           tablished by the Secretary;

9           “(D) remanded by the Board of Veterans’  
10          Appeals to the Secretary pursuant to section  
11          7104 of this title; or

12          “(E) pending a hearing by the Board of  
13          Veterans’ Appeals under section 7107 of this  
14          title;

15          “(2) instances in which an adjudicator of the  
16          Veterans Benefits Administration does not comply  
17          with a relevant decision of the Board of Veterans’ Ap-  
18          peals to remand a claim for benefits under the laws  
19          administered by the Secretary (or an issue within  
20          such a claim), including any such instance in which  
21          the relevant decision concerned a failure on the part  
22          of the agency of original jurisdiction to satisfy the  
23          duty of the Secretary to assist under section 5103A of  
24          this title;

1           “(3) supplemental claims under section 5108 of  
2       this title that are filed—

3           “(A) in accordance with section 5104C(a)  
4       and section 5110(a)(2) of this title; and

5           “(B) after the date of the applicable final  
6       decision of the Secretary with respect to a claim  
7       for benefits under the laws administered by the  
8       Secretary (or an issue within such a claim); and

9           “(4) first notices submitted to the Secretary of  
10      the death of individuals in receipt of benefits under  
11      the laws administered by the Secretary, disaggregated  
12      by such individuals who were—

13           “(A) assigned a fiduciary; and

14           “(B) not assigned a fiduciary.

15      “(b) ANNUAL REPORT.—(1) The Secretary shall sub-  
16      mit to the Committees on Veterans’ Affairs of the House  
17      of Representatives and the Senate an annual report that  
18      includes all information maintained and tracked pursuant  
19      to subsection (a).

20      “(2) The first report required by paragraph (1) shall  
21      be submitted by not later than one year after the date of  
22      the enactment of the Veterans Appeals Efficiency Act of  
23      2025.”.

24           (2) CLERICAL AMENDMENT.—The table of sec-  
25      tions at the beginning of such chapter is amended by



1       *inserting after the item relating to section 5109B the*  
 2       *following new item:*

*“5109C. Requirement to track and maintain information on certain claims for  
           benefits; notice of certain assignments.”.*

3       *(d) IMPROVEMENTS TO BOARD OF VETERANS’ AP-*  
 4       *PEALS.—*

5               *(1) AUTHORITY TO AGGREGATE CERTAIN*  
 6       *CLAIMS.—*

7                       *(A) IN GENERAL.—Section 7104(a) of such*  
 8       *title is amended by inserting after the second*  
 9       *sentence the following new sentence: “If the*  
 10       *Chairman of the Board determines that more*  
 11       *than one appeal involves common questions of*  
 12       *law or fact, the Chairman may aggregate such*  
 13       *appeals to decide such questions of law or fact.”.*

14                      *(B) EFFECTIVE DATE.—The amendment*  
 15       *made by subparagraph (A) shall take effect on*  
 16       *the date of the enactment of this Act and apply*  
 17       *beginning on the date on which the Secretary of*  
 18       *Veterans Affairs completes the development of the*  
 19       *policies and procedures required under sub-*  
 20       *section (g)(4)(A)(ii).*

21               *(2) REQUIREMENT TO ENSURE SUBSTANTIAL*  
 22       *COMPLIANCE WITH CERTAIN DECISIONS.—Such sec-*  
 23       *tion is further amended—*

1                   (A) by redesignating subsection (f) as sub-  
2                   section (g); and

3                   (B) by inserting after subsection (e) the fol-  
4                   lowing new subsection (f):

5           “(f)(1) *The Secretary, acting through a member of the*  
6 *Board, shall ensure substantial compliance with any deci-*  
7 *sion of the Board to remand a claim.*

8           “(2) *The agency of original adjudication may waive*  
9 *the requirement under paragraph (1) with respect to a deci-*  
10 *sion of the Board to remand a claim to the Secretary, if*  
11 *a member of the Board determines—*

12                   “(A) *evidence added to the evidentiary record*  
13 *after the date of such decision is sufficient to resolve*  
14 *the issues underlying such decision; or*

15                   “(B) *such decision was unnecessary.*

16           “(3) *If the Secretary waives such requirement, the ap-*  
17 *plicable member of the Board shall include, pursuant to*  
18 *subsection (d), a determination of such waiver in the deci-*  
19 *sion of the Board.”.*

20                   (3) *DEFINITION OF AGGREGATE; REPORT.—Such*  
21 *section is further amended by adding at the end the*  
22 *following new subsections:*

23           “(h) *Not later than five years after the date of the en-*  
24 *actment of the Veterans Appeals Efficiency Act of 2025, and*  
25 *every five years thereafter, the Secretary shall submit to the*

1 *Committees on Veterans' Affairs of the Senate and House*  
 2 *of Representatives a report on the aggregation of claims by*  
 3 *the Board under subsection (a). Each such report shall in-*  
 4 *clude—*

5           “(1) *an identification of each instance in which*  
 6           *the Board aggregated appeals during the period cov-*  
 7           *ered by the report, including, for each such instance,*  
 8           *the number of appeals that were aggregated;*

9           “(2) *an assessment of whether the aggregation of*  
 10           *appeals has contributed to improved efficiency at the*  
 11           *Board with issuing decisions on appeals; and*

12           “(3) *such other matters as the Secretary deter-*  
 13           *mines appropriate.*

14           “(i) *In this section, the term ‘aggregate’—*

15           “(1) *means any practice or procedure to collect*  
 16           *common issues, claims, or appeals by multiple parties*  
 17           *for the purposes of resolving such issues, claims, or*  
 18           *appeals; and*

19           “(2) *includes the use of joinder, consolidation,*  
 20           *intervention, class actions, and any other multiparty*  
 21           *proceedings.”.*

22           (e) *EXPANSION OF JURISDICTION OF COURT OF AP-*  
 23           *PEALS FOR VETERANS CLAIMS.—Section 7252 of title 38,*  
 24           *United States Code, is amended—*

1           (1) by redesignating subsections (b) and (c) as  
2           subsections (d) and (e), respectively; and

3           (2) by inserting after subsection (a) the following  
4           new subsections:

5           “(b)(1)(A) *In a covered proceeding in which the appel-*  
6           *lant or petitioner files a request for class certification pur-*  
7           *suant to the rules prescribed by the Court pursuant to sec-*  
8           *tion 7264 of this title, the Court shall have supplemental*  
9           *jurisdiction over any claim for benefits under the laws ad-*  
10          *ministered by the Secretary—*

11           *“(i) that satisfies the definition of the class con-*  
12          *tained in the request for class certification; and*

13           *“(ii) for which the agency of original jurisdic-*  
14          *tion has issued a nonfinal decision and the claimant*  
15          *has filed a notice of disagreement under section*  
16          *5104C(a) or section 7105 of this title, including any*  
17          *case in which a claimant has filed a supplemental*  
18          *claim within one year of a Board decision under sec-*  
19          *tion 5110(a)(2)(D) and 5108 of this title following a*  
20          *notice of disagreement and decision of the Board.*

21          “(B) *For purposes of subparagraph (A)—*

22           *“(i) a covered proceeding means an appeal over*  
23          *which the Court has jurisdiction pursuant to section*  
24          *7266 of this title; and*

1           “(ii) the definition of the class contained in the  
2           request for class certification includes claimants who  
3           have filed or will file a claim for benefits under the  
4           laws administered by the Secretary specified in such  
5           request for class certification.

6           “(2) A claimant may submit a request for administra-  
7           tive review of such a claim under section 5104C(a) of this  
8           title during the period beginning on the date on which the  
9           named claimant of the motion for class action review sub-  
10          mits to the Court a motion for class action review and end-  
11          ing on the date that is 60 days after the later of the fol-  
12          lowing dates:

13               “(A) The date on which the Court issues a final  
14               decision with respect to such claim.

15               “(B) The date on which the Court issues a final  
16               decision with respect to such motion for class action  
17               review.

18           “(3) In the case of a claimant whose claim is decided  
19           by the Board during the period when the Court is reviewing  
20           the motion for class action review the deadline for such  
21           claimant to file an appeal to the Court with respect to the  
22           decision of the Board shall be tolled if the Court denies the  
23           motion for class action review.

24           “(c)(1) In the case of a claim for benefits under the  
25           laws administered by the Secretary, the Court may remand

1 *a matter to the Board of Veterans' Appeals for the limited*  
2 *purpose of ordering the Board to address a question of law*  
3 *or fact if the Court determines the Board failed to—*

4           “(A) *address, in the relevant decision of the*  
5 *Board, an issue that—*

6                   “(i) *the claimant or the representative of the*  
7 *claimant raised; or*

8                   “(ii) *was reasonably raised by the evi-*  
9 *dentiary record of the claim; or*

10           “(B) *provide adequate reasons or bases for the*  
11 *decision of the Board with respect to such question.*

12           “(2) *The Court shall issue Rules that provide for each*  
13 *of the following:*

14                   “(A) *When and how a party to an appeal (either*  
15 *the appellant or the Secretary) may request that the*  
16 *Court issue a limited remand.*

17                   “(B) *The period of time within which the Board*  
18 *is required issue a decision on the relevant question*  
19 *identified in a limited remand.*

20                   “(C) *Guidelines for when the Court may grant*  
21 *a request for a limited remand.*

22                   “(D) *Guidelines for when the Court may decide*  
23 *sua sponte to issue a limited remand without a re-*  
24 *quest from any party.*

1           “(E) A requirement that the parties to an appeal  
2       for which a limited remand is issued provide notice  
3       to the Court when the Board issues its decision on the  
4       relevant question identified in the limited remand.

5           “(3) With respect to any matter remanded to the  
6       Board pursuant to paragraph (1), the Court shall—

7           “(A) retain jurisdiction over such matter; and

8           “(B) stay the proceedings of the Court on such  
9       matter until the date on which the Board issues the  
10      decision required by such remand.”.

11          (f) *STUDY AND REPORT ON COMMON QUESTIONS OF*  
12      *LAW OR FACT BEFORE BOARD OF VETERANS’ APPEALS.—*

13           (1) *STUDY.—The Chairman of the Board of Vet-*  
14      *erans’ Appeals shall carry out a study to identify*  
15      *questions of law or fact the Board commonly con-*  
16      *siders when reviewing appeals pursuant to section*  
17      *7104 of title 38, United States Code, for which prece-*  
18      *dential guidance would assist the Board in issuing*  
19      *final decisions on such appeals. The Chairman may*  
20      *use artificial intelligence and other technology in car-*  
21      *rying out such study.*

22           (2) *REPORT.—Not later than one year after the*  
23      *date of the enactment of this Act, the Chairman of the*  
24      *Board of Veterans Appeals shall submit to the Com-*  
25      *mittees on Veterans Affairs of the House of Represent-*

1        *atives and the Senate a report that includes the find-*  
2        *ings of the study required by paragraph (1).*

3        *(g) INDEPENDENT ASSESSMENT OF POTENTIAL MODI-*  
4        *FICATIONS TO AUTHORITY OF BOARD OF VETERANS' AP-*  
5        *PEALS.—*

6            *(1) AGREEMENT.—Not later than 30 days after*  
7        *the date of the enactment of this Act, the Secretary of*  
8        *Veterans Affairs shall seek to enter into an agreement*  
9        *with an FFRDC under which the FFRDC shall con-*  
10       *duct an assessment of the feasibility of modifying the*  
11       *authority of the Board of Veterans' Appeals estab-*  
12       *lished under chapter 71 of title 38, United States*  
13       *Code, to permit the Board to issue precedential deci-*  
14       *sions with respect to questions of law or fact arising*  
15       *in matters before the Board.*

16           *(2) REPORT; BRIEFINGS.—If the Secretary fails*  
17       *to finalize an agreement with an FFRDC under*  
18       *paragraph (1) before the date that is 180 days after*  
19       *the date on which the Secretary enters negotiations*  
20       *with respect to such agreement, the Secretary shall—*

21           *(A) submit to the Committees on Veterans'*  
22       *Affairs of the House of Representatives and the*  
23       *Senate a report that includes—*



1                   (i) an explanation of the reasons the  
2                   Secretary failed to satisfy such requirement;  
3                   and

4                   (ii) an estimate of the date on which  
5                   the Secretary will finalize the agreement  
6                   under paragraph (1); and

7                   (B) not less frequently than once every 60  
8                   days after the date on which the Secretary failed  
9                   to satisfy such requirement, provide to the Com-  
10                  mittees on Veterans' Affairs of the House of Rep-  
11                  resentatives and the Senate a briefing on the  
12                  progress of the Secretary toward finalizing such  
13                  agreement.

14               (3) ASSESSMENT.—An FFRDC that enters into  
15               an agreement under subsection (a) shall, in consulta-  
16               tion with veterans service organizations, veterans'  
17               and survivors' advocate groups, relevant legal experts,  
18               and the Chair of the Administrative Conference of the  
19               United States (or the designee or designees of such  
20               Chair) submit to the Secretary a written assessment  
21               that includes the following:

22                   (A) The determination of the FFRDC of  
23                   whether modifying the authority of the Board to  
24                   permit the Board to issue precedential decisions

1           *with respect to questions of law or fact arising*  
 2           *in matters before the Board is feasible.*

3           *(B) An assessment of the authority of the*  
 4           *Board of Veterans' Appeals to aggregate, for re-*  
 5           *view, more than one appeal under chapter 71 of*  
 6           *such title that involves common questions of law*  
 7           *or fact pursuant to section 7104 of such title, as*  
 8           *amended by subsection (d)(1).*

9           *(C) The recommendations of the FFRDC*  
 10          *with respect to rules or principles to which the*  
 11          *Board should adhere when aggregating appeals*  
 12          *for review pursuant to section 7104(a) of title*  
 13          *38, United States Code, as so amended.*

14          (4) *REPORT; IMPLEMENTATION.—*

15           *(A) IN GENERAL.—Not later than 90 days*  
 16           *after the Secretary receives the assessment under*  
 17           *subsection (b), the Secretary shall—*

18                   *(i) submit to the Committees on Vet-*  
 19                   *erans' Affairs of the Senate and House of*  
 20                   *Representatives a copy of such assessment;*  
 21                   *and*

22                   *(ii) begin developing policies and pro-*  
 23                   *cedures to implement the recommendations*  
 24                   *in the assessment with respect to the author-*

1            *ity of the Board of Veterans' Appeals re-*  
 2            *ferred to in paragraph (2)(B).*

3            *(B) DEADLINE.—The Secretary shall com-*  
 4            *plete the development of the policies and proce-*  
 5            *dures required under subparagraph (A)(ii) by*  
 6            *not later than six months after the date on which*  
 7            *the Secretary begins developing such policies and*  
 8            *procedures.*

9            *(5) DEFINITIONS.—In this subsection:*

10            *(A) The term “FFRDC” means a federally*  
 11            *funded research and development center.*

12            *(B) The term “veterans service organiza-*  
 13            *tion” means an organization recognized by the*  
 14            *Secretary for the representation of veterans*  
 15            *under section 5902 of title 38, United States*  
 16            *Code.*

17    **SEC. 4. IMPROVEMENTS TO SYSTEM FOR ADJUDICATION OF**  
 18            **CLAIMS FOR BENEFITS UNDER LAWS ADMIN-**  
 19            **ISTERED BY SECRETARY OF VETERANS AF-**  
 20            **FAIRS.**

21            *(a) PROGRAM FOR QUALITY ASSURANCE IN DECISIONS*  
 22    *OF BOARD OF VETERANS' APPEALS; PERFORMANCE RE-*  
 23    *VIEWS.—*

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

4           “(f)(1) *The Chairman shall carry out a program to*  
5           *ensure quality in the decisions of the Board. Under such*  
6           *program, the Chairman shall—*

7                     “(A) *develop policies and procedures for—*

8                             “(i) *measuring quality in such decisions;*

9                             “(ii) *maintaining data and identifying*  
10           *trends with respect to—*

11                                 “(I) *errors in such decisions;*

12                                 “(II) *errors in decisions remanded or*  
13                                 *returned to the Board by the Court of Ap-*  
14                                 *peals for Veterans Claims; and*

15                                 “(III) *specific members of the Board*  
16                                 *that issued decisions that were subsequently*  
17                                 *vacated by the Court of Appeals for Vet-*  
18                                 *erans Claims; and*

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

23                     “(B) *with respect to a claim for such a benefit*  
24           *that is remanded to the Board by the Court of Ap-*  
25           *peals for Veterans Claims—*

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

5           “(ii) provide any such employee with a  
6           copy of the relevant order of the Court of Appeals  
7           for Veterans Claims (including a copy of any ac-  
8           companying joint motion for remand); and

9           “(iii) provide incentives to such employees  
10          to review such relevant orders and joint motions  
11          for remand; and

12          “(C) ensure, to the maximum extent practicable,  
13          that any error identified by the Board under such  
14          program is corrected before the date on which the  
15          Board issues the final decision associated with such  
16          error.

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

22          “(3) The Chairman may use technology, including ar-  
23          tificial intelligence, to maintain such data and identify  
24          such trends.

1       “(4) *The Secretary shall submit to the Committees on*  
 2 *Veterans’ Affairs of the House of Representatives and the*  
 3 *Senate an annual report on the program required by this*  
 4 *subsection that includes, with respect to the period covered*  
 5 *by the report, an identification of—*

6               “(A) *elements, if any of the process of the Board*  
 7 *for reviewing an appeal under this chapter that lead*  
 8 *to errors in decisions of the Board; and*

9               “(B) *the most common reasons that a claim for*  
 10 *a benefit under a law administered by the Secretary*  
 11 *was remanded to such Board by the Court of Appeals*  
 12 *for Veterans Claims.”.*

13               (2) *DEADLINE.—The Secretary shall submit the*  
 14 *first report required by paragraph (2) of such section*  
 15 *(as added by paragraph (1)) by not later than one*  
 16 *year after the date of the enactment of this Act.*

17               (b) *TRAINING PROGRAM FOR CERTAIN EMPLOYEES OF*  
 18 *BOARD OF VETERANS’ APPEALS; PERFORMANCE RE-*  
 19 *VIEWS.—*

20               (1) *TRAINING PROGRAM.—*

21               (A) *IN GENERAL.—Chapter 71 of such title*  
 22 *(as amended by subsection (a)) is further amend-*  
 23 *ed by inserting after section 7101A the following*  
 24 *new section:*

1   **“§ 7101B. Training program for Members of Board on**  
 2                   ***timely and correct adjudication of ap-***  
 3                   ***peals***

4           “(a) *IN GENERAL.—The Secretary, in conjunction*  
 5 *with the Chairman of the Board of Veterans’ Appeals, shall*  
 6 *develop and carry out a program to provide Members of*  
 7 *the Board training on timely and correct adjudication of*  
 8 *appeals under this chapter.*

9           “(b) *REQUIRED CONSIDERATIONS.—In carrying out*  
 10 *the program required by subsection (a), the Secretary shall*  
 11 *consider the following:*

12               “(1) *Feedback, if any, from members of the*  
 13 *Board and covered employees with respect to such*  
 14 *program.*

15               “(2) *Data on errors in decisions of the Board*  
 16 *maintained pursuant to the program for quality as-*  
 17 *urance required by subsection (f) of section 7101 of*  
 18 *this title.*

19               “(3) *Any decision of the Court of Appeals for*  
 20 *Veterans Claims to remand a claim for benefits under*  
 21 *the laws administered by the Secretary to the Board*  
 22 *for further action, including a joint motion to re-*  
 23 *mand such claim.*

24           “(c) *ASSESSMENTS OF EFFECTIVENESS.—The Sec-*  
 25 *retary, in conjunction with the Chairman of the Board of*  
 26 *Veterans’ Appeals, shall develop a method to assess, on an*

1 *annual basis, the effectiveness of the training program*  
 2 *under this section. In developing such method, the Secretary*  
 3 *shall consider best practices for assessing the effectiveness*  
 4 *of training programs, including the Kirkpatrick evaluation*  
 5 *model.*

6 “(d) *REPORT.—The Secretary shall submit to the*  
 7 *Committees on Veterans’ Affairs of the House of Representa-*  
 8 *tives and the Senate an annual report on the program re-*  
 9 *quired by subsection (a) that includes, with respect to the*  
 10 *period covered by the report—*

11 “(1) *a statement of the topics of the training*  
 12 *provided pursuant to this section, disaggregated by—*

13 “(A) *mandatory training; and*

14 “(B) *non-mandatory training; and*

15 “(2) *the results of the assessment of the effective-*  
 16 *ness of such program required under subsection (b).*

17 “(e) *COVERED EMPLOYEE DEFINED.—In this section,*  
 18 *the term ‘covered employee’ means an employee of the Board*  
 19 *who is—*

20 “(1) *not a member of the Board; and*

21 “(2) *responsible for drafting decisions of the*  
 22 *Board.”.*

23 (B) *CLERICAL AMENDMENT.—The table of*  
 24 *sections at the beginning of such chapter is*



1           *amended by inserting after the item relating to*  
 2           *section 7101A the following new item:*

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

3           (2) *PERFORMANCE REVIEWS OF MEMBERS OF*  
 4           *THE BOARD.—Section 7101A of such title (as amend-*  
 5           *ed by paragraph (1)) is amended—*

6                     (A) *in subparagraph (B) of subsection*  
 7                     *(c)(1) by striking “not less often than once every*  
 8                     *three years” and inserting “not less often than*  
 9                     *annually”; and*

10                    (B) *by adding at the end the following new*  
 11                    *subsection:*

12           *“(h)(1) With respect to any performance review of a*  
 13           *covered employee, the Secretary may not consider the time-*  
 14           *liness or quality of work of any Member of the Board.*

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

17           (c) *DECISIONS OF BOARD TO REMAND.—*

18                     (1) *INFORMATION RELATING TO DECISIONS TO*  
 19           *REMAND.—Section 7104 of such title is amended in*  
 20           *subsection (d)—*

21                     (A) *by redesignating paragraphs (1)*  
 22                     *through (3) as paragraphs (2) through (4),*  
 23                     *respsectively; and*

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

3                   “(1) with respect to a claim that the Board re-  
4                   mands for further action, a statement of the specific  
5                   reasons such claim was remanded, including any fail-  
6                   ure on the part of the Secretary to comply with—

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

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

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

14                  (A) subsection (e)—

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

18                         (ii) by striking “After” and inserting  
19                         “(1) After”; and

20                         (iii) by adding at the end the following  
21                         new paragraph:

22                  “(2) If, pursuant to a decision on an appeal, the Board  
23                  remands a claim for a benefit under a law administered  
24                  by the Secretary for further action, the Secretary shall, to  
25                  the maximum extent practicable, issue a copy of such deci-

1 sion to each employee of the Veterans Benefits Administra-  
 2 tion who committed the error resulting in the decision of  
 3 the Board to remand, when applicable.”; and

4 (B) in subsection (g), as redesignated by  
 5 section 3(d)(2)(A), by striking “under subsection  
 6 (e)” and inserting “under paragraph (1) of sub-  
 7 section (e)”.

8 (d) ANNUAL REPORTS FOR BOARD OF VETERANS’ AP-  
 9 PEALS.—

10 (1) IN GENERAL.—Chapter 71 of title 38, United  
 11 States Code, is amended by inserting after section  
 12 7114 the following new section:

13 **“§ 7115. Annual report on Board of Veterans’ Appeals**

14 “The Chairman of the Board shall submit to the Com-  
 15 mittees on Veterans’ Affairs of the House of Representatives  
 16 and the Senate an annual report that includes, for each  
 17 decision of the Board to remand a claim for a benefit under  
 18 a law administered by the Secretary to the Secretary for  
 19 further adjudication during the period covered by the re-  
 20 port, a statement of the reasons for such decision of the  
 21 Board, disaggregated by decisions on—

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

24 “(2) claims with a rating decision dated before  
 25 such date.”.

1           (2) *DEADLINES.*—*The Secretary shall submit the*  
 2           *first reports required by subsections (a) and (b) of sec-*  
 3           *tion 7115 of such title (as added by paragraph (1))*  
 4           *by not later than one year after the date of the enact-*  
 5           *ment of this Act.*

6           (3) *CLERICAL AMENDMENT.*—*The table of sec-*  
 7           *tions at the beginning of such chapter is amended by*  
 8           *inserting after the item relating to section 7114 the*  
 9           *following new item:*

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

10          (e) *PLAN FOR IMPROVEMENTS TO QUALITY IN DECI-*  
 11          *SIONS OF BOARD.*—

12           (1) *IN GENERAL.*—*Not later than six months*  
 13           *after the date of the enactment of this Act, the Sec-*  
 14           *retary of Veterans Affairs, in consultation with the*  
 15           *Chairman of the Board of Veterans’ Appeals and the*  
 16           *head of the Office of Administrative Review of the*  
 17           *Veterans Benefits Administration, shall develop a*  
 18           *plan to—*

19                   (A) *improve the quality of decisions of the*  
 20                   *Board to remand, pursuant to section 7104 of*  
 21                   *title 38, United States Code, claims for a benefit*  
 22                   *under a law administered by the Secretary to the*  
 23                   *Secretary for further action; and*

1           (B) mitigate the number of such decisions  
2           that are unnecessary under any applicable law  
3           or regulation.

4           (2) *REPORT.*—The Secretary shall submit to the  
5           Committees on Veterans’ Affairs of the House of Rep-  
6           resentatives and the Senate a report on such plan by  
7           not later than six months after the date of the enact-  
8           ment of this Act.

9   **SEC. 5. NOTICE OF AVOIDABLE DEFERRALS OF CLAIMS FOR**  
10           **BENEFITS UNDER LAWS ADMINISTERED BY**  
11           **THE SECRETARY OF VETERANS AFFAIRS;**  
12           **STUDY AND REPORT ON CERTAIN OPINIONS**  
13           **OF DEPARTMENT OF VETERANS AFFAIRS OF-**  
14           **FICE OF GENERAL COUNSEL.**

15       (a) *NOTICE OF AVOIDABLE DEFERRALS.*—Not later  
16       than one year after the date of the enactment of this Act,  
17       the Secretary of Veterans Affairs shall develop policies, pro-  
18       cedures, and technological capabilities to ensure that each  
19       employee of the Veterans Benefits Administration that com-  
20       mits an avoidable deferral with respect to a claim for bene-  
21       fits under the laws administered by the Secretary of Vet-  
22       erans Affairs in the National Work Queue is notified of any  
23       avoidable deferrals that such employee commits with respect  
24       to the same claim.

1       (b) *STUDY AND REPORT ON CERTAIN OGC OPIN-*  
2 *IONS.—*

3           (1) *STUDY.—Not later than one year after the*  
4 *date of the enactment of this Act, the Secretary of Vet-*  
5 *erans Affairs, in consultation with the Office of the*  
6 *General Counsel of the Department of Veterans Af-*  
7 *airs and the Chairman of the Board of Veterans' Ap-*  
8 *peals, shall complete a study to identify—*

9           (A) *issues about which an opinion from the*  
10 *Office of the General Counsel of the Department*  
11 *would foster consistency in the decisions of the*  
12 *Secretary with respect to claims for benefits*  
13 *under the laws administered by the Secretary;*  
14 *and*

15          (B) *issues raised in appeals of such deci-*  
16 *sions to the United States Court of Appeals for*  
17 *Veterans Claims before the date of the enactment*  
18 *of this Act about which the Office of the General*  
19 *Counsel has had inconsistent opinions in matters*  
20 *involving substantially similar questions of law*  
21 *or fact.*

22          (2) *REPORT.—Not later than one year after the*  
23 *date of the enactment of this Act, the Secretary of Vet-*  
24 *erans Affairs shall submit to the Committees on Vet-*

1 *erans' Affairs of the House of Representatives a report*  
2 *that includes—*

3 *(A) the findings of the study required by*  
4 *paragraph (1);*

5 *(B) a statement of which issues identified*  
6 *pursuant to such study about which the Office of*  
7 *the General Counsel of the Department intends*  
8 *to publish an opinion; and*

9 *(C) a timeline for the publication of any*  
10 *such opinion.*

11 **SEC. 6. EXTENSION OF CERTAIN LIMITS ON PAYMENTS OF**  
12 **PENSION.**

13 *Section 5503(d)(7) of title 38, United States Code, is*  
14 *amended by striking “November 30, 2031” and inserting*  
15 *“December 31, 2034”.*

Union Calendar No. 549

119<sup>TH</sup> CONGRESS  
2D Session

H. R. 2137

[Report No. 119-633]

A BILL

To amend title 38, United States Code, to limit the authority of the Secretary of Veterans Affairs to deny the claim of a veteran for benefits under the laws administered by such Secretary on the sole basis that such veteran failed to appear for a medical examination associated with such claim.

MAY 4, 2026

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