

108TH CONGRESS
1ST SESSION

S. 1186

To provide for a reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2003

Mr. EDWARDS introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To provide for a reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs.

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 “Department of Vet-
5 erans Affairs Claims Backlog Reduction Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) There are more than 25,000,000 honorably
9 discharged veterans of the Armed Forces of the
10 United States.

1 (2) There are more than 500,000 veterans who
2 have claims pending with the Department of Vet-
3 erans Affairs for veterans' benefits, and approxi-
4 mately 100,000 of such claims are more than one
5 year old without resolution.

6 (3) The Nation's veterans are dying at a rate
7 of more than 1,000 veterans a day.

8 (4) The National Association of County Vet-
9 erans Service Officers is an organization that in-
10 cludes approximately 2,400 full-time employees and
11 whose members are present in 37 States.

12 (5) Members of the National Association of
13 County Veterans Service Officers stand ready to
14 partner with the Department of Veterans Affairs in
15 order to eliminate the backlog of claims for veterans'
16 benefits.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) The term "claimant" means an individual
20 applying for, or submitting a claim for, any benefit
21 under the laws administered by the Secretary of Vet-
22 erans Affairs.

23 (2) The term "County Veterans Service Offi-
24 cer" means any person employed by or funded by
25 any county, parish, borough, or territory whose job

1 it is to assist veterans and eligible dependents in the
2 application for, administration of, or receipt of bene-
3 fits under any Federal, State, or County veterans
4 benefit program.

5 (3) The term “injury or illness claim” means a
6 claim for benefits that is documented as being serv-
7 ice-connected.

8 (4) The term “presumptive claim” means a
9 claim for benefits that is presumptively connected to
10 a specific tour of duty or to specific types of military
11 assignment.

12 (5) The term “statutory claims” means those
13 claims for benefits defined in section 5101 of title
14 38, United States Code.

15 (6) The term “specific claims” includes statu-
16 tory claims, presumptive claims, and injury or illness
17 claims.

18 (7) The term “ready to be rated” means that
19 there is sufficient information to evaluate the
20 claimed disability and to assign a rating based on
21 degree of disability.

22 (8) The term “State” has the meaning given
23 that term in section 101(20) of title 38, United
24 States Code.

1 **SEC. 4. REDUCTION OF BACKLOG OF VETERANS' CLAIMS.**

2 (a) REFERRAL OF CLAIMS TO COUNTY VETERANS
3 SERVICE OFFICERS.—(1) The Secretary of Veterans Af-
4 fairs shall identify the backlog of veterans' claims as of
5 the date of the enactment of this Act and shall categorize
6 those claims into types of specific claims. As part of such
7 categorization, the Secretary shall identify the pending
8 claims that require development. The Secretary shall refer
9 those claims requiring development to a County Veterans
10 Service Office for development.

11 (2) The Secretary shall choose a County Veterans
12 Service Office for development of a claim based upon the
13 office's geographical proximity to the claimant.

14 (3) A claim referred to a County Veterans Service
15 Office for development shall be accompanied by specifica-
16 tion from the Secretary of the information that is required
17 to develop the claim and the information that is needed
18 to make the claim ready to rate.

19 (b) FILING OF CLAIMS WITH COUNTY VETERANS
20 SERVICE OFFICERS.—Claims for benefits under laws ad-
21 ministered by the Secretary of Veterans Affairs may be
22 submitted to County Veterans Service Officers. Receipt of
23 such a claim by a County Veterans Service Officer under
24 this Act shall be treated for all purposes as receipt of the
25 claim by the Secretary of Veterans Affairs.

1 **SEC. 5. DEVELOPMENT OF CLAIMS.**

2 (a) DEVELOPMENT OF CLAIMS BY COUNTY VET-
3 ERANS SERVICE OFFICER.—When a County Veterans
4 Service Officer receives a claim referred under section 4(a)
5 or receives a claim under section 4(b), that officer shall
6 make personal contact with the claimant, explain the situ-
7 ation, and develop the claim.

8 (b) AUTHORITY TO FULLY DEVELOP CLAIM.—A
9 County Veterans Service Officer to whom a claim is re-
10 ferred under section 4(a) or who receives a claim under
11 section 4(b) shall have the authority to fully develop the
12 claim and to transmit the claim to the Secretary of Vet-
13 erans Affairs when the claim is ready to be rated.

14 (c) PROCEDURE.—Once a claim referred to in sub-
15 section (b) has been fully developed, the claim shall be
16 transmitted back to the Secretary with the information de-
17 veloped in accordance with the specification under section
18 4(a)(3) and a statement from the County Veterans Service
19 Officer indicating that the claim is ready to rate.

20 (d) FULLY DEVELOPED CLAIMS.—For purposes of
21 this section, a claim shall be considered to be fully devel-
22 oped when the County Veterans Service Officer has ob-
23 tained all items that that officer determines are necessary
24 to substantiate the claim and all items that the Secretary
25 has specifically specified to be developed in connection
26 with the claim.

1 **SEC. 6. INFORMATION SHARING.**

2 Veterans' information contained in the Benefits De-
3 livery Network of the Department of Veterans Affairs
4 shall be accessible to County Veterans Service Offices in
5 order to provide County Veterans Service Offices with on-
6 line access to client information contained in the Depart-
7 ment of Veterans Affairs database. Such information shall
8 be used by County Veterans Service Offices to develop vet-
9 erans' claims under this Act and for no other purpose.

10 **SEC. 7. ALLOCATION OF FUNDS.**

11 (a) IN GENERAL.—Funding for purposes of this Act
12 shall be allocated by grant to the States based on the pop-
13 ulation of veterans in the respective States. Funds allo-
14 cated to a State under this Act shall be directed to County
15 Veterans Service Offices within the State through the
16 State department of veterans affairs (or the equivalent).

17 (b) STATE OVERHEAD.—A State department of vet-
18 erans affairs may retain from any such grant for any fiscal
19 year an amount equal to the expenses incurred by that
20 State for administrative overhead in administering grants
21 for that year, except that the amount so retained in any
22 fiscal year may not exceed 3 percent of the amount of the
23 grant to that State for that fiscal year.

24 (c) FUNDS FOR EDUCATION AND TRAINING.—A por-
25 tion of the funding received by a State under this Act for
26 any fiscal year, as determined by the Secretary of Vet-

1 erans Affairs in agreement with County Veterans Service
2 Offices, shall be used for County Veterans Service Officers
3 to attend educational programs sponsored by or equivalent
4 to the National Association of County Veterans Service
5 Officers annual continuing education and accreditation
6 training.

7 (d) LIMITATION ON FEDERAL FUNDING.—Federal
8 funds under this Act may not be used to provide more
9 than 50 percent of the total costs of County Veterans
10 Service Offices and shall be used to expand existing pro-
11 grams, not to supplant existing local government funding.

12 (e) ESTABLISHMENT OF NEW CVSO PROGRAMS.—
13 (1) In the case of a State that as of the date of the enact-
14 ment of this Act does not have a County Veterans Service
15 Officer program, Federal funding under this Act may be
16 used by units of local government in such State to estab-
17 lish such a program to assist veterans and their depend-
18 ents in filing applications for veterans benefits and for the
19 purposes specified in this Act.

20 (2) In a State covered by paragraph (1), if a unit
21 of local government chooses not to establish a County Vet-
22 erans Service Officers program as described in that para-
23 graph, the services specified in this Act for the State may
24 be performed, at the election of the chief executive officer
25 of the State, through—

1 (A) the State department of veterans affairs (or
2 the equivalent); or

3 (B) another official or agency of the State des-
4 ignated by the chief executive officer of the State for
5 that purpose.

6 (3) In a State covered by paragraph (1), if both units
7 of local government and the State government elect not
8 to use some or all of the funds, the unused amount shall
9 revert back to the Secretary of Veterans Affairs and shall
10 be reallocated to those State department of veterans af-
11 fairs (or the equivalent) in which County Veterans Service
12 Officers programs exist to further expand services to vet-
13 erans in those States in support of the veterans claims
14 backlog reduction services under this Act.

○