

109TH CONGRESS
1ST SESSION

H. R. 616

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Mr. BACA (for himself, Mr. HOLDEN, Mr. WYNN, Mr. PALLONE, Ms. CARSON, Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Mr. SANDERS, Mr. MOORE of Kansas, Mrs. TAUSCHER, Mr. FOLEY, Mr. CARDOZA, Mr. BISHOP of Georgia, Mrs. LOWEY, and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide for 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 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) There are over 25,000,000 honorably dis-
2 charged veterans of the Armed Forces of the United
3 States.

4 (2) There are over 500,000 veterans who have
5 claims pending with the Department of Veterans Af-
6 fairs for veterans' benefits, and approximately
7 100,000 of such claims are over one year old without
8 resolution.

9 (3) The Nation's veterans are dying at a rate
10 of over 1,000 veterans a day.

11 (4) It is the responsibility of the United States
12 Government to live up to the promises to the Na-
13 tion's veterans that were made and accepted.

14 (5) The National Association of County Vet-
15 erans Service Officers is an organization that in-
16 cludes approximately 2,400 full-time employees and
17 whose members are present in 37 States.

18 (6) Members of the National Association of
19 County Veterans Service Officers stand ready to act
20 in partnership with the Department of Veterans Af-
21 fairs in order to eliminate the backlog of claims for
22 veterans' benefits.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) The term “claimant” means an individual
2 applying for, or submitting a claim for, any benefit
3 under the laws administered by the Secretary of Vet-
4 erans Affairs.

5 (2) The term “County Veterans Service Offi-
6 cer” means any person employed by or funded by
7 any county, parish, borough, or territory whose job
8 it is to assist veterans and eligible dependents in the
9 application for, administration of, or receipt of bene-
10 fits under any Federal, State, or County veterans
11 benefit program.

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

15 (4) The term “presumptive claim” means a
16 claim for benefits that is presumptively connected to
17 a specific tour of duty or to specific types of military
18 assignment.

19 (5) The term “statutory claims” means those
20 claims for benefits defined in section 5101 of title
21 38, United States Code.

22 (6) The term “specific claims” includes statu-
23 tory claims, presumptive claims, and injury or illness
24 claims.

1 (7) The term “ready to be rated” means that
2 there is sufficient information to evaluate the
3 claimed disability and to assign a rating based on
4 degree of disability.

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

8 **SEC. 4. REDUCTION OF BACKLOG OF VETERANS’ CLAIMS.**

9 (a) REFERRAL OF CLAIMS TO COUNTY VETERANS
10 SERVICE OFFICERS.—

11 (1) IDENTIFICATION OF CLAIMS BACKLOG.—

12 The Secretary of Veterans Affairs shall identify the
13 backlog of veterans’ claims as of the date of the en-
14 actment of this Act and shall categorize those claims
15 into types of specific claims. As part of such cat-
16 egorization, the Secretary shall identify the pending
17 claims that require development. The Secretary shall
18 refer those claims requiring development to a Coun-
19 ty Veterans Service Office for development.

20 (2) SELECTION OF COUNTY VSO BASED ON GE-
21 OGRAPHIC PROXIMITY.—The Secretary shall choose
22 a County Veterans Service Office for development of
23 a claim based upon the office’s geographical prox-
24 imity to the claimant.

1 (3) INFORMATION REQUIRED TO DEVELOP
2 CLAIM.—A claim referred to a County Veterans
3 Service Office for development shall be accompanied
4 by specification from the Secretary of the informa-
5 tion that is required to develop the claim and the in-
6 formation that is needed to make the claim ready to
7 rate.

8 (b) FILING OF CLAIMS WITH COUNTY VETERANS
9 SERVICE OFFICERS.—Claims for benefits under laws ad-
10 ministered by the Secretary of Veterans Affairs may be
11 submitted to County Veterans Service Officers. Receipt of
12 such a claim by a County Veterans Service Officer under
13 this Act shall be treated for all purposes as receipt of the
14 claim by the Secretary of Veterans Affairs.

15 **SEC. 5. DEVELOPMENT OF CLAIMS.**

16 (a) DEVELOPMENT OF CLAIMS BY COUNTY VET-
17 ERANS SERVICE OFFICER.—When a County Veterans
18 Service Officer receives a claim referred under section 4(a)
19 or receives a claim under section 4(b), that officer shall
20 make personal contact with the claimant, explain the situ-
21 ation, and develop the claim.

22 (b) AUTHORITY TO FULLY DEVELOP CLAIM.—A
23 County Veterans Service Officer to whom a claim is re-
24 ferred under section 4(a) or who receives a claim under
25 section 4(b) shall have the authority to fully develop the

1 claim and to transmit the claim to the Secretary of Vet-
2 erans Affairs when the claim is ready to be rated.

3 (c) PROCEDURE.—Once the claim has been fully de-
4 veloped, the claim shall be transmitted back to the Sec-
5 retary with the information developed in accordance with
6 the specification under section 4(a)(3) and a statement
7 from the County Veterans Service Officer indicating that
8 the claim is ready to rate.

9 (d) FULLY DEVELOPED CLAIMS.—For purposes of
10 this section, a claim shall be considered to be fully devel-
11 oped when the County Veterans Service Officer has ob-
12 tained all items that that officer determines are necessary
13 to substantiate the claim and all items that the Secretary
14 of Veterans Affairs has specifically specified to be devel-
15 oped in connection with the claim.

16 **SEC. 6. INFORMATION SHARING.**

17 Veterans' information contained in the Benefits De-
18 livery Network of the Department of Veterans Affairs
19 shall be accessible to County Veterans Service Offices in
20 order to provide County Veterans Service Offices with on-
21 line access to client information contained in the Depart-
22 ment of Veterans Affairs database. Such information shall
23 be used by such offices to develop veterans' claims under
24 this Act and for no other purpose.

1 **SEC. 7. ALLOCATION OF FUNDS.**

2 (a) IN GENERAL.—Funding for purposes of this Act
3 shall be allocated by grant to the States based on the pop-
4 ulation of veterans in the respective States. Funds allo-
5 cated to a State under this Act shall be directed to County
6 Veterans Service Offices within the State through the
7 State Department of Veterans Affairs (or the equivalent).

8 (b) STATE OVERHEAD.—A State Department of Vet-
9 erans Affairs may retain from any such grant for any fis-
10 cal year an amount equal to the expenses incurred by that
11 State for administrative overhead in administering grants
12 for that year, except that the amount so retained in any
13 fiscal year may not exceed 3 percent of the amount of the
14 grant to that State for that fiscal year.

15 (c) FUNDS FOR EDUCATION AND TRAINING.—A por-
16 tion of the funding received by a State under this Act for
17 any fiscal year, as determined by the Secretary of Vet-
18 erans Affairs in agreement with County Veterans Service
19 Offices, shall be used for County Veterans Service Officers
20 to attend educational programs sponsored by or equivalent
21 to the National Association of County Veterans Service
22 Officers annual continuing education and accreditation
23 training.

24 (d) LIMITATION ON FEDERAL FUNDING.—Federal
25 funds under this Act may not be used to provide more
26 than 50 percent of the total costs for County Veterans

1 Service Offices and shall be used to expand existing pro-
2 grams, not to supplant existing local government funding.

3 (e) ESTABLISHMENT OF NEW CVSO PROGRAMS.—

4 (1) In the case of a State that as of the date of the enact-
5 ment of this Act does not have a County Veterans Service
6 Officer program, Federal funding under this Act may be
7 used by units of local government to establish such a pro-
8 gram to assist veterans and their dependents in filing ap-
9 plications for veterans benefits and for the purposes speci-
10 fied in this Act.

11 (2) In a State covered by paragraph (1), if a unit
12 of local government chooses not to establish a County Vet-
13 erans Service Officers program as described in that para-
14 graph, the State department of veterans affairs (or the
15 equivalent) may elect to perform the services as specified
16 in this Act for that State.

17 (3) In a State covered by paragraph (1), if both units
18 of local government and the State government elect not
19 to use some or all of the funds, the unused amount shall
20 revert back to the Secretary of Veterans Affairs and shall
21 be reallocated to those State department of veterans af-
22 fairs (or the equivalent) in which County Veterans Service
23 Officers programs exist to further expand services to vet-

- 1 erans in those States in support of the veterans claims
- 2 backlog reduction services under this Act.

