

110TH CONGRESS
1ST SESSION

H. R. 1435

To direct the Secretary of Veterans Affairs to conduct a pilot program to reduce the backlog of claims for benefits pending with the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2007

Mr. BACA introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to conduct a pilot program to reduce 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 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) There are more than 500,000 veterans who
9 have claims pending with the Department of Vet-

1 erans Affairs for benefits, and approximately
2 100,000 of such claims are over one year old without
3 resolution.

4 (2) 37 States have established, over time, a na-
5 tionwide system of County Veterans Service Officers,
6 which now includes more than 2,400 full-time em-
7 ployees and numerous part-time employees, to assist
8 veterans to file claims with the Veterans Administra-
9 tion, as well as to provide information on the various
10 State benefits available to veterans.

11 (3) The County Veterans Service Officers are
12 an arm of local government and therefore, the De-
13 partment of Veterans Affairs, the various State Vet-
14 erans Agencies or Departments, and County Vet-
15 erans Service Officers should cooperate more closely,
16 as governmental agencies, and share information so
17 that all such agencies can better assist the Nation's
18 veterans.

19 (4) The majority of County Veterans Service
20 Officers are accredited by the Department of Vet-
21 erans Affairs, or by the appropriate State Depart-
22 ment of Veterans Affairs, or both, in addition to
23 being accredited by various veterans' service organi-
24 zations.

1 (5) These County Veterans Service Officers rep-
2 resent a highly trained and dedicated work force
3 that stands ready to assist the Department of Vet-
4 erans Affairs.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

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

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

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

21 (4) The term “presumptive claim” means a
22 claim for benefits that is presumptively connected to
23 a specific tour of duty or to specific types of military
24 assignment.

1 (5) The term “statutory claims” means those
 2 claims for benefits defined in section 5101 of title
 3 38, United States Code.

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

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

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

14 **SEC. 4. PILOT PROGRAM TO REDUCE BACKLOG OF VET-**
 15 **ERANS’ CLAIMS.**

16 (a) PILOT PROGRAM.—The Secretary of Veterans Af-
 17 fairs shall conduct a pilot program to reduce the backlog
 18 of claims for benefits pending with the Department of Vet-
 19 erans Affairs.

20 (b) SCOPE OF PILOT PROGRAM.—

21 (1) LOCATION OF PROGRAM.—The Secretary
 22 shall conduct the pilot program with the County
 23 Veterans Services Officers located in the following
 24 States:

25 (A) The State of California.

1 (B) The State of Florida.

2 (C) The State of Ohio.

3 (D) The State of South Carolina.

4 (E) The State of Texas.

5 (2) EXPANSION OF PROGRAM TO OTHER
6 STATES.—The Secretary may expand the pilot pro-
7 gram to include the County Veterans Services Offi-
8 cers located in a State not listed in paragraph (1),
9 upon the request of a County Veterans Services Offi-
10 cer located in such State.

11 (3) DURATION OF PROGRAM.—The pilot pro-
12 gram shall be conducted during the three-year pe-
13 riod beginning on the date of the enactment of this
14 Act.

15 (c) REDUCTION OF BACKLOG OF VETERANS'
16 CLAIMS.—

17 (1) REFERRAL OF CLAIMS TO COUNTY VET-
18 ERANS SERVICE OFFICERS.—

19 (A) IDENTIFICATION OF CLAIMS BACK-
20 LOG.—In conducting the pilot program, the
21 Secretary of Veterans Affairs shall identify the
22 backlog of veterans' claims as of the date of the
23 enactment of this Act and shall categorize those
24 claims into types of specific claims. As part of
25 such categorization, the Secretary shall identify

1 the pending claims that require further develop-
2 ment to be considered ready to be rated.

3 (B) REFERRAL OF CERTAIN CLAIMS.—The
4 Secretary shall refer those claims identified
5 under subparagraph (A) as requiring further
6 development to a County Veterans Service Offi-
7 cer for such development.

8 (C) SELECTION OF COUNTY VETERANS
9 SERVICE OFFICER.—In referring a claim under
10 subparagraph (B), the Secretary shall select a
11 County Veterans Service Officer for develop-
12 ment of such claim based upon the Officer's
13 geographical proximity to the claimant.

14 (D) INFORMATION REQUIRED TO DEVELOP
15 CLAIM.—A claim referred to a County Veterans
16 Service Officer for development under the pilot
17 program shall be accompanied by specification
18 from the Secretary of the information that is
19 required to develop the claim and the informa-
20 tion that is needed to make the claim ready to
21 be rated.

22 (2) FILING OF CLAIMS WITH COUNTY VET-
23 ERANS SERVICE OFFICERS.—Claims for benefits
24 under laws administered by the Secretary of Vet-
25 erans Affairs may be submitted to County Veterans

1 Service Officers under the pilot program. Receipt of
2 such a claim by a County Veterans Service Officer
3 under the program shall be treated for all purposes
4 as receipt of the claim by the Secretary of Veterans
5 Affairs.

6 (d) DEVELOPMENT OF CLAIMS.—

7 (1) DEVELOPMENT OF CLAIMS BY COUNTY VET-
8 ERANS SERVICE OFFICER.—When a County Vet-
9 erans Service Officer receives a claim referred under
10 subsection (c)(1) or receives a claim under sub-
11 section (c)(2), the officer shall make personal con-
12 tact with the claimant, explain the situation, and
13 further develop the claim, with the permission of the
14 claimant.

15 (2) COUNTY VETERANS SERVICE OFFICER AS
16 REPRESENTATIVE OF CLAIMANT.—In developing a
17 claim under this subsection, a County Veterans
18 Service Officer shall act as the advocate of the
19 claimant. In the event of a conflict between the
20 claimant and the Department of Veterans Affairs,
21 the responsibility of the officer is to represent the
22 claimant.

23 (3) AUTHORITY TO FULLY DEVELOP CLAIM.—
24 A County Veterans Service Officer to whom a claim
25 is referred under subsection (c)(1) or who receives a

1 claim under subsection (c)(2) shall have the author-
2 ity to fully develop the claim and to transmit the
3 claim to the Secretary of Veterans Affairs when the
4 claim is ready to be rated.

5 (4) PROCEDURE.—Once the claim has been
6 fully developed, the claim shall be transmitted back
7 to the Secretary with the information developed in
8 accordance with the specification under subsection
9 (c)(1)(D) and a statement from the County Veterans
10 Service Officer indicating that the claim is ready to
11 be rated.

12 (5) FULLY DEVELOPED CLAIMS.—For purposes
13 of this subsection, a claim shall be considered to be
14 fully developed when the County Veterans Service
15 Officer has obtained all items that are necessary and
16 available to the officer to develop the claim in ac-
17 cordance with the specification under subsection
18 (c)(1)(D) and all items that the Secretary of Vet-
19 erans Affairs has specifically specified to be devel-
20 oped in connection with the claim.

21 (6) COOPERATION WITH A VETERANS SERVICE
22 ORGANIZATION.—For purposes of the pilot program,
23 if a claimant whose claim is being developed under
24 this section has established a power of attorney
25 through a veterans service organization, the County

1 Veterans Service Officer shall work through and in
2 cooperation with such veterans service organization
3 to develop the claim.

4 (e) INFORMATION SHARING.—

5 (1) ACCESS TO BENEFITS DELIVERY NET-
6 WORK.—Under the pilot program, veterans' informa-
7 tion contained in the Benefits Delivery Network of
8 the Department of Veterans Affairs shall be acces-
9 sible to County Veterans Service Officers in order to
10 provide County Veterans Service Officers with online
11 access to client information contained in the Depart-
12 ment of Veterans Affairs database.

13 (2) AVAILABILITY OF ELECTRONIC FILES.—
14 Subject to the requirements of subchapter III of
15 Chapter 57 of title 38, United States Code, the Sec-
16 retary shall make available to a County Veterans
17 Service Officer all appropriate electronic files con-
18 cerning the claimant for whom the officer is devel-
19 oping a claim.

20 (3) USE OF INFORMATION.—Information pro-
21 vided or made available under this subsection shall
22 be used by County Veterans Service Officers to de-
23 velop veterans' claims under the pilot program and
24 for no other purpose.

1 (f) REPORT.—Not later than 180 days after the com-
2 pletion of the pilot program under this section, the Sec-
3 retary shall submit to Congress a report on the program
4 containing the following information:

5 (1) The original backlog number per State par-
6 ticipating in the program.

7 (2) The final backlog number per State at the
8 completion of the program.

9 (3) The total reduction of the backlog in each
10 State participating in the program.

11 (4) The number of claims, per State, referred
12 by the Department of Veterans Affairs to County
13 Veterans Service Officers for development.

14 (5) The number of such claims, per State, re-
15 turned to the Department of Veterans Affairs as
16 ready to be rated, after being referred to a County
17 Veterans Service Officer under subsection (c)(1).

18 (6) The number of new claims, per State, filed
19 with a County Veterans Service Officer under sub-
20 section (c)(2), transmitted to the Department of
21 Veterans Affairs as fully developed.

22 **SEC. 5. FUNDING.**

23 There are authorized to be appropriated, for each
24 State participating in the pilot program under section 4,

- 1 such sums as may be necessary to carry out the pilot pro-
- 2 gram.

