

110TH CONGRESS
1ST SESSION

H. R. 4084

To amend title 38, United States Code, to require a study on the Department of Veterans Affairs schedule for rating disabilities, to provide for the treatment of claims under laws administered by the Secretary of Veterans Affairs in the case of the death of a claimant, to require an annual report on the workload of the Court of Appeals for Veteran Claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2007

Mr. HALL of New York introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require a study on the Department of Veterans Affairs schedule for rating disabilities, to provide for the treatment of claims under laws administered by the Secretary of Veterans Affairs in the case of the death of a claimant, to require an annual report on the workload of the Court of Appeals for Veteran Claims, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Quality of
3 Life Study Act of 2007”.

4 **SEC. 2. STUDY ON DEPARTMENT OF VETERANS AFFAIRS**
5 **SCHEDULE FOR RATING DISABILITIES.**

6 (a) STUDY REQUIRED.—Not later than 60 days after
7 the date of the enactment, the Secretary shall contract
8 with the Institute of Medicine, or other appropriate entity,
9 to conduct a study analyzing the extent to which the
10 schedule for rating disabilities prescribed by the Secretary
11 of Veterans Affairs pursuant to section 1155 of title 38,
12 United States Code, accounts for or should be amended
13 or expanded to account, measure, and compensate for loss
14 of quality of life to veterans due to a disability resulting
15 from a personal injury suffered, physical or mental, or dis-
16 ease contracted in the line of duty, or for aggravation of
17 a preexisting injury suffered or disease contracted in the
18 line of duty.

19 (b) CONTENTS OF STUDY.—The study which will be
20 completed by the Institute of Medicine, or other appro-
21 priate entity, within 180 days after contracting with the
22 Secretary shall be carried out pursuant to subsection (a)
23 and shall—

24 (1) examine—

25 (A) the extent to which the schedule for
26 rating disabilities, as in effect on the date of

1 the enactment of this Act, accounts for loss of
2 quality of life; and

3 (B) specific approaches and instruments
4 for measuring—

5 (i) the effect of a service-connected
6 disability on a veteran's quality of life, in-
7 cluding the veteran's psychological state,
8 loss of physical integrity, and social
9 inadaptability; and

10 (ii) the ways in which quality of life
11 disability compensation is managed under
12 various other disability programs of Fed-
13 eral and State governments and in other
14 countries;

15 (2) include recommendations with respect to—

16 (A) the appropriate standards for deter-
17 mining whether a service-connected disability
18 has caused a loss in the veterans' quality of life;

19 (B) the means for determining the appro-
20 priate level of compensation for loss of quality
21 of life; and

22 (C) the practicability of implementing
23 quality of life evaluations in the course of pro-
24 viding the benefits relating to disability com-

1 pensation and pension administered by the Sec-
2 retary of Veterans Affairs;

3 (3) take into account advice and information re-
4 ceived through consultations carried out with public
5 and private entities, veteran service organizations,
6 agencies, advocacy groups, and, if necessary, other
7 consultants, with particular attention paid to how to
8 manage any changes for veterans who are receiving
9 disability compensation under chapter 11 of title 38,
10 United States Code, as of the date of the enactment
11 of this Act; and

12 (4) include such other matters as the Secretary
13 and the entity carrying out the study determine are
14 appropriate.

15 (c) REPORT.—Not later than 60 days after the com-
16 pletion of the study required under subsection (a), the Sec-
17 retary of Veterans Affairs shall submit to Congress a re-
18 port that includes the following:

19 (1) The Secretary's recommendations with re-
20 spect to the findings and conclusions of the study re-
21 garding accounting for the loss of quality of life in
22 the schedule for rating disabilities prescribed by the
23 Secretary of Veterans Affairs pursuant to section
24 1155 of title 38, United States Code.

1 (2) The Secretary's recommendations with re-
2 spect to compensation that should be paid by the
3 Department of Veterans Affairs to veterans for loss
4 of quality of life and the basis for determining the
5 amount of any such compensation.

6 **SEC. 3. TREATMENT OF CLAIMS UPON DEATH OF CLAIM-**
7 **ANT.**

8 (a) TREATMENT OF BENEFICIARY OF VETERAN'S
9 ACCRUED BENEFITS AS CLAIMANT FOR PURPOSES OF IN-
10 COMPLETE CLAIMS UPON DEATH OF VETERAN.—Title
11 38, United States Code, is amended by inserting after sec-
12 tion 5121 the following:

13 **“§ 5121A. Death of claimant**

14 “If a veteran who is a claimant dies while a pending
15 claim is awaiting final adjudication for any benefit under
16 a law administered by the Secretary, the person who would
17 receive any accrued benefits due to the veteran under sec-
18 tion 5121(a)(2) of this title shall be treated as the claim-
19 ant for the purposes of processing to completion the pend-
20 ing claim. If the person who would receive such accrued
21 benefits does not want to be treated as the claimant under
22 this subsection, that person may designate to be treated
23 as the claimant under this subsection the person who
24 would receive such benefits upon the death of the person

1 who would otherwise be treated as the claimant under the
 2 preceding sentence.”.

3 (b) EFFECTIVE DATE.—The amendments made by
 4 this section shall apply with respect to the claim of any
 5 veteran who dies on or after the date of the enactment
 6 of this Act.

7 **SEC. 4. ANNUAL REPORTS ON WORKLOAD OF UNITED**
 8 **STATES COURT OF APPEALS FOR VETERANS**
 9 **CLAIMS.**

10 (a) IN GENERAL.—Subchapter III of chapter 72 of
 11 title 38, United States Code, is amended by adding at the
 12 end the following new section:

13 **“§ 7288. Annual report**

14 “The chief judge of the Court shall annually submit
 15 to the Committee on Veterans Affairs’ of the Senate and
 16 the Committee on Veterans Affairs’ of the House of Rep-
 17 resentatives a report summarizing the workload of the
 18 Court during the last fiscal year that ended before the sub-
 19 mission of such report. Such report shall include, with re-
 20 spect to such fiscal year, the following information:

21 “(1) The number of appeals filed.

22 “(2) The number of petitions filed.

23 “(3) The number of applications filed under
 24 section 2412 of title 28.

1 “(4) The number and type of dispositions, in-
2 cluding settlements.

3 “(5) The median time from filing to disposition.

4 “(6) The number of oral arguments.

5 “(7) The number and status of pending appeals
6 and petitions and of applications described in para-
7 graph (3).

8 “(8) A summary of any service performed by
9 recalled retired judges during the fiscal year.

10 “(9) The number of decisions or dispositions
11 rendered by a single judge, multi-judge panels and
12 the full Court.

13 “(10) The number of cases pending longer than
14 18 months.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 72 of such title is amended
17 by inserting after the item related to section 7287, the
18 following new item:

“7288. Annual report.”.

19 **SEC. 5. REPORT ON EXPANSION OF FACILITIES FOR**
20 **UNITED STATES COURT OF APPEALS FOR**
21 **VETERANS CLAIMS.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) The United States Court of Appeals for
24 Veterans Claims is currently located in the District

1 of Columbia in a commercial office building that is
2 also occupied by other Federal tenants.

3 (2) In February 2006, the General Services Ad-
4 ministration provided Congress with a preliminary
5 feasibility analysis of a dedicated Veterans Court-
6 house and Justice Center that would house the
7 Court and other entities that work with the Court.

8 (3) In February 2007, the Court notified Con-
9 gress that the “most cost-effective alternative ap-
10 pears to be leasing substantial additional space in
11 the current location”, which would “require relo-
12 cating other current government tenants” from that
13 building.

14 (4) The February 2006 feasibility report of the
15 General Services Administration does not include an
16 analysis of whether it would be feasible or desirable
17 to locate a Veterans Courthouse and Justice Center
18 at the current location of the Court.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the United States Court of Appeals for Vet-
22 erans Claims should be provided with appropriate of-
23 fice space to meet its needs, as well as to provide the
24 image, security, and stature befitting a court that

1 provides justice to the veterans of the United States;
2 and

3 (2) in providing that space, Congress should
4 avoid undue disruption, inconvenience, or cost to
5 other Federal entities.

6 (c) REPORT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Ad-
9 ministrator of General Services shall submit to the
10 Committee on Veterans' Affairs of the Senate and
11 the Committee on Veterans' Affairs of the House of
12 Representatives a report on the feasibility of—

13 (A) leasing additional space for the United
14 States Court of Appeals for Veterans Claims
15 within the building where the Court was located
16 on the date of the enactment of this Act; and

17 (B) using the entirety of such building as
18 a Veterans Courthouse and Justice Center.

19 (2) CONTENTS.—The report required by para-
20 graph (1) shall include a detailed analysis of the fol-
21 lowing:

22 (A) The impact that the matter analyzed
23 in accordance with paragraph (1) would have
24 on Federal tenants of the building used by the
25 Court.

1 (B) Whether it would be feasible to relo-
2 cate such Federal tenants into office space that
3 offers similar or preferable cost, convenience,
4 and usable square footage.

5 (C) If relocation of such Federal tenants is
6 found to be feasible and desirable, an analysis
7 of what steps should be taken to convert the
8 building into a Veterans Courthouse and Jus-
9 tice Center and a time line for such conversion.

10 (D) If relocation is not desirable, then the
11 cost of constructing a new facility for the use
12 as a Veterans Courthouse and Justice Center.

13 (3) COMMENT PERIOD.—The Administrator
14 shall provide an opportunity to such Federal ten-
15 ants—

16 (A) before the completion of the report re-
17 quired by paragraph (1), to comment on the
18 subject of the report required by such para-
19 graph; and

20 (B) before the Administrator submits the
21 report required by paragraph (1) to the con-
22 gressional committees specified in such para-
23 graph, to comment on a draft of such report.

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