

114TH CONGRESS
1ST SESSION

S. 1286

To amend title 38, United States Code, to reduce the backlog of appeals of decisions of the Secretary of Veterans Affairs by facilitating pro bono legal assistance for veterans before the United States Court of Veterans Appeals and the Board of Veterans' Appeals, to provide the Secretary with authority to address unreasonably delayed claims, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2015

Mrs. SHAHEEN (for herself, Mr. LEAHY, Ms. BALDWIN, Mr. CARDIN, Mr. BENNET, Mr. BROWN, Ms. KLOBUCHAR, Mr. UDALL, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to reduce the backlog of appeals of decisions of the Secretary of Veterans Affairs by facilitating pro bono legal assistance for veterans before the United States Court of Veterans Appeals and the Board of Veterans' Appeals, to provide the Secretary with authority to address unreasonably delayed 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 Appeals As-
3 sistance and Improvement Act of 2015”.

4 **SEC. 2. PROGRAM OF FINANCIAL ASSISTANCE FOR SUP-
5 PORT OF PROGRAMS THAT FURNISH LEGAL
6 ASSISTANCE TO VETERANS SEEKING REVIEW
7 BY UNITED STATES COURT OF APPEALS FOR
8 VETERANS CLAIMS.**

9 (a) IN GENERAL.—Chapter 59 of title 38, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 5906. Program of financial assistance for support
13 of programs that furnish legal assistance
14 to veterans seeking review by United
15 States Court of Appeals for Veterans
16 Claims**

17 “(a) IN GENERAL.—The United States Court of Ap-
18 peals for Veterans Claims shall establish a program for
19 the provision of financial assistance (through grant or con-
20 tract made, to the maximum extent feasible) to facilitate
21 the furnishing of legal and other assistance, without
22 charge, through programs described in subsection (b), for
23 veterans and other persons who are unable to afford the
24 cost of legal representation in connection with decisions
25 to which section 7252(a) of this title may apply or with

1 other proceedings in the United States Court of Appeals
2 for Veterans Claims.

3 “(b) PROGRAMS DESCRIBED.—Programs described
4 in this subsection are programs that furnish case screen-
5 ing and referral, training and education for attorney and
6 related personnel, and encouragement and facilitation of
7 pro bono representation by members of the bar and law
8 school clinical and other appropriate programs, such as
9 veterans service organizations, and through defraying ex-
10 penses incurred in providing representation to persons de-
11 scribed in subsection (a).

12 “(c) LEGAL SERVICES CORPORATION.—(1) The
13 United States Court of Appeals for Veterans Claims shall
14 carry out subsection (a) by entering into an interagency
15 agreement with the Legal Services Corporation. The
16 agreement shall specify that the Corporation shall carry
17 out the financial assistance program described in sub-
18 section (a).

19 “(2) Grants or contracts awarded under the financial
20 assistance program described in subsection (a) shall be
21 made by the Legal Services Corporation pursuant to a re-
22 imburseable payment from the Court in accordance with
23 this section.

24 “(3) The Legal Services Corporation may receive a
25 reimbursable payment from the Court for the purpose of

1 providing the financial assistance described in subsection
2 (a).

3 “(d) LIMITATION ON USE OF FUNDS.—No funds ap-
4 propriated or otherwise made available to carry out this
5 section may be used for the payment of attorney’s fees.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$3,000,000 for each of fiscal years 2015 through 2018.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 59 is amended by inserting
11 after the item relating to section 5905 the following new
12 item:

“5906. Program of financial assistance for support of programs that furnish
legal assistance to veterans seeking review by United States
Court of Appeals for Veterans Claims.”.

13 **SEC. 3. PROGRAM OF FINANCIAL ASSISTANCE FOR SUP-**
14 **PORT OF PROGRAMS THAT FURNISH LEGAL**
15 **ASSISTANCE TO VETERANS SEEKING REVIEW**
16 **BY BOARD OF VETERANS’ APPEALS.**

17 (a) IN GENERAL.—Chapter 59 of title 38, United
18 States Code, as amended by section 2(a), is further
19 amended by adding at the end the following new section:

1 **“§ 5907. Program of financial assistance for support**
2 **of programs that furnish legal assistance**
3 **to veterans seeking review by Board of**
4 **Veterans’ Appeals**

5 “(a) IN GENERAL.—The Secretary shall establish a
6 program for the provision of financial assistance (through
7 grant or contract made, to the maximum extent feasible)
8 to facilitate the furnishing of legal and other assistance,
9 without charge, through programs described in subsection
10 (b), to veterans and other persons who are unable to af-
11 ford the cost of legal representation in connection with de-
12 cisions to which section 7104 of this title may apply or
13 with other proceedings of the Board of Veterans’ Appeals.

14 “(b) PROGRAMS DESCRIBED.—Programs described
15 in this subsection are programs that furnish case screen-
16 ing and referral, training and education for attorney and
17 related personnel, and encouragement and facilitation of
18 pro bono representation by members of the bar and law
19 school clinical and other appropriate programs, such as
20 veterans service organizations, and through defraying ex-
21 penses incurred in providing representation to persons de-
22 scribed in subsection (a).

23 “(c) LEGAL SERVICES CORPORATION.—(1) The Sec-
24 retary shall carry out subsection (a) by entering into an
25 interagency agreement with the Legal Services Corpora-
26 tion. The agreement shall specify that the Corporation

1 shall carry out the financial assistance program described
 2 in subsection (a).

3 “(2) Grants or contracts awarded under the financial
 4 assistance program described in subsection (a) shall be
 5 made by the Legal Services Corporation pursuant to a re-
 6 imburseable payment from the Secretary in accordance
 7 with this section.

8 “(3) The Legal Services Corporation may receive a
 9 reimbursable payment from the Secretary for the purpose
 10 of providing the financial assistance described in sub-
 11 section (a).

12 “(d) LIMITATION ON USE OF FUNDS.—No funds ap-
 13 propriated or otherwise made available to carry out this
 14 section may be used for the payment of attorney’s fees.

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 16 is authorized to be appropriated to carry out this section
 17 \$3,000,000 for each of fiscal years 2015 through 2018.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of chapter 59, as amended by section
 20 2(b), is further amended by inserting after the item relat-
 21 ing to section 5906 the following new item:

“5907. Program of financial assistance for support of programs that furnish
 legal assistance to veterans seeking review by Board of Vet-
 erans’ Appeals.”.

1 **SEC. 4. EXPEDITED TREATMENT OF UNREASONABLY DE-**
 2 **LAYED CLAIMS.**

3 (a) IN GENERAL.—Section 7112 of title 38, United
 4 States Code, is amended to read as follows:

5 **“§ 7112. Expedited treatment of remanded or unrea-**
 6 **sonably delayed claims**

7 “(a) IN GENERAL.—The Secretary shall take such
 8 actions as may be necessary to provide for the expeditious
 9 treatment by the Board of any claim that—

10 “(1) is remanded to the Secretary by the Court
 11 of Appeals for Veterans Claims; or

12 “(2) has been subjected to unreasonable or ex-
 13 cessive delay.

14 “(b) UNREASONABLE OR EXCESSIVE DELAY.—For
 15 purposes of this section, a claim shall be presumed to have
 16 been subjected to unreasonable or excessive delay if the
 17 claim has been pending before the Board for eight years
 18 or more.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
 20 at the beginning of chapter 71 of such title is amended
 21 by striking the item relating to section 7112 and inserting
 22 the following new item 7112:

“7112. Expedited treatment of remanded or unreasonably delayed claims.”.

1 **SEC. 5. COMPTROLLER GENERAL OF THE UNITED STATES**
2 **REVIEW OF APPEALS OF DECISIONS OF SEC-**
3 **RETARY OF VETERANS AFFAIRS REGARDING**
4 **CLAIMS FOR DISABILITY COMPENSATION.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Comptroller General
7 of the United States shall—

8 (1) complete a review of the processing of ap-
9 peals of decisions of the Secretary of Veterans Af-
10 fairs regarding claims for compensation under chap-
11 ters 11 and 13 of title 38, United States Code; and

12 (2) submit to Congress a report on the review
13 completed under paragraph (1).

14 (b) ELEMENTS.—The review required by subsection
15 (a)(1) shall include the following:

16 (1) Assessment of the regional offices of the
17 Department of Veterans Affairs, the Board of Vet-
18 erans' Appeals, and the United States Court of Ap-
19 peals for Veterans Claims.

20 (2) Examination of prolonged delays in proc-
21 essing appeals described in subsection (a)(1) and as-
22 sessment of whether reviews of such appeals are
23 meeting statutory requirements for timeliness.

24 (3) Recommendations for such legislative and
25 administrative action as the Comptroller General

- 1 considers appropriate to improve the processing of
- 2 such appeals.

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