

law enforcement, schools, community leaders, and nonprofits in its efforts to find children who are missing and protect youth who are victims of sexual exploitation.

The reforms in the Improving Support for Missing and Exploited Children Act will ensure the vital work of recovering and supporting vulnerable youth is able to continue, reuniting more families with their loved ones and helping victims receive the support they desperately need. This is a bill that delivers the reforms needed to save lives.

I am also proud to say it is a bill with strong bipartisan support. At the opening of NCMEC, former President Ronald Reagan said:

“No single sector of our Nation can solve the problem of missing and exploited children alone. But by working together, pooling our resources, and building on our strengths, we can accomplish great things.”

“Together we can turn the tide on these hateful crimes. . . .”

Together we can turn the tide. The work our colleagues, Representatives GUTHRIE and COURTNEY, have done to get this important bill to the House floor demonstrates the type of collaboration President Reagan spoke of on that day at the opening of the NCMEC. And the Improving Support for Missing and Exploited Children Act isn't the only bill we have been able to reach across the aisle on and deliver reforms that will help vulnerable youth.

Working together, we are also advancing positive bipartisan solutions in H.R. 1809, the Juvenile Justice Reform Act of 2017. This bill aims at assisting a different kind of vulnerable youth, ensuring kids who find themselves in the juvenile justice system have an opportunity to turn their lives around and achieve success.

Every child deserves an opportunity to make a change for the better, if that child has made a mistake. By working together to develop the Juvenile Justice Reform Act of 2017, my colleagues, Representatives LEWIS and SCOTT, have put forward a bill that will help ensure at-risk youth are afforded an opportunity to do just that.

Both of these bills renew the commitment we have made to help and protect our Nation's most vulnerable children. All of these reforms will make a real difference in the lives of countless children, young adults, parents, and families across the country. I am proud of the bipartisan work we have been able to accomplish.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GUTHRIE. I yield the gentlewoman an additional 30 seconds.

Ms. FOXX. I want to thank Representative SCOTT, as well as Representatives LEWIS, GUTHRIE, and COURTNEY for their leadership on these issues. I urge our fellow colleagues to support the Improving Support for Missing and Exploited Children Act.

Mr. COURTNEY. Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. PAULSEN), a good friend of mine who, in his work on the Ways and Means Committee, has been focused on and dedicated to this issue.

Mr. PAULSEN. Mr. Speaker, I thank the gentleman for his work on this on a bipartisan basis with Mr. COURTNEY.

I rise today in strong support of H.R. 1808, the Improving Support for Missing and Exploited Children Act. This important initiative, it builds on the bipartisan work we have already accomplished to combat sex trafficking and child exploitation.

Since its creation in 1984, the National Center for Missing & Exploited Children has worked tirelessly to protect children from being exploited, to reunite missing children with their families, and to provide resources and training to our law enforcement community to help assist in this effort.

This legislation today will assist the Center in strengthening its prevention and its recovery programs. One of those programs is the CyberTipline which, since being launched in 1998, has received 12.7 million reports of suspected child sexual exploitation. It is programs like this, Mr. Speaker, that go a long way to helping us save lives and put an end to sexual exploitation and trafficking of children.

I encourage all of my colleagues to support this bipartisan bill.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

In summary, we have heard again a very broad-based bipartisan chorus of voices in support of this legislation. Again, like in committee, hopefully, all of us will stand together to support this really important update to making sure that families get all the help, and law enforcement get all the help, that they need to eliminate the scourge of this problem.

I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

I had the opportunity to visit the Center, and the building that I got to go visit was full of men and women who show up every day, who do exceptional work dealing with the disturbing issues, and so my hat is off to them. They deal with stuff that is just unimaginable to most of us, and they do it in a way that is dignified and in a way that is well worthy of the effort that we are giving them to give more transparency and empower them to help more.

I really appreciate working with my friend, Mr. COURTNEY. H.R. 1808 is a bipartisan proposal, and I urge my colleagues to support the Improving Support for Missing and Exploited Children Act of 2017.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. GUTHRIE) that the House suspend the

rules and pass the bill, H.R. 1808, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS APPEALS IMPROVEMENT AND MODERNIZATION ACT OF 2017

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2288) to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Appeals Improvement and Modernization Act of 2017”.

SEC. 2. REFORM OF RIGHTS AND PROCESSES RELATING TO APPEALS OF DECISIONS REGARDING CLAIMS FOR BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) DEFINITIONS.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

“(34) The term ‘agency of original jurisdiction’ means the activity which entered the original determination with regard to a claim for benefits under laws administered by the Secretary.

“(35) The term ‘relevant evidence’ means evidence that tends to prove or disprove a matter in issue.

“(36) The term ‘supplemental claim’ means any claim for benefits under laws administered by the Secretary filed by a claimant who had previously filed a claim for the same or similar benefits on the same or similar basis.”.

(b) NOTICE REGARDING CLAIMS.—Section 5103(a) of such title is amended—

(1) in paragraph (1), in the first sentence, by striking “The” and inserting “Except as provided in paragraph (3), the”;

(2) in paragraph (2)(B)(i) by striking “, a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;” and inserting “or a supplemental claim;”; and

(3) by adding at the end the following new paragraph:

“(3) The requirement to provide notice under paragraph (1) shall not apply with respect to a supplemental claim that is filed within the timeframe set forth in subparagraphs (B) and (D) of section 5110(a)(2) of this title.”.

(c) MODIFICATION OF RULE REGARDING DISALLOWED CLAIMS.—Section 5103A(f) of such title is amended—

(1) by striking “reopen” and inserting “re-adjudicate”; and

(2) by striking “material” and inserting “relevant”.

(d) MODIFICATION OF DUTY TO ASSIST CLAIMANTS.—Section 5103A of such title is amended—

(1) by redesignating subsections (e) through (g) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (d) the following new subsections:

“(e) **APPLICABILITY OF DUTY TO ASSIST.**—(1) The Secretary’s duty to assist under this section shall apply only to a claim, or supplemental claim, for a benefit under a law administered by the Secretary until the time that a claimant is provided notice of the agency of original jurisdiction’s decision with respect to such claim, or supplemental claim, under section 5104 of this title.

“(2) The Secretary’s duty to assist under this section shall not apply to higher level review by the agency of original jurisdiction, pursuant to section 5104B of this title, or to review on appeal by the Board of Veterans’ Appeals.

“(f) **CORRECTION OF DUTY TO ASSIST ERRORS.**—(1) If, during review of the agency of original jurisdiction decision under section 5104B of this title, the higher level adjudicator identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision being reviewed, unless the claim can be granted in full, the higher level adjudicator shall return the claim for correction of such error and readjudication.

“(2)(A) If the Board of Veterans’ Appeals, during review on appeal of an agency of original jurisdiction decision, identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision on appeal, unless the claim can be granted in full, the Board shall remand the claim to the agency of original jurisdiction for correction of such error and readjudication.

“(B) Remand for correction of such error may include directing the agency of original jurisdiction to obtain an advisory medical opinion under section 5109 of this title.

“(3) Nothing in this subsection shall be construed to imply that the Secretary, during the consideration of a claim, does not have a duty to correct an error described in paragraph (1) or (2) that was erroneously not identified during higher level review or during review on appeal with respect to the claim.”.

(e) **DECISIONS AND NOTICES OF DECISIONS.**—Subsection (b) of section 5104 of such title is amended to read as follows:

“(b) Each notice provided under subsection (a) shall also include all of the following:

“(1) Identification of the issues adjudicated.

“(2) A summary of the evidence considered by the Secretary.

“(3) A summary of the applicable laws and regulations.

“(4) Identification of findings favorable to the claimant.

“(5) In the case of a denial of a claim, identification of elements not satisfied leading to the denial.

“(6) An explanation of how to obtain or access evidence used in making the decision.

“(7) If applicable, identification of the criteria that must be satisfied to grant service connection or the next higher level of compensation.”.

(f) **BINDING NATURE OF FAVORABLE FINDINGS.**—

(1) **IN GENERAL.**—Chapter 51 of such title is amended by inserting after section 5104 the following new section:

“§ 5104A. Binding nature of favorable findings

“Any finding favorable to the claimant as described in section 5104(b)(4) of this title shall be binding on all subsequent adjudicators within the Department, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5104 the following new item:

“5104A. Binding nature of favorable findings.”.

(g) **HIGHER LEVEL REVIEW BY AGENCY OF ORIGINAL JURISDICTION.**—

(1) **IN GENERAL.**—Chapter 51 of such title, as amended by subsection (f), is further amended by inserting after section 5104A, as added by such subsection, the following new section:

“§ 5104B. Higher level review by the agency of original jurisdiction

“(a) **IN GENERAL.**—(1) A claimant may request a review of the decision of the agency of original jurisdiction by a higher level adjudicator within the agency of original jurisdiction.

“(2) The Secretary shall approve each request for review under paragraph (1).

“(b) **TIME AND MANNER OF REQUEST.**—(1) A request for higher level review by the agency of original jurisdiction shall be—

“(A) in writing in such form as the Secretary may prescribe; and

“(B) made within one year of the notice of the agency of original jurisdiction’s decision.

“(2) Such request may specifically indicate whether such review is requested by a higher level adjudicator at the same office within the agency of original jurisdiction or by an adjudicator at a different office of the agency of original jurisdiction. The Secretary shall not deny such a request for review by an adjudicator at a different office of the agency of original jurisdiction without good cause.

“(c) **DECISION.**—Notice of a higher level review decision under this section shall be provided in writing and shall include a general statement—

“(1) reflecting whether evidence was not considered pursuant to subsection (d); and

“(2) noting the options available to the claimant to have the evidence described in paragraph (1), if any, considered by the Department.

“(d) **EVIDENTIARY RECORD FOR REVIEW.**—The evidentiary record before the higher level adjudicator shall be limited to the evidence of record in the agency of original jurisdiction decision being reviewed.

“(e) **DE NOVO REVIEW.**—A review of the decision of the agency of original jurisdiction by a higher level adjudicator within the agency of original jurisdiction shall be de novo.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (f), is further amended by inserting after the item relating to section 5104A, as added by such subsection, the following new item:

“5104B. Higher level review by the agency of original jurisdiction.”.

(h) **OPTIONS FOLLOWING DECISION BY AGENCY OF ORIGINAL JURISDICTION.**—

(1) **IN GENERAL.**—Chapter 51 of such title, as amended by subsection (g), is further amended by inserting after section 5104B, as added by such subsection, the following new section:

“§ 5104C. Options following decision by agency of original jurisdiction

“(a) **WITHIN ONE YEAR OF DECISION.**—(1) Subject to paragraph (2), in any case in which the Secretary renders a decision on a claim, the claimant may take any of the following actions on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision with respect to that claim:

“(A) File a request for higher level review under section 5104B of this title.

“(B) File a supplemental claim under section 5108 of this title.

“(C) File a notice of disagreement under section 7105 of this title.

“(2)(A) Once a claimant takes an action set forth in paragraph (1), the claimant may not take another action set forth in that paragraph with respect to such claim until—

“(i) the higher level review, supplemental claim, or notice of disagreement is adjudicated; or

“(ii) the request for higher level review, supplemental claim, or notice of disagreement is withdrawn.

“(B) Nothing in this subsection shall prohibit a claimant from taking any of the actions set forth in paragraph (1) in succession with respect to different issues contained within a claim.

“(C) Nothing in this subsection shall prohibit a claimant from taking different actions set forth in paragraph (1) with respect to different claims.

“(D) The Secretary may, as the Secretary considers appropriate, develop and implement a policy for claimants who—

“(i) take an action under paragraph (1);

“(ii) wish to withdraw the action before the higher level review, supplemental claim, or notice of disagreement is adjudicated; and

“(iii) in lieu of such action take a different action under paragraph (1).

“(b) **MORE THAN ONE YEAR AFTER DECISION.**—In any case in which the Secretary renders a decision on a claim and more than one year has passed since the date on which the agency of original jurisdiction issues a decision with respect to that claim, the claimant may file a supplemental claim under section 5108 of this title.

“(c) **BOARD OF VETERANS’ APPEALS AND COURT OF APPEALS FOR VETERANS CLAIMS.**—Nothing in subsection (a) or (b) may be construed to limit the options available to a claimant pursuant to chapter 71 or 72 of this title.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (g), is further amended by inserting after the item relating to section 5104B, as added by such subsection, the following new item:

“5104C. Options following decision by agency of original jurisdiction.”.

(i) **SUPPLEMENTAL CLAIMS.**—

(1) **IN GENERAL.**—Section 5108 of such title is amended to read as follows:

“§ 5108. Supplemental claims

“If new and relevant evidence is presented or secured with respect to a supplemental claim, the Secretary shall readjudicate the claim taking into consideration any evidence added to the record after the former disposition of the claim.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 51 of such title is amended by striking the item relating to section 5108 and inserting the following new item:

“5108. Supplemental claims.”.

(j) **REMAND TO OBTAIN ADVISORY MEDICAL OPINION.**—Section 5109 of such title is amended by adding at the end the following new subsection:

“(d)(1) The Board of Veterans’ Appeals shall remand a claim to direct the agency of original jurisdiction to obtain an advisory medical opinion from an independent medical expert under this section if the Board finds that the Veterans Benefits Administration should have exercised its discretion to obtain such an opinion.

“(2) The Board’s remand instructions shall include the questions to be posed to the independent medical expert providing the advisory medical opinion.”.

(k) RESTATEMENT OF REQUIREMENT FOR EXPEDITED TREATMENT OF REMANDED CLAIMS.—Section 5109B of such title is amended to read as follows:

“§ 5109B. Expedited treatment of remanded claims

“The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the Veterans Benefits Administration of any claim that is returned by a higher level adjudicator under section 5104B of this title or remanded by the Board of Veterans’ Appeals.”.

(l) EFFECTIVE DATES OF AWARDS.—Section 5110 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a)(1) Unless specifically provided otherwise in this chapter, the effective date of an award based on an initial claim, or a supplemental claim, of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

“(2) For purposes of determining the effective date of an award under this section, the date of application shall be considered the date of the filing of the initial application for a benefit if the claim is continuously pursued by filing any of the following, either alone or in succession:

“(A) A request for higher level review under section 5104B of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

“(B) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

“(C) A notice of disagreement on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

“(D) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Board of Veterans’ Appeals issues a decision.

“(E) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Court of Appeals for Veterans Claims issues a decision.

“(3) Except as otherwise provided in this section, for supplemental claims received more than one year after the date on which the agency of original jurisdiction issued a decision or the Board of Veterans’ Appeals issued a decision, the effective date shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of the supplemental claim.”; and

(2) in subsection (i), in the first sentence—

(A) by striking “reopened” and inserting “readjudicated”;

(B) by striking “material” and inserting “relevant”; and

(C) by striking “reopening” and inserting “readjudication”.

(m) DEFINITION OF AWARD OR INCREASED AWARD FOR PURPOSES OF PROVISIONS RELATING TO COMMENCEMENT OF PERIOD OF PAYMENT.—Section 5111(d)(1) of such title is amended by striking “or reopened award” and inserting “award or award based on a supplemental claim”.

(n) MODIFICATION ON LIMITATION ON FEES ALLOWABLE FOR REPRESENTATION.—Section 5904(c) of such title is amended, in paragraphs (1) and (2), by striking “notice of disagreement is filed” both places it appears and inserting “claimant is provided notice of the agency of original jurisdiction’s initial decision under section 5104 of this title”.

(o) CLARIFICATION OF BOARD OF VETERANS’ APPEALS REFERRAL REQUIREMENTS AFTER

ORDER FOR RECONSIDERATION OF DECISIONS.—Section 7103(b)(1) of title 38, United States Code, is amended by striking “heard” both places it appears and inserting “decided”.

(p) CONFORMING AMENDMENT RELATING TO READJUDICATION.—Section 7104(b) of such title is amended by striking “reopened” and inserting “readjudicated”.

(q) MODIFICATION OF PROCEDURES FOR APPEALS TO BOARD OF VETERANS’ APPEALS.—

(1) IN GENERAL.—Section 7105 of title 38, United States Code, is amended—

(A) in subsection (a), by striking the first sentence and inserting “Appellate review shall be initiated by the filing of a notice of disagreement in the form prescribed by the Secretary.”; and

(B) by amending subsection (b) to read as follows:

“(b)(1)(A) Except in the case of simultaneously contested claims, notice of disagreement shall be filed within one year from the date of the mailing of notice of the decision of the agency of original jurisdiction pursuant to section 5104, 5104B, or 5108 of this title.

“(B) A notice of disagreement postmarked before the expiration of the 1-year period shall be accepted as timely filed.

“(C) A question as to timeliness or adequacy of the notice of disagreement shall be decided by the Board.

“(2)(A) Notices of disagreement shall be in writing, shall identify the specific determination with which the claimant disagrees, and may be filed by the claimant, the claimant’s legal guardian, or such accredited representative, attorney, or authorized agent as may be selected by the claimant or legal guardian.

“(B) Not more than one recognized organization, attorney, or agent may be recognized at any one time in the prosecution of a claim.

“(C) Notices of disagreement shall be filed with the Board.

“(3) The notice of disagreement shall indicate whether the claimant requests—

“(A) a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(b) of this title;

“(B) an opportunity to submit additional evidence without a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(c) of this title; or

“(C) a review by the Board without a hearing or the submittal of additional evidence.

“(4) The Secretary may develop a policy to permit a claimant to modify the information identified in the notice of disagreement after the notice of disagreement has been filed under this section pursuant to such requirements as the Secretary may prescribe.”;

(C) by amending subsection (c) to read as follows:

“(c) If no notice of disagreement is filed in accordance with this chapter within the prescribed period, the action or decision of the agency of original jurisdiction shall become final and the claim shall not thereafter be readjudicated or allowed, except as may otherwise be provided by section 5104B or 5108 of this title or such regulations as are consistent with this title.”;

(D) by striking subsection (d) and inserting the following new subsection (d):

“(d) The Board of Veterans’ Appeals may dismiss any appeal which fails to identify the specific determination with which the claimant disagrees.”;

(E) by striking subsection (e); and

(F) in the section heading, by striking “**notice of disagreement** and”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item

relating to section 7105 and inserting the following new item:

“7105. Filing of appeal.”.

(r) MODIFICATION OF PROCEDURES AND REQUIREMENTS FOR SIMULTANEOUSLY CONTESTED CLAIMS.—Subsection (b) of section 7105A of such title is amended to read as follows:

“(b)(1) The substance of the notice of disagreement shall be communicated to the other party or parties in interest and a period of thirty days shall be allowed for filing a brief or argument in response thereto.

“(2) Such notice shall be forwarded to the last known address of record of the parties concerned, and such action shall constitute sufficient evidence of notice.”.

(s) REPEAL OF PROCEDURES FOR ADMINISTRATIVE APPEALS.—

(1) IN GENERAL.—Chapter 71 of such title is amended by striking section 7106.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7106.

(t) MODIFICATIONS RELATING TO APPEALS: DOCKETS; HEARINGS.—

(1) IN GENERAL.—Section 7107 of such title is amended to read as follows:

“§ 7107. Appeals: dockets; hearings

“(a) DOCKETS.—(1) Subject to paragraph (2), the Board shall maintain at least two separate dockets.

“(2) The Board may not maintain more than two separate dockets unless the Board notifies the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives of any additional docket, including a justification for maintaining such additional docket.

“(3)(A) The Board may assign to each docket maintained under paragraph (1) such cases as the Board considers appropriate, except that cases described in clause (i) of subparagraph (B) may not be assigned to any docket to which cases described in clause (ii) of such paragraph are assigned.

“(B) Cases described in this subparagraph are the following:

“(i) Cases in which no Board hearing is requested and no additional evidence will be submitted.

“(ii) Cases in which a Board hearing is requested in the notice of disagreement.

“(4) Except as provided in subsection (b), each case before the Board will be decided in regular order according to its respective place on the docket to which it is assigned by the Board.

“(b) ADVANCEMENT ON THE DOCKET.—(1) A case on one of the dockets of the Board maintained under subsection (a) may, for cause shown, be advanced on motion for earlier consideration and determination.

“(2) Any such motion shall set forth succinctly the grounds upon which the motion is based.

“(3) Such a motion may be granted only—

“(A) if the case involves interpretation of law of general application affecting other claims;

“(B) if the appellant is seriously ill or is under severe financial hardship; or

“(C) for other sufficient cause shown.

“(c) MANNER AND SCHEDULING OF HEARINGS FOR CASES ON DOCKET THAT MAY INCLUDE HEARING.—(1) For cases on a docket maintained by the Board under subsection (a) that may include a hearing, in which a hearing is requested in the notice of disagreement, the Board shall notify the appellant whether a Board hearing will be held—

“(A) at its principal location; or

“(B) by picture and voice transmission at a facility of the Department where the Secretary has provided suitable facilities and equipment to conduct such hearings.

“(2)(A) Upon notification of a Board hearing at the Board’s principal location as described in subparagraph (A) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (B) of such paragraph. If so requested, the Board shall grant such request.

“(B) Upon notification of a Board hearing by picture and voice transmission as described in subparagraph (B) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (A) of such paragraph. If so requested, the Board shall grant such request.

“(d) SCREENING OF CASES.—Nothing in this section shall be construed to preclude the screening of cases for purposes of—

“(1) determining the adequacy of the record for decisional purposes; or

“(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.

“(e) POLICY ON CHANGING DOCKETS.—The Secretary may develop and implement a policy allowing a claimant to move the claimant’s case from one docket to another docket.”.

(2) REPORT.—Not later than the date that is 90 days before the date set forth in subsection (X), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report setting forth a description of the docket that will be maintained under section 7107 of title 38, United States Code, as amended by paragraph (1), for cases in which no hearing before the Board of Veterans’ Appeals is requested in the notice of disagreement but the appellant requests, in the notice of disagreement, an opportunity to submit additional evidence.

(u) REPEAL OF CERTAIN AUTHORITY FOR INDEPENDENT MEDICAL OPINIONS.—

(1) IN GENERAL.—Section 7109 of such title is repealed.

(2) CONFORMING AMENDMENT.—Section 5701(b)(1) of such title is amended by striking “or 7109”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7109.

(v) CLARIFICATION OF PROCEDURES FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR.—Section 7111(e) of such title is amended by striking “, without referral to any adjudicative or hearing official acting on behalf of the Secretary”.

(w) EVIDENTIARY RECORD BEFORE BOARD OF VETERANS’ APPEALS.—

(1) IN GENERAL.—Chapter 71 of such title is amended by adding at the end the following new section:

“§ 7113. Evidentiary record before the Board of Veterans’ Appeals

“(a) CASES WITH NO REQUEST FOR A HEARING OR ADDITIONAL EVIDENCE.—For cases in which a hearing before the Board of Veterans’ Appeals is not requested in the notice of disagreement and no request was made to submit evidence, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

“(b) CASES WITH A REQUEST FOR HEARING.—(1) Except as provided in paragraph (2), for cases in which a hearing is requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

“(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

“(A) Evidence submitted by the appellant and the representative of the appellant, if any, at the Board hearing.

“(B) Evidence submitted by the appellant and the representative of the appellant, if any, within 90 days following the Board hearing.

“(c) CASES WITH NO REQUEST FOR A HEARING AND WITH A REQUEST FOR ADDITIONAL EVIDENCE.—(1) Except as provided in paragraph (2), for cases in which a hearing is not requested in the notice of disagreement but an opportunity to submit evidence is requested, the evidentiary record before the Board shall be limited to the evidence considered by the agency of original jurisdiction in the decision on appeal.

“(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

“(A) Evidence submitted by the appellant and the representative of the appellant, if any, with the notice of disagreement.

“(B) Evidence submitted by the appellant and the representative of the appellant, if any, within 90 days following receipt of the notice of disagreement.”.

(2) NOTIFICATION WHEN EVIDENCE NOT CONSIDERED.—Section 7104(d) of such title is amended—

(A) in paragraph (1), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) a general statement—

“(A) reflecting whether evidence was not considered in making the decision because the evidence was received at a time when not permitted under section 7113 of this title; and

“(B) noting such options as may be available for having the evidence considered by the Department; and”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by inserting after the item relating to section 7112 the following new item:

“7113. Evidentiary record before the Board of Veterans’ Appeals.”.

(x) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to all claims for which notice of a decision under section 5104 of title 38, United States Code, is provided by the Secretary of Veterans Affairs on or after the later of—

(A) the date that is 540 days after the date of the enactment of this Act; and

(B) the date that is 30 days after the date on which the Secretary of Veterans Affairs submits to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives—

(i) a certification that the Secretary confirms, without delegation, that the Department of Veterans Affairs has the resources, personnel, office space, procedures, and information technology required—

(I) to carry out the modernized appeals system; and

(II) to timely address both appeals of decisions on legacy claims and appeals under the modernized appeals system; and

(ii) a description of the collaboration conducted under paragraph (2) in making such certification, including the views of the organizations and stakeholders specified in such paragraph.

(2) COLLABORATION.—In determining whether and when to make a certification under paragraph (1)(B)(i), the Secretary shall col-

laborate with, partner with, and give weight to the advice of the three veterans service organizations with the most members and such other stakeholders as the Secretary considers appropriate.

(3) EARLY APPLICABILITY.—The Secretary may apply the modernized appeals system to a claim with respect to which the claimant—

(A) receives a notice of a decision under section 5104 of such title after the date of the enactment of this Act and before the applicability date set forth in paragraph (1); and

(B) elects to subject the claim to the modernized appeals system.

(4) PHASED ROLLOUT.—The Secretary may begin implementation of the modernized appeals system in phases, with the first phase of such phased implementation beginning on the applicability date set forth in paragraph (1).

(5) LEGACY CLAIMS.—With respect to legacy claims, upon the issuance to a claimant of a statement of the case or a supplemental statement of the case occurring on or after the applicability date specified in paragraph (1), a claimant may elect to participate in the modernized appeals system.

(6) PUBLICATION OF APPLICABILITY DATE.—Not later than the date on which the modernized appeals system goes into effect (or the first phase of the modernized appeals system goes into effect under paragraph (4), as the case may be), the Secretary shall publish in the Federal Register such date.

SEC. 3. COMPREHENSIVE PLAN AND REPORTS FOR PROCESSING OF LEGACY APPEALS AND IMPLEMENTING MODERNIZED APPEALS SYSTEM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate, the Committee on Veterans’ Affairs of the House of Representatives, and the Comptroller General of the United States a comprehensive plan for—

(1) the number of resolutions for appeals of decisions on legacy claims that the Secretary considers pending;

(2) implementing the modernized appeals system; and

(3) timely processing, under the modernized appeals system, of—

(A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i);

(B) requests for higher level review under section 5104B of such title, as added by section 2(g); and

(C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(t).

(b) ELEMENTS.—The plan required by subsection (a) shall include, at a minimum, the following:

(1) An estimate (including a detailed description of the bases the Secretary uses to develop such estimate) of the—

(A) numbers of appeals and the timeliness of deciding appeals under the modernized appeals system, including such number under each docket described in section 7107 of title 38, United States Code, as amended by section 2; and

(B) numbers of appeals of decisions on legacy claims and the timeliness of deciding such appeals.

(2) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans’ Appeals, disaggregated by resources required to implement and administer the modernized appeals system and resources required to address the appeals of decisions on legacy claims.

(3) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—

(A) period in which the Administration and the Board are concurrently processing—

(i) appeals of decisions on legacy claims; and

(ii) appeals of decisions on nonlegacy claims under the modernized appeals system; and

(B) the period during which the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(4) Identification of the legal authorities under which the Administration or the Board may—

(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and

(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(5) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees.

(6) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the modernized appeals system, including cost estimates and a timeline for making the modifications.

(7) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including—

(A) an estimate of the amount of time the Administration and the Board will require to acquire any additional office space to carry out processing of appeals of decisions on legacy claims and processing of appeals under the modernized appeals system;

(B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and

(C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.

(8) Projections for the productivity of individual employees at the Administration and the Board in carrying out tasks relating to the processing of appeals of decisions on legacy claims and appeals under the modernized appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).

(9) An outline of the outreach the Secretary expects to conduct to inform veterans, families of veterans, survivors of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about the modernized appeals system, including—

(A) a description of the resources required to conduct such outreach; and

(B) timelines for such outreach.

(10) Identification of and a timeline for—

(A) any training that may be required as a result of hiring new employees to carry out the modernized appeals system or to process appeals of decisions on legacy claims; and

(B) any retraining of existing employees that may be required to carry out such system or to process such claims.

(11) Identification of—

(A) the costs to the Department of the training identified under paragraph (10) and any additional training staff and any additional training facilities that will be required to provide such training; and

(B) any issues relating to how the hiring and training procedures of the Department may change because of unplanned circumstances (including with respect to delays in developing an information technology system to process appeals under the modernized appeals system) relating to carrying out the modernized appeals system or to process appeals of decisions on legacy claims.

(12) Estimated timelines for updating any policy guidance, internet websites, and official forms that may be necessary to carry out the modernized appeals system, including—

(A) identification of which offices and entities will be involved in efforts relating to such updating; and

(B) historical information about how long similar update efforts have taken.

(13) A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the modernized appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.

(14) An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to have their appeals reviewed under the modernized appeals system.

(15) A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the modernized appeals system, including the expected number for each of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one-year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.

(16) The metrics and goals used by the Secretary to monitor the implementation of the modernized appeals system, including with respect to—

(A) tracking progress of such implementation;

(B) evaluating the efficiency and effectiveness of such implementation; and

(C) identifying potential issues with respect to such implementation.

(17) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.

(18) A detailed description of which employees of the Department will conduct higher level reviews under section 5104B of title 38, United States Code, as added by section 2(g).

(c) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) IN GENERAL.—Not later than 90 days after the Comptroller General of the United States receives the plan required by subsection (a), the Comptroller General shall—

(A) assess such plan in writing; and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the findings of the Comptroller General with respect to the assessment conducted under subparagraph (A).

(2) ELEMENTS.—The assessment conducted under paragraph (1)(A) shall include the following:

(A) An assessment of whether the plan comports with sound planning practices.

(B) Identification of any improvements the Comptroller General considers appropriate for the plan.

(C) Formulation of such recommendations as the Comptroller General considers appropriate.

(d) PERIODIC REPORTS.—On a quarterly basis during the period beginning 90 days after the date on which the Secretary submits the plan under subsection (a) and ending on the date that the Secretary implements the modernized appeals system, and on a semiannual basis during the seven-year period following such date of implementation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the modernized appeals system. Each such report shall include, with respect to the period covered by the report, the following:

(1) Any updates to the plan under subsection (a).

(2) As applicable, the number of appeals considered under the modernized appeals system, including—

(A) the number of such appeals, both with respect to pending appeals and completed appeals, under each docket described in section 7107 of title 38, United States Code, as amended by section 2;

(B) the average wait time for each such docket and the extent to which such wait times compare with the established goals of the Secretary for such wait times; and

(C) the average age of such appeals.

(3) The number of appeals considered with respect to legacy claims, including—

(A) the number of pending appeals and the number of completed appeals;

(B) the average wait time and the extent to which such wait times compare with the established goals of the Secretary for such wait times; and

(C) the average age of such appeals.

(4) The efficacy of the information systems of the Department of Veterans Affairs to implement the modernized appeals system.

(5) With respect to the Veterans Benefits Administration and the Board of Veterans' Appeals—

(A) the number of supplemental claims under section 5108 of such title, as added by section 2(i), that were denied because the supplemental claims did not include new and relevant evidence;

(B) the number of higher level reviews filed under section 5104B of such title, as added by section 2(g), that did not include new and relevant evidence, listed by the disposition of the higher level review; and

(C) the number of appeals filed that did not include new and relevant evidence, listed by each docket described in section 7107 of such title, as amended by section 2, and the determination of the Board.

(6) With respect to any average wait time relating to appeals not otherwise specified in this subsection—

(A) whether the Secretary is meeting any established wait-time goals of the Secretary; and

(B) if so, the percentage of appeals meeting such goals.

(7) An identification of any changes that are necessary to improve the modernized appeals system.

SEC. 4. PROGRAMS TO TEST ASSUMPTIONS RELIED ON IN DEVELOPMENT OF COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND SUPPORTING MODERNIZED APPEALS SYSTEM.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may carry out such programs as the Secretary considers appropriate to test any assumptions relied upon in developing the comprehensive plan required by section 3(a) and to test the feasibility and advisability of

any facet of the modernized appeals system. The Secretary may not carry out such a program until the Secretary notifies the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives of the program, including the reasons for carrying out the program.

(2) **REPORTING REQUIRED.**—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the modernized appeals system are necessary, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination.

(b) **DEPARTMENT OF VETERANS AFFAIRS PROGRAM ON FULLY DEVELOPED APPEALS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs may, under subsection (a)(1), carry out a program to provide the option of an alternative appeals process that shall more quickly determine such appeals in accordance with this subsection.

(2) **ELECTION.**—

(A) **FILING.**—In accordance with subparagraph (B), a claimant may elect to file a fully developed appeal under the program by filing with the Secretary all of the following:

(i) The notice of disagreement under chapter 71 of title 38, United States Code, along with the written election of the claimant to have the appeal determined under the program.

(ii) All evidence that the claimant believes is needed for the appeal as of the date of the filing.

(iii) A statement of the argument in support of the claim, if any.

(B) **TIMING.**—A claimant shall make an election under subparagraph (A) as part of the notice of disagreement filed by the claimant in accordance with subparagraph (A)(i).

(C) **TRIAGE.**—The Secretary shall, upon expiration of the period specified in paragraph (3)(C)(iii), ensure that an assessment is undertaken of whether an appeal filed under subparagraph (A) of this paragraph satisfies the requirements for appeal under the program and provide appropriate notification to the claimant of the results of that assessment.

(D) **REVERSION.**—

(i) **ELECTED REVERSION.**—At any time, a claimant who makes an election under subparagraph (A) may elect to revert to the standard appeals process. Such a reversion shall be final.

(ii) **AUTOMATIC REVERSION.**—A claimant described in clause (i), or a claimant who makes an election under subparagraph (A) but is later determined to be ineligible for the program under paragraph (1), shall revert to the standard appeals process without any penalty to the claimant other than the loss of the docket number associated with the fully developed appeal.

(E) **OUTREACH.**—In providing claimants with notices of the determination of a claim during the period in which the program under paragraph (1) is carried out, the Secretary shall conduct outreach as follows:

(i) The Secretary shall provide to the claimant (and to the representative of record of the claimant, if any) information regarding—

(I) the program, including the advantages and disadvantages of the program;

(II) how to make an election under subparagraph (A);

(III) the limitation on the use of new evidence described in subparagraph (C) of paragraph (3) and the development of information under subparagraph (D) of such paragraph;

(IV) the ability of the claimant to seek advice and education regarding such process

from veterans service organizations, attorneys, and claims agents recognized under chapter 59 of title 38, United States Code; and

(V) the circumstances under which the appeal will automatically revert to the standard appeals process, including by making a request for a hearing.

(ii) The Secretary shall collaborate, partner with, and give weight to the advice of the three veterans service organizations with the most members and such other stakeholders as the Secretary considers appropriate to publish on the internet website of the Department of Veterans Affairs an online tutorial explaining the advantages and disadvantages of the program.

(3) **TREATMENT BY DEPARTMENT AND BOARD.**—

(A) **PROCESS.**—Upon the election of a claimant to file a fully developed appeal pursuant to paragraph (2)(A), the Secretary shall—

(i) not provide the claimant with a statement of the case nor require the claimant to file a substantive appeal; and

(ii) transfer jurisdiction over the fully developed appeal directly to the Board of Veterans' Appeals.

(B) **DOCKET.**—

(i) **IN GENERAL.**—The Board of Veterans' Appeals shall—

(I) maintain fully developed appeals on a separate docket than standard appeals;

(II) decide fully developed appeals in the order that the fully developed appeals are received on the fully developed appeal docket;

(III) except as provided by clause (ii), decide not more than one fully developed appeal for each four standard appeals decided; and

(IV) to the extent practicable, decide each fully developed appeal by the date that is one year following the date on which the claimant files the notice of disagreement.

(ii) **ADJUSTMENT.**—Beginning one year after the date on which the program commences, the Board may adjust the number of standard appeals decided for each fully developed appeal under clause (i)(III) if the Board determines that such adjustment is fair for both standard appeals and fully developed appeals.

(C) **LIMITATION ON USE OF NEW EVIDENCE.**—

(i) **IN GENERAL.**—Except as provided by clauses (ii) and (iii)—

(I) a claimant may not submit or identify to the Board of Veterans' Appeals any new evidence relating to a fully developed appeal after filing such appeal unless the claimant reverts to the standard appeals process pursuant to paragraph (2)(D); and

(II) if a claimant submits or identifies any such new evidence, such submission or identification shall be deemed to be an election to make such a reversion pursuant to paragraph (2)(D).

(ii) **EVIDENCE GATHERED BY BOARD.**—Clause (i) shall not apply to evidence developed pursuant to subparagraphs (D) and (E). The Board shall consider such evidence in the first instance without consideration by the Veterans Benefits Administration.

(iii) **REPRESENTATIVE OF RECORD.**—The representative of record of a claimant for appeals purposes, if any, shall be provided an opportunity to review the fully developed appeal of the claimant and submit any additional arguments or evidence that the representative determines necessary during a period specified by the Board for purposes of this subparagraph.

(D) **PROHIBITION ON REMAND FOR ADDITIONAL DEVELOPMENT.**—If the Board of Veterans' Appeals determines that a fully developed appeal requires Federal records, independent medical opinions, or new medical examinations, the Board shall—

(i) in accordance with subparagraph (E), take such actions as may be necessary to develop such records, opinions, or examinations in accordance with section 5103A of title 38, United States Code;

(ii) retain jurisdiction of the fully developed appeal without requiring a determination by the Veterans Benefits Administration based on such records, opinions, or examinations;

(iii) ensure the claimant, and the representative of record of a claimant, if any, receives a copy of such records, opinions, or examinations; and

(iv) provide the claimant a period of 90 days after the date of mailing such records, opinions, or examinations during which the claimant may provide the Board any additional evidence without requiring the claimant to make a reversion pursuant to paragraph (2)(D).

(E) **DEVELOPMENT UNIT.**—

(i) **ESTABLISHMENT.**—The Board of Veterans' Appeals shall establish an office to develop Federal records, independent medical opinions, and new medical examinations pursuant to subparagraph (D)(i) that the Board determines necessary to decide a fully developed appeal.

(ii) **REQUIREMENTS.**—The Secretary shall—

(I) ensure that the Veterans Benefits Administration cooperates with the Board of Veterans' Appeals in carrying out clause (i); and

(II) transfer employees of the Veterans Benefits Administration who, prior to the enactment of this Act, were responsible for processing claims remanded by the Board of Veterans' Appeals to positions within the office of the Board established under clause (i) in a number the Secretary determines sufficient to carry out such subparagraph.

(F) **HEARINGS.**—Notwithstanding section 7107 of title 38, United States Code, the Secretary may not provide hearings with respect to fully developed appeals under the program. If a claimant requests to hold a hearing pursuant to such section 7107, such request shall be deemed to be an election to revert to the standard appeals process pursuant to paragraph (2)(D).

(4) **DURATION; APPLICABILITY.**—

(A) **DURATION.**—Subject to subsection (c), the Secretary may carry out the program during such period as the Secretary considers appropriate.

(B) **APPLICABILITY.**—This section shall apply only to fully developed appeals that are filed during the period in which the program is carried out pursuant to subparagraph (A).

(5) **DEFINITIONS.**—In this subsection:

(A) **COMPENSATION.**—The term "compensation" has the meaning given that term in section 101 of title 38, United States Code.

(B) **FULLY DEVELOPED APPEAL.**—The term "fully developed appeal" means an appeal of a claim for disability compensation that is—

(i) filed by a claimant in accordance with paragraph (2)(A); and

(ii) considered in accordance with this subsection.

(C) **STANDARD APPEAL.**—The term "standard appeal" means an appeal of a claim for disability compensation that is not a fully developed appeal.

(c) **TERMINATION.**—The Secretary may not carry out any program under this section after the date on which the Secretary implements the modernized appeals system.

SEC. 5. PERIODIC PUBLICATION OF METRICS RELATING TO PROCESSING OF APPEALS BY DEPARTMENT OF VETERANS AFFAIRS.

On the first business day of each month the Secretary of Veterans Affairs shall publish on an internet website of the Department of Veterans Affairs the following:

(1) As applicable, with respect to the processing by the Secretary of appeals under the modernized appeals system of decisions regarding claims for benefits under laws administered by the Secretary:

(A) For the Veterans Benefits Administration, the number of—

(i) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i), that are pending; and

(ii) requests for higher level review under section 5104B of such title, as added by section 2(g), that are pending.

(B) The number of appeals on any docket maintained under section 7107 of such title, as amended by section 2(t), that are pending.

(C) The average duration for processing claims and supplemental claims, disaggregated by regional office.

(D) The average duration for processing requests for higher level review under section 5104B of such title, as added by section 2(g), disaggregated by regional office.

(E) The average number of days that appeals are pending on the nonhearing, no-additional evidence option docket of the Board of Veterans' Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), and any other docket maintained by the Board under such section that prohibits the submittal of additional evidence.

(F) The average number of days that appeals are pending on dockets maintained under such section in which hearings are requested or submittal of additional evidence is allowed.

(G) The average number of days that an appeal is pending on any other docket maintained by the Board under such section.

(H) In the case that the Secretary develops and implements a policy under section 7107(e) of such title, as amended by section 2(t)—

(i) the number of cases moved from one docket to another pursuant to such policy;

(ii) the average time cases were pending prior to moving from one docket to another; and

(iii) the average time to adjudicate the cases after so moving.

(I) The total number of remands to obtain advisory medical opinions under section 5109(d) of title 38, United States Code, as added by section 2(i)(1).

(J) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the advisory medical opinion is obtained.

(K) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the agency of original jurisdiction issues a decision taking that advisory opinion into account.

(L) The number of appeals that are granted, the number of appeals that are remanded, and the number of appeals that are denied by the Board disaggregated by docket.

(M) The number of claimants each year that take action within the period set forth in section 5110(a)(2) of such title, as added by section 2(l), to protect their effective date under such section 5110(a)(2), disaggregated by the status of the claimants taking the actions, such as whether the claimant is represented by a veterans service organization, the claimant is represented by an attorney or accredited agent, or the claimant is taking such action pro se.

(N) The total number of times on average each claimant files under section 5110(a)(2) of such title, as so added, to protect their effective date under such section, disaggregated by the subparagraph of such section under which they file.

(O) The average duration, from the filing of an initial claim until the claim is resolved and claimants no longer take any action to protect their effective date under section 5110(a)(2) of such title, as so added—

(i) of claims under the modernized appeals system, excluding legacy claims that opt in to the modernized appeals system; and

(ii) of legacy claims that opt in to the modernized appeals system.

(P) How frequently an action taken within one year to protect an effective date under section 5110(a)(2) of such title, as so added, leads to additional grant of benefits, disaggregated by action taken.

(Q) The average of how long it takes to complete each segment of the claims process while claimants are protecting the effective date under such section, disaggregated by the time waiting for the claimant to take an action and the time waiting for the Secretary to take an action.

(R) The number and the average amount of retroactive awards of benefits from the Secretary as a result of protected effective dates under such section, disaggregated by action taken.

(S) The average number of times claimants submit to the Secretary different claims with respect to same condition, such as an initial claim and a supplemental claim.

(T) The number of cases each year in which a claimant inappropriately tried to take simultaneous actions, such as filing a supplemental claim while a higher level review is pending, what actions the Secretary took in response, and how long it took on average to take those actions.

(U) In the case that the Secretary develops and implements a policy under section 5104C(a)(2)(D) of such title, as amended by section 2(h)(1), the number of actions withdrawn and new actions taken pursuant to such policy.

(V) The number of times the Secretary received evidence relating to an appeal or higher level review at a time not authorized under the modernized appeals system, disaggregated by actions taken by the Secretary to deal with the evidence and how long on average it took to take those actions.

(W) The number of errors committed by the Secretary in carrying out the Secretary's duty to assist under section 5103A of title 38, United States Code, that were identified by higher level review and by the Board, disaggregated by type of error, such as errors relating to private records and inadequate examinations, and a comparison with errors committed by the Secretary in carrying out such duty with respect to appeals of decisions on legacy claims.

(X) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(2) With respect to the processing by the Secretary of appeals of decisions on legacy claims, the following:

(A) The average duration of each segment of the appeals process, disaggregated by periods in which the Secretary is waiting for a claimant to take an action and periods in which the claimant is waiting for the Secretary to take an action.

(B) The frequency by which appeals lead to additional grant of benefits by the Secretary, disaggregated by whether the additional benefits are a result of additional evidence added after the initial decision.

(C) The number and average amount of retroactive awards of benefits resulting from an appeal.

(D) The average duration from filing the appeal with the Secretary until all appeals and remands relating to such appeals are completed.

(E) The average number of times claimants submit to the Secretary different claims with respect to same condition, such as an initial claim, new and material evidence, or a claim for an increase in benefits.

(F) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(G) The average number of days the duration of an appeal is extended because the Secretary secured or attempted to secure an advisory medical opinion under section 5109 of title 38, United States Code, or section 7109 of such title (as in effect on the day before the date of the enactment of this Act).

(3) With respect to the processing by the Secretary of appeals of decisions on legacy claims that opt in to the modernized appeals system, the following:

(A) The cumulative number of such legacy claims.

(B) The portion of work in the modernized appeals system attributable to appeals of decisions on such legacy claims.

(C) The average period such legacy claims were pending before opting in to the modernized appeals system and the average period required to adjudicate such legacy claims on average after opting in—

(i) with respect to claims at a regional office of the Department of Veterans Affairs, disaggregated by—

(I) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i); and

(II) requests for higher level review under section 5104B of such title, as added by section 2(g); and

(ii) with respect to appeals, disaggregated by docket of the Board maintained under section 7107 of such title, as amended by section 2(t).

SEC. 6. DEFINITIONS.

In this Act:

(1) The term "claimant" has the meaning given such term in section 5100 of title 38, United States Code.

(2) The term "legacy claim" means a claim—

(A) that was submitted to the Secretary of Veterans Affairs for a benefit under a law administered by the Secretary; and

(B) for which notice of a decision under section 5104 of title 38, United States Code, was provided by the Secretary before the date set forth in section 2(x)(1).

(3) The term "opt in" means, with respect to a legacy claim of a claimant, that the claimant elects to subject the claim to the modernized appeals system pursuant to—

(A) section 2(x)(3); or

(B) such other mechanism as the Secretary may prescribe for purposes of carrying out this Act and the amendments made by this Act.

(4) The term "modernized appeals system" means the set of processes and mechanisms by which the Secretary processes, pursuant to the authorities and requirements modified by section 2, claims for benefits under laws administered by the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within

which to revise and extend their remarks and to insert extraneous material in the RECORD on H.R. 2288, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to support H.R. 2288, as amended.

First, I want to thank the Disabilities Assistance and Memorial Affairs Subcommittee Chairman BOST and Ranking Member ESTY for their hard work in bringing H.R. 2288 to the floor. I also want to thank every member of the Veterans' Affairs Committee, both Republican and Democrat, who all are original cosponsors of this bill.

The committee has been working on overhauling the VA's appeals process, which was established back in 1933. The problem is that the current system is slow, cumbersome, frustrating, and full of bureaucratic red tape. As a result, there are currently 470,000 veterans, many of whom may have been injured in the line of duty, who are waiting for a decision on their appeal. Many of these folks have been waiting for more than 5 years, and veterans are filing more appeals every day.

Last year, VA Deputy Secretary Sloan Gibson testified that if Congress doesn't pass reform soon, by 2027, veterans may have to wait as long as 10 years to get a decision on their appeal. Think about that. In 2027, men and women who served our Nation may have to wait a decade to get a decision on their appeal.

These veterans have bills to pay and families to support. Even worse, they may need medical treatments that they can't get from the VA because their appeal hasn't been decided.

Mr. Speaker, one of the dearest friends I have had in my life died a little over 2 years ago, waiting on a decision on an appeal.

H.R. 2288 would help streamline the VA's appeals process, while giving veterans more options and protecting their due process rights. This legislation includes a compromise agreement that was reached between VA and the veterans service organizations which passed the House last Congress as part of H.R. 5620.

We have added a few improvements since last year. For example, we have expanded the bill to allow some veterans who are currently having pending appeals to opt in to the new system. I really believe that the changes in this bill will make a difference and help expedite the process so that veterans can get a decision on their appeal and then get on with their lives.

I am going to pull out all the stops to get this bill on the President's desk as soon as possible. We are talking with our colleagues in the Senate, including Chairman ISAKSON, Ranking Member

TESTER, and Senator BLUMENTHAL, to resolve a few minor differences between the House version and the Senate version.

The sooner we get this bill passed, the sooner our Nation's veterans will be able to get their decisions on appeal in a timely manner. Veterans deserve no less.

Mr. Speaker, I ask my colleagues to support H.R. 2288, as amended, and I reserve the balance of my time.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the manager's amendment to H.R. 2288, the Veterans Appeals Improvement and Modernization Act of 2017. This has truly proven to be a once-in-a-generation opportunity to reform the disability claims process for the benefit of our Nation's veterans.

I want to specifically thank Chairman ROE for bringing this bill to the floor today and for ensuring that the entire process that got us here was open, fair, bipartisan, and followed regular order. It is gratefully appreciated, and I think we end up with a good piece of legislation because of his leadership.

I also want to recognize the efforts of our colleagues, the chairman of the Disability Assistance and Memorial Affairs Subcommittee, Mr. BOST. He has been an incredible addition to the VA committee and dug his heels in on this one and got us this far, so I thank him; and to his counterpart on our side of the aisle, Ranking Member ESTY, for exceptional work that they have done together to get this bill to the floor.

I would also like to thank our veterans service organizations. This is how I think the American people think legislation should be brought; on issues at hand, experts are brought in, Representatives talk. The expertise that was brought by the VSOs helped us work out some of the kinks. It is not perfect, but the coalition got us to a point where I think many of us are comfortable moving forward.

The bill is complicated. To those who still have concerns in the process, let us know. There is still work to be done. It is still working in the Senate, but there is an openness that has been expressed through the entire process.

Secretary Shulkin and the VA leadership have been vital in this effort. They helped pull the stakeholders together, providing the technical expertise to help us understand what it takes over the past several years.

I want to recognize our former colleague on the committee, DINA TITUS. She is going to be speaking a little bit later, but I think what is so important on veterans issues, members come and go from the committee, but their commitment to getting this right stays. And her tenaciousness in the 114th Congress laid the groundwork for this.

So in short, Mr. Speaker, as you heard the chairman say, there are 470,000 veterans. Each one of them is an individual. Each one of them is someone's friend, father, mother, sister,

brother. It is time we peel back the layers of the complicated rules governing the process, modernize it with new technology, and get the benefits delivered in a timely manner to those who have earned them. I support the manager's amendment to H.R. 2288 and encourage all my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

□ 1445

Mr. ROE of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. BOST), chairman of the DAMA Subcommittee.

Mr. BOST. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in support of my bipartisan legislation, H.R. 2288, the Veterans Appeals Improvement and Modernization Act of 2017, as amended. The legislation is a product of hard work between the Department of Veterans Affairs, veterans service organizations, committee staff, and committee members.

This bill gives veterans more options when pursuing the appeals claim by creating three pathways or lanes: Lane one allows for the veteran to request that a new individual review their case without a hearing, which will allow a faster response time from the VA on their appeal; lane two allows a veteran to request a hearing; and lane three sends the appeal directly to the Board of Veterans Appeals. These three lanes, working together, will speed up the process for our Nation's veterans and ensure that the appeals system works for them.

An important compromise in this legislation also allows for veterans to keep the original effective date of their claim as long as they filed the necessary paperwork within 1 year of a VA's decision. This is another way to ensure that the appeals system is working for the veterans. It is important that we do not leave any veteran behind.

My colleagues and I have worked to ensure that some of the more than 470,000 veterans with a current appeal in the system will have the opportunity at certain points to opt into the new system. This will help the veterans who have been waiting for years to hear from the VA.

This bill also ensures transparency in the VA implementation. This new system, by requiring rigorous reports from the Department, ensures that all veterans are treated fairly.

In closing, I especially want to recognize and thank the Disability Assistance and Memorial Affairs ranking member, Ms. ESTY, for her hard work and help in crafting this legislation.

I encourage all of my colleagues to support H.R. 2288, as amended.

Mr. WALZ. Mr. Speaker, I yield 6 minutes to the gentlewoman from Connecticut (Ms. ESTY), my good friend, ranking member of the Disability Assistance and Memorial Affairs Subcommittee.

Ms. ESTY of Connecticut. Mr. Speaker, I rise in support of H.R. 2288, the Veterans Appeals Improvement and Modernization Act of 2017, as amended.

First, I want to thank our excellent chairman, Dr. ROE, and ranking member, Mr. WALZ, for their dedication and hard work. It has been a pleasure to work on this important legislation during my first term as ranking member of the Veterans Affairs' Committee Disability Assistance and Memorial Affairs Subcommittee.

I want to give special thanks to my new friend, our subcommittee chairman, Mr. BOST, for his leadership on this issue and for ensuring that the legislative process was bipartisan at every turn.

I want to acknowledge and thank Congresswoman DINA TITUS for her leadership on this issue, as she helped pass similar legislation that formed the basis for our work here in this Congress.

Mr. Speaker, claims appeals are backing up. Veterans in Connecticut and across the country are waiting for far too long for the benefits they have earned through their hard service to this country.

When a veteran asks my office for help appealing their claim, it is frustrating and embarrassing to have to explain that the process could take more than 5 years. The backlog will only get worse if we do not reform the process. Some veterans could be waiting as long as 10 years, as we have heard from Chairman ROE and from Ranking Member WALZ, if we don't reform things now.

With the new process created under this bill, if it is properly implemented, many veterans would see a clearer, definitive appeals decision in as little as a year. I have seen in Connecticut that, when an appeal is granted, it can change the way a veteran lives. But it is also proof to that veteran that their service is being honored.

That is why it is so unacceptable that the current process is failing so many veterans. It forces them to navigate layers of red tape and duplicative review. The slow grinding of the appeals process chips away at our veterans' faith that they will ever be fairly compensated for injuries that they sustained in service to our country.

Our goal with this bill is to establish a new process that is simple, fair, transparent, and, wherever possible, speedy.

As we have heard, there are 470,000—yes, 470,000—veterans with disability appeals pending right now, and that is something we should be able to address, Democrats and Republicans, without regard to party. We owe a faster, better appeals process not only to our veterans who have served, but to those who wear the uniform right now.

Our men and women in uniform deserve to know that the benefits that they have been promised when they signed up will be there for them if, God forbid, something happens to them and

they are injured in serving our country.

I would like to thank all of the veterans and veterans service organizations who shared their ideas and their concerns with us as we worked hard to craft this legislation. Voices from the veterans community were invaluable as we developed this bill and will be essential as we move forward to ensure that the new process works well.

I also want to thank the VA itself for having been such a good partner in this effort. It is important to remember that this is just the first step towards reforming the appeals process. If this bill is going to be successful, it will require a lot of work from our committee, from the VA, oversight by Congress, and we must take care to ensure that legacy appeals do not get lost in the process. Congress must also provide the resources necessary for the new appeals system to work well for our veterans.

I want to thank, again, Chairman ROE and Ranking Member WALZ for making reforming the appeals system a top priority of the committee for this year and for their dedication working together in a bipartisan way.

I urge all of my colleagues to support this important legislation and to commit to keep working together to get the job done.

Mr. ROE of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DUNN), an active member on the committee and a veteran.

Mr. DUNN. Mr. Speaker, I rise in support of H.R. 2288, the Veterans Appeals Improvement and Modernization Act of 2017.

This important legislation will update and streamline the bureaucratic nightmare that is the disability appeals process. This bill breaks appeals down into three lanes to expedite decisionmaking and improves the ability of veterans to offer new information about their condition. The bill requires Secretary Shulkin to provide a comprehensive plan of how he plans to implement the crucial changes which are supported by both the VFW and the American Legion.

Our men and women in uniform served with the assurance that they would be well treated when they came home. They earned and they deserve timely service from their government. Instead, veterans wait years to hear from an out-of-date, backlogged appeals system. Sometimes that process takes 5 years—5 years. That is an insult to their service, and it is an insult that we cannot tolerate.

Our veterans fought for their country abroad. Now it is our job to ensure that they don't have another fight when they come home. Mr. Speaker, I urge all of my colleagues to support this important legislation.

Mr. WALZ. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. TAKANO), my friend and the vice ranking member of the full Committee on Veterans' Affairs.

Mr. TAKANO. Mr. Speaker, I thank my ranking member, Mr. WALZ, for yielding time.

Mr. Speaker, I rise today in support of H.R. 2288 the Veterans Appeals Improvement and Modernization Act of 2017.

Over the past 5 years, the number of pending appeals at the VA has skyrocketed by 40 percent and now sits at nearly half a million cases. The average processing time for an appeal is 3 years. Republicans and Democrats agree, the VA agrees, veterans service organizations agree, and, most importantly, veterans agree that we need to fix this broken process.

I am pleased that my colleagues on the committee have come together to develop a bipartisan solution that reduces the overly complicated appeals process, shortens the time a veteran will wait for a decision, and preserves a veteran's full length of benefits if their appeal is decided favorably.

This legislation has taken a lot of time and effort. I applaud my colleagues Ms. TITUS and Mr. Miller for laying the groundwork in the last Congress, and Ms. ESTY and Mr. BOST for carrying this legislation into the 115th Congress.

I am very, very proud of all the work done by the committee staff to bring this together, and I am grateful to the dedicated VSOs and the VA for their input. This is a great example of how we can put aside our partisan differences and make our veterans' lives better.

Mr. Speaker, I support this bill and urge all of my colleagues to vote for it.

Mr. ROE of Tennessee. Mr. Speaker, I yield 2 minutes to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN), a new member of our committee and the only representative from Puerto Rico.

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, today I must first thank Chairman ROE for all of his leadership and work on behalf of our veterans. I also thank Representative BOST and all of our committee members for allowing me to contribute to this effort.

Today I rise to support H.R. 2288, the Veterans Appeals Improvement and Modernization Act. This bill will provide timely justice to the brave Americans who gave their best in the name of democracy, freedom, and the continuing greatness of our Nation.

As the sole representative of more than 93,000 registered veterans in Puerto Rico, I established a Veterans Affairs Task Force, and one of the main complaints they have is about the Veterans Administration's and Board of Veterans Appeals' slow processing of their claims.

I believe every veterans service organization hears similar complaints. The most recent statistics reveal a 5,000-case backlog for claims originally filed by Puerto Rican veterans. One such Puerto Rican claim has gone on for over 12 years, other claims for over 5

years. As of this date, the veterans are still waiting for the Board of Veterans Appeals' decisions. This is not the justice system our veterans deserve.

I am a proud sponsor of this bill, and this bill will provide heroic veterans a system that is adjusted to their needs.

Mr. WALZ. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORREA), my good friend and, more importantly, a friend to all veterans, a new member of the Veterans' Affairs Committee.

Mr. CORREA. Mr. Speaker, I thank Ranking Member WALZ.

Mr. Speaker, first, I want to thank Chairman ROE and Ranking Member WALZ for giving me the opportunity to share my enthusiastic support for this bill, H.R. 2288. I also want to thank Mr. BOST and Ms. ESTY for their remarkable leadership in guiding this legislation to the floor and for taking the steps to finally fix the appeals process.

I stand here today to support the Veterans Appeals Improvement and Modernization Act. This legislation reforms the VA appeals process so that our veterans can begin to receive the benefits they have earned through their dedication to our country.

Veterans in California and all across America, including those in my district, currently face a backlog of sometimes more than 5 years to get their benefits. This is not acceptable, and that is why I am pleased to support this bipartisan legislation.

A veteran who files a disability claim for an injury that they sustained during their military service is issued a VA rating decision, which either grants or denies a claim. If a veteran disagrees with the outcome, they may appeal the VA's decision and then wait and wait and wait. This bill will improve the process by creating a multiple appeal streams, which will accelerate the process.

Our veterans who suffered injury during their time in service can now be assured that they will be one step closer to having their appeals cases reviewed and decided in a timely manner.

Mr. ROE of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. COSTELLO), a former member of our committee.

□ 1500

Mr. COSTELLO of Pennsylvania. Mr. Speaker, this bill will improve the appeals process at the Department of Veterans Affairs, which is currently operating under a significant backlog.

Last session, when I served on the VA Committee, a major focus was reforming the appeals process to better serve veterans' appeals rights. My office has assisted hundreds of veterans, many of whom have struggled with the appeals process and several of whom have struggled with getting the care they need in a timely manner.

One individual my office worked with estimated the entire process, from when he first began seeking benefits until the recent favorable decision

from the Board of Veterans Appeals, lasted 20 years.

Mr. Speaker, it is clear a solution is needed.

This legislation would set out to improve the claims process by providing veterans with three lanes—or three choices—as to how they would like to proceed with an appeal.

These choices include: one, having the original evidence reviewed again; or, two, introducing new evidence and having another hearing; or, three, sending the decision directly to the Board of Veterans Appeals.

The VA's current 5-year appeal wait time is simply not acceptable for our veterans.

I am proud to be a cosponsor of this legislation, which is an appropriate solution to this problem. It will streamline many claims and also enable a more efficient administrative handling of those claims.

I thank the leadership of Chairman ROE and those on the Veterans' Affairs Committee. I urge my colleagues to support H.R. 2288.

Mr. WALZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. TITUS), a good friend and former ranking member of the Disability Assistance and Memorial Affairs Subcommittee, and someone who has worked on this almost longer than anyone in the House.

Ms. TITUS. Mr. Speaker, I thank Ranking Member WALZ for his leadership, for bringing this bill, and for allowing me to stay involved even though I am no longer on the committee. Likewise, I thank Dr. ROE for all that he has done for veterans.

Mr. Speaker, I rise in very strong support of H.R. 2288, the Veterans Appeals Improvement and Modernization Act.

Fixing this outdated system was one of my top priorities while I served as ranking member of the VA Disability Assistance and Memorial Affairs Subcommittee. When I assumed that position, much of the focus was on the VA disability claims backlog, which had ballooned, causing many veterans to wait almost 2 years just for their initial claim decision. After that backlog was addressed and reduced, the problem shifted to the appeals process, where today, as you have heard, almost 470,000 veterans are currently waiting in an overburdened and overcomplicated system that was first developed in the 1930s and last updated in the 1980s.

I regularly hear from my veteran constituents who are stuck in this appeals process about the need for reform. One veteran we are helping in Las Vegas has been working since August of 2013 to have his appeal adjudicated; and another Nevada veteran who, out of desperation, came to my office, took 4 years to complete his process.

So, obviously, the current system is just unacceptable. If we don't act, it is only going to get worse. We have heard

statistics that soon veterans may be waiting for more than a decade just to have their appeals adjudicated.

Last year, working closely with the VA, with the committee, and with many of our partners in the VSO community, I introduced legislation to address this outdated process. I am very proud that my proposal is the basis for the legislation we are considering today.

The changes that were made to that legislation are positive additions, and I appreciate the work that Chairman BOST and Ranking Member ESTY have done to improve the bill and bring it to the floor.

I encourage all of my colleagues on both sides of the aisle to come together to recognize, to help, to assist our veterans, and support this bill. I want us to tell our friends in the Senate: You have got to act quickly, too. We have got to get this done.

Mr. WALZ. Mr. Speaker, I yield myself the balance of my time.

Again, I applaud all the work that was done on behalf of our veterans and those that are waiting. I thank the professional staff on both sides of the aisle for doing that.

Mr. Speaker, I thank this House for proving to the American people that we can work together for a common good. We can make improvements and we can move things along as they are meant to be.

Mr. Speaker, I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself the balance of my time.

I, too, want to echo what Mr. WALZ has said. It has been a pleasure to work on this and what has been done in the previous Congress. I think this is one of the most important bills that we voted on in the Veterans' Affairs Committee since I have been in Congress. It is the thing we hear about back home, Mr. Speaker, which is disability claims. I think this actually will speed up that process and adjudicate those claims.

I, too, thank all the staff and both subcommittee chairs and ranking members for their hard work.

Mr. Speaker, once again, I urge all Members to support H.R. 2288, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, H.R. 2288, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

VA SCHEDULING ACCOUNTABILITY ACT

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 467) to direct the Secretary of Veterans Affairs to ensure that each medical facility of the Department of Veterans Affairs complies with requirements relating to scheduling veterans for health care appointments, to improve the uniform application of directives of the Department, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “VA Scheduling Accountability Act”.

SEC. 2. COMPLIANCE WITH SCHEDULING REQUIREMENTS.

(a) ANNUAL CERTIFICATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the director of each medical facility of the Department of Veterans Affairs annually certifies to the Secretary that the medical facility is in full compliance with all provisions of law and regulations relating to scheduling appointments for veterans to receive hospital care and medical services, including pursuant to Veterans Health Administration Directive 2010–027, or any successor directive.

(2) PROHIBITION ON WAIVER.—The Secretary may not waive any provision of the laws or regulations described in paragraph (1) for a medical facility of the Department if such provision otherwise applies to the medical facility.

(b) EXPLANATION OF NONCOMPLIANCE.—If a director of a medical facility of the Department does not make a certification under subsection (a)(1) for any year, the director shall submit to the Secretary a report containing—

(1) an explanation of why the director is unable to make such certification; and

(2) a description of the actions the director is taking to ensure full compliance with the laws and regulations described in such subsection.

(c) PROHIBITION ON BONUSES BASED ON NONCOMPLIANCE.—

(1) IN GENERAL.—If a director of a medical facility of the Department does not make a certification under subsection (a)(1) for any year, each covered official described in paragraph (2) may not receive an award or bonus under chapter 45 or 53 of title 5, United States Code, or any other award or bonus authorized under such title or title 38, United States Code, during the year following the year in which the certification was not made.

(2) COVERED OFFICIAL.—A covered official described in this paragraph is each official who serves in the following positions at a medical facility of the Department during a year, or portion thereof, for which the director does not make a certification under subsection (a)(1):

(A) The director.

(B) The chief of staff.

(C) The associate director.

(D) The associate director for patient care.

(E) The deputy chief of staff.

(d) ANNUAL REPORT.—The Secretary shall annually submit to the Committees on Veterans’ Affairs of the House of Representative and the Senate a report containing, with respect to the year covered by the report—

(1) a list of each medical facility of the Department for which a certification was made under subsection (a)(1); and

(2) a list of each medical facility of the Department for which such a certification was not made, including a copy of each report submitted to the Secretary under subsection (b).

SEC. 3. STANDARDIZED APPLICATION OF DIRECTIVES AND POLICIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the directives and policies of the Department of Veterans Affairs apply to, and are implemented by, each office or facility of the Department in a standardized manner, including such offices and facilities at the local level.

(b) NOTIFICATION.—If the Secretary does not apply and implement the directives and policies of the Department in a standardized manner pursuant to subsection (a), including by waiving such a directive or policy with respect to an office or facility of the Department, the Secretary shall notify the Committees on Veterans’ Affairs of the House of Representatives and the Senate of such non-standardized application or implementation, including an explanation for the non-standardized application or implementation, as the case may be.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 467, a bill that would codify the VA’s own directives for outpatient scheduling into law.

In June of 2010, the Veterans Health Administration issued VHA Directive 2010–27, VHA Outpatient Scheduling Processes and Procedures. This directive requires VHA facility directors to annually certify that their facility is in full compliance with the scheduling procedures outlined within the directive.

It is important to note that this directive was issued 4 years before the scheduling scandal at the Phoenix VA broke, with no less than 40 veterans dying while being kept on secret lists, waiting for an appointment. I believe this directive was a responsible way for the VA to ensure that veterans were receiving the care that they came to the VA for and were not slipping through the cracks.

Unfortunately, in May of 2013, then-Deputy Under Secretary for Health at the VA waived this requirement for the VA medical facility directors to adhere to the directive. As we now know, this

waiver helped cover a practice of malfeasance within scheduling departments at VA medical facilities across the Nation.

As I mentioned before, in 2014, the House Committee on Veterans’ Affairs, with my friend, former Chairman Jeff Miller at the helm, discovered secret waiting lists at the Phoenix VA, as well as many other medical centers across the country. Had this directive still been in place, I honestly believe the scandal could have been prevented.

Mr. Speaker, it is incumbent upon us to ensure that these scheduling processes do not and cannot be dismissed by VA bureaucrats ever again.

I thank my good friend and former committee member, Representative JACKIE WALORSKI from Indiana, for sponsoring this legislation.

Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 467, and I reserve the balance of my time.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I associate myself with the comments of Chairman ROE and I support H.R. 467. I also thank the gentlewoman from Indiana (Mrs. WALORSKI) for crafting this. She was, and still remains, a staunch supporter of veterans, always advocating for them. She taught me much, including, I think, the definition of Hoosier. I am still a little confused on that one, but we are working on it.

By holding the VA leadership accountable, we can ensure that the VA is accessible to all veterans. While the VA has made progress to shorten wait times, we cannot rest on our laurels. If one veteran’s health is compromised because she or he was unable to receive timely care, then the VA has failed in its mission.

Mr. Speaker, for that reason, I ask my colleagues to stand in support of Mrs. WALORSKI’s bill, and I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the vice chair and one of the most active members of the committee.

Mr. BILIRAKIS. Mr. Speaker, I appreciate Mrs. WALORSKI doing an outstanding job with this bill. The chairman and the ranking member are champions of veterans.

Again, I rise today in support of H.R. 467, the VA Scheduling Accountability Act, because all veterans deserve timely access to quality health care.

In 2014, the House Veterans’ Affairs Committee uncovered the use of unauthorized waiting lists at the Phoenix VA healthcare system in Phoenix, Arizona. As a result of these waiting lists, no less than 40 veterans died while waiting for care.

This is unacceptable. It is heart-breaking and completely, as I said, unacceptable. These are true American heroes, and we cannot allow something like this to ever happen again.

Our investigations found that non-compliance with the VA’s scheduling