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H. R. 675

[Report No. 114-]

To increase, effective as of December 1, 2015, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2015

Mr. ABRAHAM (for himself and Ms. TITUS) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

JULY --, 2015

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 3, 2015]

A BILL

To increase, effective as of December 1, 2015, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
5 *erans’ Compensation Cost-of-Living Adjustment Act of*
6 *2015”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Sec. 101. Increase in rates of disability compensation and dependency and in-
demnity compensation.

Sec. 102. Publication of adjusted rates.

**TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS
CLAIMS**

Sec. 201. Extending temporary expansion of United States Court of Appeals for
Veterans Claims.

Sec. 202. Recall of retired judges of United States Court of Appeals for Veterans
Claims.

Sec. 203. Life insurance program relating to judges of United States Court of Ap-
peals for Veterans Claims.

Sec. 204. Voluntary contributions to enlarge survivors’ annuity.

Sec. 205. Salaries of judges of United States Court of Appeals for Veterans
Claims.

Sec. 206. Selection of chief judge of United States Court of Appeals for Veterans
Claims.

TITLE III—IMPROVEMENT OF CLAIMS PROCESSING

Sec. 301. Interim payments of compensation benefits under laws administered by
the Secretary of Veterans Affairs.

Sec. 302. Claims processors training.

Sec. 303. Notice of average times for processing claims and percentage of claims
approved.

TITLE IV—OTHER MATTERS

Sec. 401. Clarification of eligible recipients of certain accrued benefits upon death
of beneficiary.

Sec. 402. Observance of Veterans Day.

1 **TITLE I—COMPENSATION COST-**
2 **OF-LIVING ADJUSTMENT**

3 **SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSA-**
4 **TION AND DEPENDENCY AND INDEMNITY**
5 **COMPENSATION.**

6 (a) *RATE ADJUSTMENT.*—Effective on December 1,
7 2015, the Secretary of Veterans Affairs shall increase, in
8 accordance with subsection (c), the dollar amounts in effect
9 on November 30, 2015, for the payment of disability com-
10 pensation and dependency and indemnity compensation
11 under the provisions specified in subsection (b).

12 (b) *AMOUNTS TO BE INCREASED.*—The dollar
13 amounts to be increased pursuant to subsection (a) are the
14 following:

15 (1) *WARTIME DISABILITY COMPENSATION.*—Each
16 of the dollar amounts under section 1114 of title 38,
17 United States Code.

18 (2) *ADDITIONAL COMPENSATION FOR DEPEND-*
19 *ENTS.*—Each of the dollar amounts under section
20 1115(1) of such title.

21 (3) *CLOTHING ALLOWANCE.*—The dollar amount
22 under section 1162 of such title.

23 (4) *DEPENDENCY AND INDEMNITY COMPENSA-*
24 *TION TO SURVIVING SPOUSE.*—Each of the dollar

1 *amounts under subsections (a) through (d) of section*
2 *1311 of such title.*

3 (5) *DEPENDENCY AND INDEMNITY COMPENSA-*
4 *TION TO CHILDREN.—Each of the dollar amounts*
5 *under sections 1313(a) and 1314 of such title.*

6 (c) *DETERMINATION OF INCREASE.—*

7 (1) *PERCENTAGE.—Except as provided in para-*
8 *graph (2), each dollar amount described in subsection*
9 *(b) shall be increased by the same percentage as the*
10 *percentage by which benefit amounts payable under*
11 *title II of the Social Security Act (42 U.S.C. 401 et*
12 *seq.) are increased effective December 1, 2015, as a re-*
13 *sult of a determination under section 215(i) of such*
14 *Act (42 U.S.C. 415(i)).*

15 (2) *ROUNDING.—Each dollar amount increased*
16 *under paragraph (1), if not a whole dollar amount,*
17 *shall be rounded to the next lower whole dollar*
18 *amount.*

19 (d) *SPECIAL RULE.—The Secretary of Veterans Affairs*
20 *may adjust administratively, consistent with the increases*
21 *made under subsection (a), the rates of disability compensa-*
22 *tion payable to persons under section 10 of Public Law 85–*
23 *857 (72 Stat. 1263) who have not received compensation*
24 *under chapter 11 of title 38, United States Code.*

1 **SEC. 102. PUBLICATION OF ADJUSTED RATES.**

2 *The Secretary of Veterans Affairs shall publish in the*
3 *Federal Register the amounts specified in section 101(b),*
4 *as increased under that section, not later than the date on*
5 *which the matters specified in section 215(i)(2)(D) of the*
6 *Social Security Act (42 U.S.C. 415(i)(2)(D)) are required*
7 *to be published by reason of a determination made under*
8 *section 215(i) of such Act during fiscal year 2016.*

9 **TITLE II—UNITED STATES**
10 **COURT OF APPEALS FOR VET-**
11 **ERANS CLAIMS**

12 **SEC. 201. EXTENDING TEMPORARY EXPANSION OF UNITED**
13 **STATES COURT OF APPEALS FOR VETERANS**
14 **CLAIMS.**

15 *Section 7253(i)(2) of title 38, United States Code, is*
16 *amended by striking “January 1, 2013” and inserting*
17 *“January 1, 2020”.*

18 **SEC. 202. RECALL OF RETIRED JUDGES OF UNITED STATES**
19 **COURT OF APPEALS FOR VETERANS CLAIMS.**

20 *Paragraph (1) of section 7257(b) of title 38, United*
21 *States Code, is amended to read as follows:*

22 *“(1)(A) The chief judge may recall for further service*
23 *on the Court a recall-eligible retired judge in accordance*
24 *with this section. Such a recall shall be made upon written*
25 *certification by the chief judge that substantial service is*
26 *expected to be performed by the retired judge for such pe-*

1 riod, not to exceed 90 days (or the equivalent), as deter-
2 mined by the chief judge to be necessary to meet the needs
3 of the Court.

4 “(B)(i) A recall-eligible judge may request that the
5 chief judge recall the recall-eligible judge for a period of
6 service of not less than 90 days (or the equivalent).

7 “(ii) The chief judge shall approve a request made by
8 a recall-eligible judge pursuant to clause (i) unless the chief
9 judge certifies, in writing, that the Court does not have—

10 “(I) sufficient work to assign such recall-eligible
11 judge during the period of recalled service; or

12 “(II) sufficient resources to provide to such re-
13 call-eligible judge appropriate administrative and of-
14 fice support.

15 “(iii) At any time during the period of recalled service
16 of a judge who is recalled pursuant to clause (i), the chief
17 judge may terminate such recalled service if the chief judge
18 makes a written certification described in clause (ii).”

19 **SEC. 203. LIFE INSURANCE PROGRAM RELATING TO**
20 **JUDGES OF UNITED STATES COURT OF AP-**
21 **PEALS FOR VETERANS CLAIMS.**

22 (a) *IN GENERAL.*—Section 7281 of title 38, United
23 States Code, is amended by adding at the end the following:

24 “(j) For purposes of chapter 87 of title 5, a judge who
25 is in regular active service and a judge who is retired under

1 *section 7296 of this title or under chapter 83 or 84 of title*
2 *5 shall be treated as an employee described in section*
3 *8701(a)(5) of title 5.”.*

4 *(b) EFFECTIVE DATE.—The amendment made by sub-*
5 *section (a) shall apply with respect to any payment made*
6 *on or after the first day of the first applicable pay period*
7 *beginning on or after the date of the enactment of this Act.*

8 **SEC. 204. VOLUNTARY CONTRIBUTIONS TO ENLARGE SUR-**
9 **VIVORS’ ANNUITY.**

10 *Section 7297 of title 38, United States Code, is amend-*
11 *ed by adding at the end the following new subsection:*

12 *“(p)(1) A covered judge who makes an election under*
13 *subsection (b) may purchase, in three-month increments, up*
14 *to an additional year of service credit for each year of Fed-*
15 *eral judicial service completed, under the terms set forth in*
16 *this section.*

17 *“(2) In this subsection, the term ‘covered judge’ means*
18 *any of the following:*

19 *“(A) A judge in regular active service.*

20 *“(B) A retired judge who is a recall-eligible re-*
21 *tired judge pursuant to subsection (a) of section 7257*
22 *of this title.*

23 *“(C) A retired judge who would be a recall-eligi-*
24 *ble retired judge pursuant to subsection (a) of section*
25 *7257 but for—*

1 “(i) meeting the aggregate recall service re-
2 quirements under subsection (b)(3) of such sec-
3 tion; or

4 “(ii) being permanently disabled as de-
5 scribed by subsection (b)(4) of such section.”.

6 **SEC. 205. SALARIES OF JUDGES OF UNITED STATES COURT**
7 **OF APPEALS FOR VETERANS CLAIMS.**

8 Section 7253(e) of title 38, United States Code, is
9 amended by striking “district courts” and inserting “courts
10 of appeals”.

11 **SEC. 206. SELECTION OF CHIEF JUDGE OF UNITED STATES**
12 **COURT OF APPEALS FOR VETERANS CLAIMS.**

13 Section 7253(d) of title 38, United States Code, is
14 amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (A), by striking
17 “and”;

18 (B) by redesignating subparagraph (B) as
19 subparagraph (C); and

20 (C) by inserting after subparagraph (A) the
21 following new subparagraph (B):

22 “(B) are 64 years of age or under and have at
23 least three years remaining in term of office; and”;
24 and

1 (2) *by amending paragraph (2) to read as fol-*
2 *lows:*

3 “(2)(A) *In any case in which there is no judge of the*
4 *Court in regular active service who meets the requirements*
5 *under paragraph (1), the judge of the Court in regular ac-*
6 *tive service who is senior in commission and meets subpara-*
7 *graph (A) or (B) and subparagraph (C) of paragraph (1)*
8 *shall act as the chief judge.*

9 “(B) *In any case under subparagraph (A) of this para-*
10 *graph in which there is no judge of the Court in regular*
11 *active service who meets subparagraph (A) or (B) and sub-*
12 *paragraph (C) of paragraph (1), the judge of the Court in*
13 *regular active service who is senior in commission and*
14 *meets subparagraph (C) shall act as the chief judge.”.*

15 **TITLE III—IMPROVEMENT OF**
16 **CLAIMS PROCESSING**

17 **SEC. 301. INTERIM PAYMENTS OF COMPENSATION BENE-**
18 **FITS UNDER LAWS ADMINISTERED BY THE**
19 **SECRETARY OF VETERANS AFFAIRS.**

20 (a) *IN GENERAL.*—*Subchapter III of chapter 51 of*
21 *title 38, United States Code, is amended by adding at the*
22 *end the following new section:*

23 **“§ 5127. Interim payments of compensation benefits**

24 “(a) *IN GENERAL.*—*In the case of a claim described*
25 *in subsection (b), prior to adjudicating the claim, the Sec-*

1 *retary shall make interim payments of monetary benefits*
2 *to the claimant based on any disability for which the Sec-*
3 *retary has made a decision or, with respect to such a dis-*
4 *ability that is not compensable, notify the claimant of the*
5 *rating relating to such disability. Upon the adjudication*
6 *of the claim, the Secretary shall pay to the claimant any*
7 *monetary benefits awarded to the claimant for the period*
8 *of payment under section 5111 of this title less the amount*
9 *of such benefits paid to the claimant under this section.*

10 “(b) *CLAIM DESCRIBED.*—*A claim described in this*
11 *subsection is a claim for disability compensation under*
12 *chapter 11 of this title (including a claim regarding an in-*
13 *creased rating)*—

14 “(1) *the adjudication of which requires the Sec-*
15 *retary to make decisions with respect to two or more*
16 *disabilities; and*

17 “(2) *for which, before completing the adjudica-*
18 *tion of the claim, the Secretary makes a decision with*
19 *respect to a disability that would result in the pay-*
20 *ment of monetary benefits to the claimant upon the*
21 *adjudication of the claim.*”.

22 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
23 *the beginning of such chapter is amended by adding at the*
24 *end of the items relating to such subchapter the following*
25 *new item:*

“5127. *Interim payments of compensation benefits.*”.

1 **SEC. 302. CLAIMS PROCESSORS TRAINING.**

2 (a) *ESTABLISHMENT.*—*The Secretary of Veterans Af-*
3 *fairs shall establish a training program to provide newly*
4 *hired claims processors of the Department of Veterans Af-*
5 *fairs with training for a period of not less than two years.*
6 *In carrying out such program, the Secretary shall identify*
7 *successful claims processors of the Department who can as-*
8 *sist in the training of newly hired claims processors.*

9 (b) *ABILITY TO PROCESS CLAIMS.*—*The Secretary*
10 *shall carry out the training program established under sub-*
11 *section (a) without increasing the amount of time in which*
12 *claims are processed by the Department.*

13 (c) *EFFECTIVE DATE.*—*This section shall take effect*
14 *on the date that is one year after the date of the enactment*
15 *of this Act.*

16 **SEC. 303. NOTICE OF AVERAGE TIMES FOR PROCESSING**
17 **CLAIMS AND PERCENTAGE OF CLAIMS AP-**
18 **PROVED.**

19 (a) *PUBLIC NOTICE.*—*The Secretary of Veterans Af-*
20 *fairs shall post the information described in subsection*
21 *(c)—*

22 (1) *in a conspicuous place in each regional office*
23 *and claims intake facilities of the Department of Vet-*
24 *erans Affairs; and*

25 (2) *on the Internet Web site of the Department.*

26 (b) *NOTICE TO APPLICANTS.*—

1 (1) *IN GENERAL.*—*The Secretary shall provide to*
2 *each person who submits a claim for benefits under*
3 *the laws administered by the Secretary before the per-*
4 *son submits such claim—*

5 (A) *notice of the information described in*
6 *subsection (c); and*

7 (B) *notice that the person is eligible to re-*
8 *ceive up to an extra year of benefits payments if*
9 *the person files a claim that is fully developed.*

10 (2) *ACKNOWLEDGMENT OF RECEIPT OF NO-*
11 *TICE.*—*Each person who submits a claim for benefits*
12 *under the laws administered by the Secretary shall*
13 *include in such application a signed form acknowl-*
14 *edging that the person received the information de-*
15 *scribed in subsection (c).*

16 (c) *INFORMATION DESCRIBED.*—

17 (1) *IN GENERAL.*—*The information described in*
18 *this subsection is the following:*

19 (A) *The average processing time of the*
20 *claims described in paragraph (2) and the per-*
21 *centage of such submitted claims for which bene-*
22 *fits are awarded.*

23 (B) *The percentage of each of the following*
24 *types of submitted claims for benefits under the*

1 *laws administered by the Secretary of Veterans*
2 *Affairs for which benefits are awarded:*

3 (i) *Claims filed by veterans who au-*
4 *thorized a veterans service organization to*
5 *act on the veterans' behalf under a durable*
6 *power of attorney.*

7 (ii) *Claims filed by veterans who au-*
8 *thorized a person other than a veterans*
9 *service organization to act on the veterans'*
10 *behalf under a durable power of attorney.*

11 (iii) *Claims filed by veterans who did*
12 *not authorize a person to act on the vet-*
13 *erans' behalf under a durable power of at-*
14 *torney.*

15 (2) *CLAIMS DESCRIBED.—The claims described*
16 *in this paragraph are each of the following types of*
17 *claims for benefits under the laws administered by the*
18 *Secretary of Veterans Affairs:*

19 (A) *A fully developed claim that is sub-*
20 *mitted in standard electronic form.*

21 (B) *A fully developed claim that is sub-*
22 *mitted in standard paper form.*

23 (C) *A claim that is not fully developed that*
24 *is submitted in standard electronic form.*

1 (D) A claim that is not fully developed that
2 is submitted in standard paper form.

3 (E) A claim that is not fully developed that
4 is submitted in non-standard paper form.

5 (3) *UPDATE OF INFORMATION.*—The information
6 described in this subsection shall be updated not less
7 frequently than once each fiscal quarter.

8 **TITLE IV—OTHER MATTERS**

9 **SEC. 401. CLARIFICATION OF ELIGIBLE RECIPIENTS OF** 10 **CERTAIN ACCRUED BENEFITS UPON DEATH** 11 **OF BENEFICIARY.**

12 (a) *ELIGIBILITY OF ESTATE.*—Section 5121(a)(2) of
13 title 38, United States Code, is amended—

14 (1) in the matter preceding subparagraph (A),
15 by inserting “, or estate,” after “person”; and

16 (2) by adding at the end the following new sub-
17 paragraph:

18 “(D) The estate of the veteran (unless the es-
19 tate will escheat).”.

20 (b) *EFFECTIVE DATE.*—The amendment made by sub-
21 section (a) shall apply with respect to the death of an indi-
22 vidual on or after the date that is two years after the date
23 of the enactment of this Act.

1 **SEC. 402. OBSERVANCE OF VETERANS DAY.**

2 (a) *TWO MINUTES OF SILENCE.*—Chapter 1 of title 36,
3 United States Code, is amended by adding at the end the
4 following new section:

5 **“§ 145. Veterans Day**

6 “The President shall issue each year a proclamation
7 calling on the people of the United States to observe two
8 minutes of silence on Veterans Day in honor of the service
9 and sacrifice of veterans throughout the history of the Na-
10 tion, beginning at—

11 “(1) 3:11 p.m. Atlantic standard time;

12 “(2) 2:11 p.m. eastern standard time;

13 “(3) 1:11 p.m. central standard time;

14 “(4) 12:11 p.m. mountain standard time;

15 “(5) 11:11 a.m. Pacific standard time;

16 “(6) 10:11 a.m. Alaska standard time; and

17 “(7) 9:11 a.m. Hawaii-Aleutian standard time.”.

18 (b) *CLERICAL AMENDMENT.*—The table of sections for
19 chapter 1 of title 36, United States Code, is amended by
20 adding at the end the following new item:

“145. Veterans Day.”.

Amend the title so as to read: “A bill to increase, effective as of December 1, 2015, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to amend title 38, United States Code, to improve the United States

Court of Appeals for Veterans Claims, to improve the processing of claims by the Secretary of Veterans Affairs, and for other purposes.”.