

[Committee Print]

[Reflecting the actions of the Committee on Veterans' Affairs
on April 28, 2023]

118TH CONGRESS
1ST SESSION

H. R. 1530

To amend title 38, United States Code, to improve the requirement to publish disability benefit questionnaire forms of Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

A BILL

To amend title 38, United States Code, to improve the requirement to publish disability benefit questionnaire forms of Department of Veterans Affairs, 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 This Act may be cited as the “Veterans Benefits Im-
5 provement Act of 2023”.

1 **SEC. 2. IMPROVEMENT OF PUBLICATION OF DEPARTMENT**
2 **OF VETERANS AFFAIRS DISABILITY BENEFIT**
3 **QUESTIONNAIRE FORMS.**

4 Section 5101 of title 38, United States Code, is
5 amended—

6 (1) in subsection (d)—

7 (A) in paragraph (1)(A), by inserting “,
8 including (except as provided in paragraph
9 (4)(A)) all disability benefit questionnaire forms
10 available to personnel of the Veterans Health
11 Administration and covered non-Department
12 providers for the completion of examinations
13 with respect to medical disability of applicants
14 for benefits under laws administered by the
15 Secretary” before the semicolon; and

16 (B) by adding at the end the following new
17 paragraph:

18 “(4)(A) The Secretary may exclude from publication
19 under clauses (i) and (ii) of paragraph (1)(A) any form
20 described in subparagraph (B) of this paragraph that the
21 Secretary determines could not reasonably be completed
22 to a clinically acceptable standard by someone not an em-
23 ployee or a contractor of the Department.

24 “(B) A form described in this subparagraph is a form
25 that—

1 “(i) was available or in use at any time after
2 the date of the enactment of the Veterans Benefits
3 Act of 2023; and

4 “(ii) has not been published under paragraph
5 (1).

6 “(C) The Secretary shall include on the same internet
7 website as the website on which forms are published under
8 paragraph (1)(A) a list of forms that have been excluded
9 from publication pursuant to subparagraph (A), and for
10 each such form, a justification for the exclusion of the
11 form from publication.”; and

12 (2) in subsection (e), by adding at the end the
13 following new paragraph:

14 “(3) The term ‘covered non-Department pro-
15 vider’ means a medical provider who is not an em-
16 ployee of the Department and who provides exami-
17 nations with respect to medical disability of appli-
18 cants for benefits under laws administered by the
19 Secretary pursuant to a contract with the Depart-
20 ment.”.

21 **SEC. 3. IMPROVEMENT OF PROVISION OF MEDICAL DIS-**
22 **ABILITY EXAMINATIONS BY CONTRACTORS.**

23 (a) REPORT ON IMPROVING REIMBURSEMENT FOR
24 TRAVEL RELATING TO MEDICAL DISABILITY EXAMINA-
25 TIONS.—Not later than one year after the date of the en-

1 actment of this Act, the Secretary of Veterans Affairs,
2 after consulting with the Secretary of State and the Com-
3 missioner of the Social Security Administration, shall sub-
4 mit to the Committees on Veterans' Affairs of the Senate
5 and the House of Representatives a report on the efforts
6 of the Secretary to reimburse veterans for expenses in-
7 curred traveling to a facility of the Department or of a
8 covered non-Department provider incident to an examina-
9 tion with respect to the medical disability of the veteran
10 for purposes of benefits under the laws administered by
11 the Secretary, regardless of whether the facility is located
12 inside or outside the United States.

13 (b) COMMUNICATION BY NON-DEPARTMENT PRO-
14 VIDERS PROVIDING MEDICAL DISABILITY EXAMINATIONS
15 WITH INDIVIDUALS AND ORGANIZATIONS DESIGNATED
16 FOR PREPARATION, PRESENTATION, AND PROSECUTION
17 OF CLAIMS.—Any contract entered into by the Secretary
18 of Veterans Affairs after the date of the enactment of this
19 Act under which a covered non-Department provider
20 agrees to provide examinations with respect to medical dis-
21 ability for applicants for benefits under the laws adminis-
22 tered by the Secretary, shall include a requirement that
23 every communication from the covered non-Department
24 provider to such an applicant regarding the scheduling of

1 a covered medical disability examination be contempora-
2 neously transmitted to any person or organization—

3 (1) designated by the applicant by a power of
4 attorney filed with the Secretary; and

5 (2) recognized under sections 5902, 5903, and
6 5904 of title 38, United States Code, for the prepa-
7 ration, presentation, and prosecution of claims.

8 (c) DEPARTMENT OF VETERANS AFFAIRS OUTREACH
9 REGARDING CONTACT INFORMATION FOR CONTRACTORS
10 PROVIDING COVERED MEDICAL DISABILITY EXAMINA-
11 TIONS.—Not later than 120 days after the date of enact-
12 ment of this Act, the Secretary of Veterans Affairs, in
13 partnership with veterans service organizations and such
14 other stakeholders as the Secretary considers relevant and
15 appropriate, shall implement an outreach program to pro-
16 vide veterans with the following information:

17 (1) Contact information for covered non-De-
18 partment providers that provide examinations with
19 respect to medical disability of applicants for bene-
20 fits under laws administered by the Secretary, in-
21 cluding the telephone numbers such providers may
22 use to contact veterans.

23 (2) Notice of the requirement for a veteran to
24 provide personally identifiable information to such a

1 provider when contacted in order to verify the iden-
2 tity of the veteran.

3 (d) COVERED NON-DEPARTMENT PROVIDER.—In
4 this section, the term “covered non-Department provider”
5 means a medical provider who is not an employee of the
6 Department of Veterans Affairs and who provides exami-
7 nations with respect to medical disability of applicants for
8 benefits under laws administered by the Secretary of Vet-
9 erans Affairs pursuant to a contract with the Department.

10 **SEC. 4. REPORT ON SUPPORTING GOVERNMENTAL VET-**
11 **ERANS SERVICE OFFICERS WHO PREPARE,**
12 **PRESENT, AND PROSECUTE BENEFITS**
13 **CLAIMS BEFORE DEPARTMENT OF VETERANS**
14 **AFFAIRS.**

15 (a) REPORT.—Not later than one year after the date
16 of the enactment of this Act and after consulting veterans
17 service organizations and such other stakeholders as the
18 Secretary of Veterans Affairs considers relevant and ap-
19 propriate, the Secretary shall submit to the Committee on
20 Veterans’ Affairs of the Senate and the House of Rep-
21 resentatives a report on improving the support by the De-
22 partment of Veterans Affairs of covered governmental vet-
23 erans service officers.

24 (b) ELEMENTS.—The report submitted under sub-
25 section (a) shall include the following:

1 (1) An assessment of the feasibility, advis-
2 ability, and current technical limitations of providing
3 covered governmental veterans service officers en-
4 hanced access to certain Department systems to bet-
5 ter serve veterans those governmental service officers
6 may not have authorization to represent.

7 (2) An assessment as to whether the Depart-
8 ment would benefit from the establishment or des-
9 ignation of an office or working group within the
10 Department to serve as an intergovernmental liaison
11 between the Department and governmental veterans
12 service officers.

13 (3) Any other recommendations to improve how
14 the Department monitors, coordinates with, or pro-
15 vides support to covered governmental veterans serv-
16 ice officers.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “covered governmental veterans
19 service officer” means an employee of a State, coun-
20 ty, municipal, or Tribal government—

21 (A) who is recognized by the Secretary of
22 Veterans Affairs as a representative of a vet-
23 erans service organization to serve as a veterans
24 service officer; and

1 (B) whose primary responsibilities include
2 preparing, presenting, and prosecuting before
3 the Department of Veterans Affairs claims for
4 benefits under laws administered by the Sec-
5 retary.

6 (2) The term “veterans service organization”
7 means an organization recognized by the Secretary
8 for the representation of veterans under section
9 5902 of title 38, United States Code.

10 **SEC. 5. BOARD OF VETERANS’ APPEALS INTERNSHIP PRO-**
11 **GRAM.**

12 (a) IN GENERAL.—Chapter 71 of title 38, United
13 States Code, is amended by adding at the end the fol-
14 lowing new section:

15 **“§ 7114. Internship program**

16 “The Secretary shall establish a competitive intern-
17 ship program of the Board for individuals enrolled in the
18 first or second year of law schools accredited by the Amer-
19 ican Bar Association.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 71 of such title is amended
22 by adding at the end the following new item:

“7114. Internship program.”.

23 (c) DEADLINE.—The Secretary of Veterans Affairs
24 shall establish the internship program required by section

1 7114 of such title, as added by subsection (a), not later
2 than one year after the date of the enactment of this Act.

3 **SEC. 6. BENEFITS FOR PARTICIPANTS IN CERTAIN PRO-**
4 **GRAMS OF THE DEPARTMENT OF VETERANS**
5 **AFFAIRS.**

6 (a) ESTABLISHMENT.—Not later than one year after
7 the date of the enactment of this Act, the Secretary of
8 Veterans Affairs shall carry out a program to furnish cer-
9 tain benefits to covered participants.

10 (b) BENEFITS: STUDENT LOAN REPAYMENT; REIM-
11 BURSEMENTS.—

12 (1) IN GENERAL.—Subject to an agreement
13 under paragraph (2), the Secretary shall provide to
14 each covered attorney—

15 (A) student loan repayment benefits under
16 section 5379 of title 5, United States Code, in
17 the case of a covered attorney who is eligible for
18 such benefits; and

19 (B) reimbursement for the cost of—

20 (i) enrollment in a course designed to
21 prepare an individual for licensure to prac-
22 tice law in a State;

23 (ii) sitting for a bar examination in a
24 State; and

1 (iii) annual dues required to maintain
2 membership in the bar of any State.

3 (2) AGREEMENT.—The Secretary shall enter
4 into an agreement with a covered attorney who will
5 receive benefits under paragraph (1). Each such
6 agreement shall specify that—

7 (A) the covered attorney agrees to remain
8 in the service of the Department for a period of
9 not less than three years, unless involuntarily
10 separated; and

11 (B) if separated involuntarily on account
12 of misconduct, or voluntarily, before the end of
13 the period specified in the agreement, the cov-
14 ered attorney shall repay to the United States
15 the amount of any benefits received by the cov-
16 ered participant under paragraph (1).

17 (c) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

18 (1) MENTORSHIP.—Not later than 90 days
19 after the date on which an individual becomes a cov-
20 ered participant, the Secretary shall assign the cov-
21 ered participant a mentor who is an employee of the
22 Department who is—

23 (A) to the extent practicable, a managerial
24 employee; and

1 (B) outside the participant's chain of com-
2 mand.

3 (2) ASSIGNMENTS.—At the election of a cov-
4 ered participant who has completed at least two
5 years of service to the Department, the Secretary
6 shall assign such covered participant to:

7 (A) The Office of General Counsel, in a
8 position—

9 (i) that includes full-time legal respon-
10 sibilities in order to further the profes-
11 sional development of the covered partici-
12 pant; and

13 (ii) for a period of not less than 120
14 days and not more than 180 days, or
15 longer at the discretion of the Secretary.

16 (B) In the case of a covered participant
17 who has already held a position described in
18 subparagraph (A), an assignment described in
19 clauses (i) and (ii) of such subparagraph with
20 the Board of Veterans' Appeals.

21 (3) OTHER ROTATIONAL ASSIGNMENTS.—The
22 Secretary may provide a covered participant one or
23 more other short-term rotational assignments. Such
24 an assignment shall be for a period of not less than

1 30 days and not more than 180 days, at the discre-
2 tion of the Secretary.

3 (d) PERIODIC REPORTS.—

4 (1) REPORTS REQUIRED.—Not later than three
5 years after the date on which the Secretary begins
6 to carry out the program under this section, and not
7 less frequently than once every three years there-
8 after, the Secretary shall submit to the Committee
9 on Veterans' Affairs of the Senate and the Com-
10 mittee on Veterans' Affairs of the House of Rep-
11 resentatives regarding such program.

12 (2) ELEMENTS.—Each report submitted under
13 paragraph (1) shall include the following elements:

14 (A) Costs to the United States to provide
15 benefits under subsection (b).

16 (B) The rates of retention of covered par-
17 ticipants compared to other employees of the
18 Department.

19 (C) Recommendations of the Secretary re-
20 garding legislative or administrative action to
21 improve such program.

22 (e) DEFINITIONS.—In this section:

23 (1) The term “covered attorney” means an in-
24 dividual who—

25 (A) is a covered participant;

1 (B) has graduated from a law school ac-
2 credited by the American Bar Association; and

3 (C) is a member in good standing of the
4 bar of a State.

5 (2) The term “covered participant” means an
6 individual who participates in—

7 (A) the Honors Attorney Program (or suc-
8 cessor program) of the Office of General Coun-
9 sel of the Department of Veterans Affairs; or

10 (B) the Law Clerk Program (or successor
11 program) of the Board of Veterans’ Appeals.

12 (3) The term “State” has the meaning given
13 such term in section 101 of title 38, United States
14 Code.

15 **SEC. 7. INCREASE IN MAXIMUM NUMBER OF JUDGES AP-**
16 **POINTED TO UNITED STATES COURT OF AP-**
17 **PEALS FOR VETERANS CLAIMS.**

18 Section 7253(a) of title 38, United States Code, is
19 amended by striking “seven” and inserting “nine”.

20 **SEC. 8. REPORT ON IMPROVING ACCESS TO BOARD OF VET-**
21 **ERANS’ APPEALS TELEHEARINGS.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Vet-
24 erans Affairs shall submit to the Committee on Veterans’
25 Affairs of the Senate and the Committee on Veterans’ Af-

1 fairs of the House of Representatives a report on improv-
2 ing access to hearings before the Board of Veterans' Ap-
3 peals held by picture and voice transmission.

4 (b) CONTENTS.—The report required by subsection
5 (a) shall include the following:

6 (1) Recommendations on the feasibility and ad-
7 visability of reimbursing veterans for expenses in-
8 curred for travel from the home of a veteran to the
9 location at which a hearing before the Board of Vet-
10 erans' Appeals is held by picture and voice trans-
11 mission, if the Secretary determines that travel to
12 such location is reasonably necessary for such a
13 hearing.

14 (2) Recommendations on establishment of pilot
15 programs to assess the feasibility and advisability of
16 using other methods that could improve veteran ac-
17 cess to hearings before the Board of Veterans' Ap-
18 peals held by picture and voice transmission from a
19 veteran's home.

20 (3) Such other recommendations to improve ac-
21 cess to hearings before the Board of Veterans' Ap-
22 peals held by picture and voice transmission as the
23 Secretary may receive from stakeholders.