

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 677
OFFERED BY MR. ABRAHAM OF LOUISIANA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “American Heroes COLA Act of 2015”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Expansion of eligibility for medallions.
- Sec. 3. Treatment of informal claims for benefits under laws administered by Secretary of Veterans Affairs.
- Sec. 4. Treatment of reasonably raised claims for benefits under laws administered by the Secretary of Veterans Affairs.
- Sec. 5. Expedited payment of survivor’s benefits.
- Sec. 6. Priority for processing claims of the Department of Veterans Affairs.
- Sec. 7. Treatment of medical evidence provided by non-Department of Veterans Affairs medical professionals in support of claims for disability compensation.
- Sec. 8. Automatic annual increase in rates of disability compensation and dependency and indemnity compensation.
- Sec. 9. Improvement of fiduciaries for veterans.
- Sec. 10. Development of evidence by Board of Veterans’ Appeals.
- Sec. 11. Board of Veterans’ Appeals video hearings.
- Sec. 12. Improvements to authority for performance of medical disabilities examinations by contract physicians.
- Sec. 13. Pilot program on fully developed appeals.
- Sec. 14. Deadline for certification of appeals forms by regional offices of the Department of Veterans Affairs.
- Sec. 15. Evaluation of backlog of disability claims and appeals of claims of Department of Veterans Affairs.
- Sec. 16. Designation of American World War II Cities.
- Sec. 17. Sense of Congress regarding American veterans disabled for life.

1 **SEC. 2. EXPANSION OF ELIGIBILITY FOR MEDALLIONS.**

2 Section 2306(d)(4) of title 38, United States Code,
3 is amended to read as follows:

4 “(4)(A) In lieu of furnishing a headstone or marker
5 under this subsection to a deceased individual described
6 in subparagraph (B), the Secretary may furnish, upon re-
7 quest, a medallion or other device of a design determined
8 by the Secretary to signify the deceased individual’s status
9 as a veteran, to be attached to a headstone or marker fur-
10 nished at private expense.

11 “(B) A deceased individual described in this sub-
12 section is an individual who—

13 “(i) served in the Armed Forces on or after
14 April 6, 1917; and

15 “(ii) is eligible for a headstone or marker fur-
16 nished under paragraph (1) (or would be so eligible
17 but for the date of the death of the individual).”.

18 **SEC. 3. TREATMENT OF INFORMAL CLAIMS FOR BENEFITS**

19 **UNDER LAWS ADMINISTERED BY SECRETARY**
20 **OF VETERANS AFFAIRS.**

21 (a) INFORMAL CLAIMS.—

22 (1) IN GENERAL.—Chapter 51 of title 38,
23 United States Code, is amended by inserting after
24 section 5103A the following new section:

1 **“§ 5103B. Informal claims**

2 “(a) IN GENERAL.—In the case of an informal claim
3 for a benefit submitted to the Secretary, the Secretary
4 shall—

5 “(1) if a formal claim for such benefit has not
6 been submitted, provide the claimant with an appli-
7 cation form on which the claimant may submit a for-
8 mal claim accompanied by a dated letter;

9 “(2) provide the claimant with—

10 “(A) information on the claimant’s right to
11 provide a power of attorney to an appropriate
12 organization to represent the claimant in all
13 matters related to the claim;

14 “(B) a copy of the appropriate form on
15 which to provide such a power of attorney; and

16 “(C) a list of organizations that offer
17 power of attorney services; and

18 “(3) maintain in the claim file, in addition to
19 all relevant communications relating to the claim, a
20 dated copy of the letter accompanying the applica-
21 tion form sent to the claimant as described in para-
22 graph (1).

23 “(b) EFFECTIVE DATES FOR INFORMAL CLAIMS.—
24 If the Secretary does not respond to an informal claim
25 within 30 days of the date on which the Secretary receives
26 the informal claim, the Secretary shall treat the date on

1 which the informal claim was received as the effective date
2 for the claim.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by inserting after the item relating to section 5103A
6 the following new item:

“5103B. Informal claims.”.

7 (b) EFFECTIVE DATE.—Section 5103B of title 38,
8 United States Code, as added by subsection (a) shall take
9 effect on the date of the enactment of this Act and shall
10 apply with respect to a claim submitted on or after such
11 date.

12 (c) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Secretary of Veterans Affairs should de-
14 velop a designated form for an increase or reopening of
15 a claim that does not require the resubmittal of informa-
16 tion previously submitted on a formal claim form.

17 (d) QUARTERLY REPORTS.—During the five-year pe-
18 riod beginning on the date of the enactment of this Act,
19 the Secretary shall submit to the Committees on Veterans’
20 Affairs of the Senate and House of Representatives quar-
21 terly reports on the implementation of section 5103B of
22 title 38, United States Code, as added by subsection (a).
23 Each such report shall include, for the three-month period
24 covered by the report—

1 (1) the total number of claims submitted to the
2 Secretary;

3 (2) the total number of informal claims sub-
4 mitted to the Secretary;

5 (3) the total number of formal claims submitted
6 to the Secretary;

7 (4) the total number of forms indicating an in-
8 tent to file a claim for benefits submitted to the Sec-
9 retary;

10 (5) the total number of electronically filed
11 claims submitted to the Secretary; and

12 (6) the total number of fully-developed claims
13 submitted to the Secretary.

14 **SEC. 4. TREATMENT OF REASONABLY RAISED CLAIMS FOR**
15 **BENEFITS UNDER LAWS ADMINISTERED BY**
16 **THE SECRETARY OF VETERANS AFFAIRS.**

17 (a) REASONABLY RAISED CLAIMS.—

18 (1) IN GENERAL.—Chapter 51 of title 38,
19 United States Code, as amended by section 3, is
20 amended by inserting after section 5103B, as added
21 by such section, the following new section:

22 **“§ 5103C. Treatment of reasonably raised claims**

23 “The Secretary shall prescribe regulations to identify,
24 address, and adjudicate any claim that is reasonably
25 raised by the evidence of record and placed at issue in

1 the normal course of developing or adjudicating any for-
2 mal claim, including evidence relating to entirely separate
3 conditions never identified as part of the formal claim.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is further
6 amended by inserting after the item relating to sec-
7 tion 5103B, as added by section 3, the following new
8 item:

“5103C. Treatment of reasonably raised claims.”.

9 (3) DEADLINES FOR REGULATIONS.—

10 (A) GUIDELINES.—Not later than 30 days
11 after the date of the enactment of this Act, the
12 Secretary of Veterans Affairs shall prescribe
13 guidelines to carry out section 5103C of title
14 38, United States Code, as added by paragraph
15 (1).

16 (B) INTERIM RULE.—Not later than 180
17 days after the date of the enactment of this
18 Act, the Secretary shall prescribe an interim
19 rule to carry out such section, as so added.

20 (C) FINAL RULE.—Not later than one year
21 after the date of the enactment of this Act, the
22 Secretary shall prescribe a final rule to carry
23 out such section, as so added.

24 (b) DEFINITIONS.—

1 (1) IN GENERAL.—Section 5100 of title 38,
2 United States Code, is amended to read as follows:

3 **“§ 5100. Definitions**

4 “In this chapter:

5 “(1) The term ‘claimant’ means any individual
6 applying for, or submitting a claim for, any benefit
7 under the laws administered by the Secretary.

8 “(2) The term ‘claim’ means a communication
9 in writing requesting a determination of entitlement
10 or evidencing a belief in entitlement to a benefit
11 under the laws administered by the Secretary.

12 “(3) The term ‘reasonably raised claim’ means
13 evidence of an entitlement to a benefit under the
14 laws administered by the Secretary that is not ex-
15 plicitly raised in a claim but that is inferred or logi-
16 cally placed at issue upon a sympathetic reading of
17 the claim and the record developed with respect to
18 the claim.

19 “(4) The term ‘formal claim’ means a claim
20 submitted on an application form prescribed by the
21 Secretary.

22 “(1) The term ‘informal claim’ means a com-
23 munication in writing requesting a determination of
24 entitlement or evidencing a belief in entitlement, to

1 a benefit under the laws administered by the Sec-
2 retary of Veterans Affairs that—

3 “(A) is submitted in a format other than
4 on an application form prescribed by the Sec-
5 retary;

6 “(B) indicates an intent to apply for one
7 or more benefits under the laws administered
8 by the Secretary;

9 “(C) identifies the benefit sought;

10 “(D) is made or submitted by a claimant,
11 his or her duly authorized representative, a
12 Member of Congress, or another person acting
13 on behalf of a claimant who meets the require-
14 ments established by the Secretary for such
15 purpose; and

16 “(E) may include a report of examination
17 or hospitalization, if the report relates to a dis-
18 ability which may establish such an entitle-
19 ment.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 51 of such title is
22 further amended by striking the item relating to sec-
23 tion 5100 and inserting the following new item:

“5100. Definitions.”.

24 (c) EFFECTIVE DATE.—Section 5103C of title 38,
25 United States Code, as added by subsection (a), and sec-

1 tion 5100 of such title, as amended by subsection (b), shall
2 take effect on the date of the enactment of this Act and
3 shall apply with respect to a claim submitted on or after
4 such date.

5 **SEC. 5. EXPEDITED PAYMENT OF SURVIVOR'S BENEFITS.**

6 (a) IN GENERAL.—Section 5101(a)(1) of title 38,
7 United States Code, is amended—

8 (1) by striking “A specific” and inserting “(A)
9 Except as provided in subparagraph (B), a specific”;
10 and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(B)(i) The Secretary may pay benefits under chap-
14 ters 13 and 15 and sections 2302, 2307, and 5121 of this
15 title to a survivor of a veteran who has not filed a formal
16 claim if the Secretary determines that the record contains
17 sufficient evidence to establish the entitlement of the sur-
18 vivor to such benefits.

19 “(ii) For purposes of this subparagraph and section
20 5110 of this title, the date on which a survivor of a veteran
21 notifies the Secretary of the death of the veteran shall be
22 treated as the date of the receipt of the survivor’s applica-
23 tion for benefits described in clause (i).”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall apply with respect to claims for bene-

1 fits based on a death occurring on or after the date of
2 the enactment of this Act.

3 **SEC. 6. PRIORITY FOR PROCESSING CLAIMS OF THE DE-**
4 **PARTMENT OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Subchapter I of chapter 51 of title
6 38, United States Code, is amended by adding at the end
7 the following new section:

8 **“§ 5109C. Priority for processing claims**

9 “(a) PRIORITY.—In processing claims for compensa-
10 tion under this chapter, the Secretary shall provide the
11 following claimants with priority over other claimants:

12 “(1) Veterans who have attained the age of 70.

13 “(2) Veterans who are terminally ill.

14 “(3) Veterans with life-threatening illnesses.

15 “(4) Homeless veterans (as defined in section
16 2002 of this title).

17 “(5) Veterans who were awarded the Medal of
18 Honor.

19 “(6) Veterans who are former prisoners of war.

20 “(7) Veterans whose claims are being reviewed
21 again in relation to a previously denied claim relat-
22 ing to military sexual trauma.

23 “(8) Veterans whom the Secretary determines,
24 on a case-by-case basis, are seriously or very seri-
25 ously injured.

1 “(9) Veterans whom the Secretary determines,
2 on a case-by-case basis, should be given priority
3 under this section based on an application for good
4 cause established by the Secretary.

5 “(b) REGULATIONS.—The Secretary shall prescribe
6 regulations to carry out subsection (a).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 5109B the following new
10 item:

 “5109C. Priority for processing claims.”.

11 **SEC. 7. TREATMENT OF MEDICAL EVIDENCE PROVIDED BY**
12 **NON-DEPARTMENT OF VETERANS AFFAIRS**
13 **MEDICAL PROFESSIONALS IN SUPPORT OF**
14 **CLAIMS FOR DISABILITY COMPENSATION.**

15 (a) ACCEPTANCE OF REPORTS OF PRIVATE PHYSI-
16 CIAN EXAMINATIONS.—Section 5125 of title 38, United
17 States Code, is amended—

18 (1) by striking “For purposes” and inserting
19 “(a) IN GENERAL.—For purposes”; and

20 (2) by adding at the end the following new sub-
21 sections:

22 “(b) SUFFICIENCY OF EVIDENCE.—If a veteran has
23 submitted a medical opinion or report of a medical exam-
24 ination administered by a private physician in support of
25 the veteran’s claim, the Secretary may not order a medical

1 examination to be administered by a Department physi-
2 cian unless the Secretary provides the veteran with a thor-
3 ough explanation of why the medical opinion or report
4 submitted by the veteran was not sufficiently complete and
5 the reason why additional medical evidence is necessary.

6 “(c) SUFFICIENTLY COMPLETE DEFINED.—For pur-
7 poses of a medical opinion or report described in sub-
8 section (a), the term ‘sufficiently complete’ means com-
9 petent, credible, probative, and containing such informa-
10 tion as may be required to make a decision on the claim
11 for which the medical opinion or report is provided.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply with respect to medical evidence
14 submitted after the date that is 90 days after the date
15 of the enactment of this Act.

16 **SEC. 8. AUTOMATIC ANNUAL INCREASE IN RATES OF DIS-**
17 **ABILITY COMPENSATION AND DEPENDENCY**
18 **AND INDEMNITY COMPENSATION.**

19 (a) INDEXING TO SOCIAL SECURITY INCREASES.—
20 Section 5312 of title 38, United States Code, is amended
21 by adding at the end the following new subsection:

22 “(d)(1) Whenever there is an increase in benefit
23 amounts payable under title II of the Social Security Act
24 (42 U.S.C. 401 et seq.) as a result of a determination
25 made under section 215(i) of such Act (42 U.S.C. 415(i)),

1 the Secretary shall, effective on the date of such increase
2 in benefit amounts, increase the dollar amounts in effect
3 for the payment of disability compensation and depend-
4 ency and indemnity compensation by the Secretary, as
5 specified in paragraph (2), as such amounts were in effect
6 immediately before the date of such increase in benefit
7 amounts payable under title II of the Social Security Act,
8 by the same percentage as the percentage by which such
9 benefit amounts are increased.

10 “(2) The dollar amounts to be increased pursuant to
11 paragraph (1) are the following:

12 “(A) WARTIME DISABILITY COMPENSATION.—
13 Each of the dollar amounts in effect under section
14 1114 of this title.

15 “(B) ADDITIONAL COMPENSATION FOR DE-
16 PENDENTS.—Each of the dollar amounts in effect
17 under section 1115(1) of this title.

18 “(C) CLOTHING ALLOWANCE.—The dollar
19 amount in effect under section 1162 of this title.

20 “(D) DEPENDENCY AND INDEMNITY COM-
21 PENSATION TO SURVIVING SPOUSE.—Each of the
22 dollar amounts in effect under subsections (a)
23 through (d) of section 1311 of such title.

24 “(E) DEPENDENCY AND INDEMNITY COM-
25 PENSATION TO CHILDREN.—Each of the dollar

1 amounts in effect under sections 1313(a) and 1314
2 of such title.

3 “(3) Whenever there is an increase under paragraph
4 (1) in amounts in effect for the payment of disability com-
5 pensation and dependency and indemnity compensation,
6 the Secretary shall publish such amounts, as increased
7 pursuant to such paragraph, in the Federal Register at
8 the same time as the material required by section
9 215(i)(2)(D) of the Social Security Act (42 U.S.C.
10 415(i)(2)(D)) is published by reason of a determination
11 under section 215(i) of such Act (42 U.S.C. 415(i)).

12 “(4) Each dollar amount increased under paragraph
13 (1), if not a whole dollar amount, shall be rounded to the
14 next lower whole dollar amount.

15 “(5) The Secretary of Veterans Affairs may adjust
16 administratively, consistent with the increases made under
17 subsection (a), the rates of disability compensation pay-
18 able to persons under section 10 of Public Law 85–857
19 (72 Stat. 1263) who have not received compensation
20 under chapter 11 of this title.”.

21 (b) EFFECTIVE DATE.—Subsection (d) of section
22 5312 of title 38, United States Code, as added by sub-
23 section (a) of this section, shall take effect on December
24 1, 2015.

1 **SEC. 9. IMPROVEMENT OF FIDUCIARIES FOR VETERANS.**

2 (a) APPOINTMENT AND SUPERVISION.—

3 (1) Section 5502 of title 38, United States
4 Code, is amended to read as follows:

5 **“§ 5502. Appointment of fiduciaries**

6 “(a) APPOINTMENT.—Where it appears to the Sec-
7 retary that the interest of the beneficiary would be served
8 thereby, payment of benefits under any law administered
9 by the Secretary may be made directly to the beneficiary
10 or to a relative or some other fiduciary for the use and
11 benefit of the beneficiary, regardless of any legal disability
12 on the part of the beneficiary.

13 “(b) APPEALS.—(1) If the Secretary determines a
14 beneficiary to be mentally incompetent for purposes of ap-
15 pointing a fiduciary under this chapter, the Secretary shall
16 provide such beneficiary with a written statement detailing
17 the reasons for such determination.

18 “(2) A beneficiary whom the Secretary has deter-
19 mined to be mentally incompetent for purposes of appoint-
20 ing a fiduciary under this chapter may appeal such deter-
21 mination.

22 “(c) MODIFICATION.—(1) A beneficiary for whom the
23 Secretary appoints a fiduciary under this chapter may, at
24 any time, request the Secretary to—

25 “(A) remove the fiduciary so appointed; and

26 “(B) have a new fiduciary appointed.

1 “(2) The Secretary shall comply with a request under
2 paragraph (1) if the Secretary determines that the request
3 is made in good faith and—

4 “(A) the fiduciary requested to be removed re-
5 ceives a fee from the beneficiary and a suitable vol-
6 unteer fiduciary is available to assist the beneficiary;
7 or

8 “(B) the beneficiary provides credible informa-
9 tion that the fiduciary requested to be removed is—
10 “(i) not acting in the interest of the bene-
11 fiduciary; or

12 “(ii) unable to effectively serve the bene-
13 fiduciary because of an irreconcilable personality
14 conflict or disagreement.

15 “(3) The Secretary shall ensure that any removal or
16 new appointment of a fiduciary under paragraph (1) does
17 not delay or interrupt the beneficiary’s receipt of benefits
18 administered by the Secretary.

19 “(d) INDEPENDENCE.—A fiduciary appointed by the
20 Secretary shall operate independently of the Department
21 to determine the actions that are in the interest of the
22 beneficiary.

23 “(e) PREDESIGNATION.—A veteran may predesignate
24 a fiduciary by—

1 “(1) submitting written notice to the Secretary
2 of the predesignated fiduciary; or

3 “(2) submitting a form provided by the Sec-
4 retary for such purpose.

5 “(f) APPOINTMENT OF NON-PREDESIGNATED FIDU-
6 CIARY.—If a beneficiary designates an individual to serve
7 as a fiduciary under subsection (e) and the Secretary ap-
8 points an individual not so designated as the fiduciary for
9 such beneficiary, the Secretary shall notify such bene-
10 ficiary of—

11 “(1) the reason why such designated individual
12 was not appointed; and

13 “(2) the ability of the beneficiary to modify the
14 appointed fiduciary under subsection (c).

15 “(g) PRIORITY OF APPOINTMENT.—In appointing a
16 fiduciary under this chapter, if a beneficiary does not des-
17 ignate a fiduciary pursuant to subsection (e), to the extent
18 possible the Secretary shall appoint a person who is—

19 “(1) a relative of the beneficiary;

20 “(2) appointed as guardian of the beneficiary
21 by a court of competent jurisdiction; or

22 “(3) authorized to act on behalf of the bene-
23 ficiary under a durable power of attorney.”.

24 “(2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of chapter 55 of title 38,

1 United States Code, is amended by striking the item
2 relating to section 5502 and inserting the following:

“5502. Appointment of fiduciaries.”.

3 (b) SUPERVISION.—

4 (1) IN GENERAL.—Chapter 55 of title 38,
5 United States Code, is amended by inserting after
6 section 5502, as amended by subsection (a)(1), the
7 following new section:

8 **“§ 5502A. Supervision of fiduciaries**

9 “(a) COMMISSION.—(1)(A) In a case in which the
10 Secretary determines that a commission is necessary in
11 order to obtain the services of a fiduciary in the best inter-
12 ests of a beneficiary, the Secretary may authorize a fidu-
13 ciary appointed by the Secretary to obtain from the
14 monthly benefits provided to the beneficiary a reasonable
15 commission for fiduciary services rendered, but the com-
16 mission for any month may not exceed the lesser of the
17 following amounts:

18 “(i) The amount that equals three percent of
19 the monthly monetary benefits under laws adminis-
20 tered by the Secretary paid on behalf of the bene-
21 ficiary to the fiduciary.

22 “(ii) \$35.

23 “(B) A commission paid under this paragraph may
24 not be derived from any award to a beneficiary regarding
25 back pay or retroactive benefits payments.

1 “(C) A commission may not be authorized for a fidu-
2 ciary who receives any other form of remuneration or pay-
3 ment in connection with rendering fiduciary services for
4 benefits under this title on behalf of the beneficiary.

5 “(D) In accordance with section 6106 of this title,
6 a commission may not be paid to a fiduciary if the Sec-
7 retary determines that the fiduciary misused any benefit
8 payments of a beneficiary.

9 “(E) If the Secretary determines that the fiduciary
10 has misused any benefit or payments of a beneficiary, the
11 Secretary may revoke the fiduciary status of the fiduciary.

12 “(2) Where, in the opinion of the Secretary, any fidu-
13 ciary receiving funds on behalf of a Department bene-
14 ficiary is acting in such a number of cases as to make
15 it impracticable to conserve properly the estates or to su-
16 pervise the persons of the beneficiaries, the Secretary may
17 refuse to make future payments in such cases as the Sec-
18 retary may deem proper.

19 “(b) COURT.—Whenever it appears that any fidu-
20 ciary, in the opinion of the Secretary, is not properly exe-
21 cuting or has not properly executed the duties of the trust
22 of such fiduciary or has collected or paid, or is attempting
23 to collect or pay, fees, commissions, or allowances that are
24 inequitable or in excess of those allowed by law for the
25 duties performed or expenses incurred, or has failed to

1 make such payments as may be necessary for the benefit
2 of the ward or the dependents of the ward, then the Sec-
3 retary may appear, by the Secretary's authorized attorney,
4 in the court which has appointed such fiduciary, or in any
5 court having original, concurrent, or appellate jurisdiction
6 over said cause, and make proper presentation of such
7 matters. The Secretary, in the Secretary's discretion, may
8 suspend payments to any such fiduciary who shall neglect
9 or refuse, after reasonable notice, to render an account
10 to the Secretary from time to time showing the application
11 of such payments for the benefit of such incompetent or
12 minor beneficiary, or who shall neglect or refuse to admin-
13 ister the estate according to law. The Secretary may re-
14 quire the fiduciary, as part of such account, to disclose
15 any additional financial information concerning the bene-
16 ficiary (except for information that is not available to the
17 fiduciary). The Secretary may appear or intervene by the
18 Secretary's duly authorized attorney in any court as an
19 interested party in any litigation instituted by the Sec-
20 retary or otherwise, directly affecting money paid to such
21 fiduciary under this section.

22 “(c) PAYMENT OF CERTAIN EXPENSES.—Authority
23 is hereby granted for the payment of any court or other
24 expenses incident to any investigation or court proceeding
25 for the appointment of any fiduciary or other person for

1 the purpose of payment of benefits payable under laws ad-
2 ministered by the Secretary or the removal of such fidu-
3 ciary and appointment of another, and of expenses in con-
4 nection with the administration of such benefits by such
5 fiduciaries, or in connection with any other court pro-
6 ceeding hereby authorized, when such payment is author-
7 ized by the Secretary.

8 “(d) TEMPORARY PAYMENT OF BENEFITS.—All or
9 any part of any benefits the payment of which is sus-
10 pended or withheld under this section may, in the discre-
11 tion of the Secretary, be paid temporarily to the person
12 having custody and control of the incompetent or minor
13 beneficiary, to be used solely for the benefit of such bene-
14 ficiary, or, in the case of an incompetent veteran, may be
15 apportioned to the dependent or dependents, if any, of
16 such veteran. Any part not so paid and any funds of a
17 mentally incompetent or insane veteran not paid to the
18 chief officer of the institution in which such veteran is a
19 patient nor apportioned to the veteran’s dependent or de-
20 pendants may be ordered held in the Treasury to the credit
21 of such beneficiary. All funds so held shall be disbursed
22 under the order and in the discretion of the Secretary for
23 the benefit of such beneficiary or the beneficiary’s depend-
24 ents. Any balance remaining in such fund to the credit
25 of any beneficiary may be paid to the beneficiary if the

1 beneficiary recovers and is found competent, or if a minor,
2 attains majority, or otherwise to the beneficiary's fidu-
3 ciary, or, in the event of the beneficiary's death, to the
4 beneficiary's personal representative, except as otherwise
5 provided by law; however, payment will not be made to
6 the beneficiary's personal representative if, under the law
7 of the beneficiary's last legal residence, the beneficiary's
8 estate would escheat to the State. In the event of the death
9 of a mentally incompetent or insane veteran, all gratuitous
10 benefits under laws administered by the Secretary depos-
11 ited before or after August 7, 1959, in the personal funds
12 of patient's trust fund on account of such veteran shall
13 not be paid to the personal representative of such veteran,
14 but shall be paid to the following persons living at the
15 time of settlement, and in the order named: The surviving
16 spouse, the children (without regard to age or marital sta-
17 tus) in equal parts, and the dependent parents of such
18 veteran, in equal parts. If any balance remains, such bal-
19 ance shall be deposited to the credit of the applicable cur-
20 rent appropriation; except that there may be paid only so
21 much of such balance as may be necessary to reimburse
22 a person (other than a political subdivision of the United
23 States) who bore the expenses of last sickness or burial
24 of the veteran for such expenses. No payment shall be
25 made under the two preceding sentences of this subsection

1 unless claim therefor is filed with the Secretary within five
2 years after the death of the veteran, except that, if any
3 person so entitled under said two sentences is under legal
4 disability at the time of death of the veteran, such five-
5 year period of limitation shall run from the termination
6 or removal of the legal disability.

7 “(e) ESCHEATMENT.—Any funds in the hands of a
8 fiduciary appointed by a State court or the Secretary de-
9 rived from benefits payable under laws administered by
10 the Secretary, which under the law of the State wherein
11 the beneficiary had last legal residence would escheat to
12 the State, shall escheat to the United States and shall be
13 returned by such fiduciary, or by the personal representa-
14 tive of the deceased beneficiary, less legal expenses of any
15 administration necessary to determine that an escheat is
16 in order, to the Department, and shall be deposited to the
17 credit of the applicable revolving fund, trust fund, or ap-
18 propriation.

19 “(f) ASSISTANCE.—The Secretary shall provide to a
20 fiduciary appointed under section 5502 of this title mate-
21 rials and tools to assist the fiduciary in carrying out the
22 responsibilities of the fiduciary under this chapter, includ-
23 ing—

1 “(1) handbooks, brochures, or other written
2 material that explain the responsibilities of a fidu-
3 ciary under this chapter;

4 “(2) tools located on an Internet website, in-
5 cluding forms to submit to the Secretary required
6 information; and

7 “(3) assistance provided by telephone.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 55 of title 38,
10 United States Code, is amended by inserting after
11 the item relating to section 5502 the following new
12 item:

“5502A. Supervision of fiduciaries.”.

13 (c) DEFINITION OF FIDUCIARY.—Section 5506 of
14 title 38, United States Code, is amended—

15 (1) by striking “For purposes” and inserting
16 “(a) For purposes”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(b)(1) For purposes of subsection (a), the term ‘per-
20 son’ includes any—

21 “(A) State or local government agency whose
22 mission is to carry out income maintenance, social
23 service, or health care-related activities;

24 “(B) any State or local government agency with
25 fiduciary responsibilities; or

1 of such certification and in accordance with sub-
2 section (b);

3 “(2) adequate evidence that certification of that
4 person as fiduciary for that beneficiary is in the in-
5 terest of such beneficiary (as determined by the Sec-
6 retary under regulations);

7 “(3) adequate evidence that the person to serve
8 as fiduciary protects the private information of a
9 beneficiary in accordance with subsection (d)(1); and

10 “(4) the furnishing of any bond that may be re-
11 quired by the Secretary in accordance with sub-
12 section (f).

13 “(b) ELEMENTS OF INVESTIGATION.—(1) In con-
14 ducting an inquiry or investigation of a proposed fiduciary
15 under subsection (a)(1), the Secretary shall conduct—

16 “(A) a face-to-face interview with the proposed
17 fiduciary by not later than 30 days after the date on
18 which such inquiry or investigation begins; and

19 “(B) a background check of the proposed fidu-
20 ciary to—

21 “(i) in accordance with paragraph (2), de-
22 termine whether the proposed fiduciary has
23 been convicted of a crime; and

24 “(ii) determine whether the proposed fidu-
25 ciary will serve the best interest of the bene-

1 ficiary, including by conducting a credit check
2 of the proposed fiduciary and checking the
3 records under paragraph (5).

4 “(2) The Secretary shall request information con-
5 cerning whether that person has been convicted of any of-
6 fense under Federal or State law. If that person has been
7 convicted of such an offense, the Secretary may certify the
8 person as a fiduciary only if the Secretary finds that the
9 person is an appropriate person to act as fiduciary for the
10 beneficiary concerned under the circumstances.

11 “(3) The Secretary shall conduct the background
12 check described in paragraph (1)(B)—

13 “(A) each time a person is proposed to be a fi-
14 duciary, regardless of whether the person is serving
15 or has served as a fiduciary; and

16 “(B) at no expense to the beneficiary.

17 “(4) Each proposed fiduciary shall disclose to the
18 Secretary the number of beneficiaries that the fiduciary
19 acts on behalf of.

20 “(5) The Secretary shall maintain records of any per-
21 son who has—

22 “(A) previously served as a fiduciary; and

23 “(B) had such fiduciary status revoked by the
24 Secretary.

1 “(6)(A) If a fiduciary appointed by the Secretary is
2 convicted of a crime described in subparagraph (B), the
3 Secretary shall notify the beneficiary of such conviction
4 by not later than 14 days after the date on which the Sec-
5 retary learns of such conviction.

6 “(B) A crime described in this subparagraph is a
7 crime—

8 “(i) for which the fiduciary is convicted while
9 serving as a fiduciary for any person;

10 “(ii) that is not included in a report submitted
11 by the fiduciary under section 5509(a) of this title;
12 and

13 “(iii) that the Secretary determines could affect
14 the ability of the fiduciary to act on behalf of the
15 beneficiary.

16 “(c) INVESTIGATION OF CERTAIN PERSONS.—(1) In
17 the case of a proposed fiduciary described in paragraph
18 (2), the Secretary, in conducting an inquiry or investiga-
19 tion under subsection (a)(1), may carry out such inquiry
20 or investigation on an expedited basis that may include
21 giving priority to conducting such inquiry or investigation.
22 Any such inquiry or investigation carried out on such an
23 expedited basis shall be carried out under regulations pre-
24 scribed for purposes of this section.

1 “(2) Paragraph (1) applies with respect to a proposed
2 fiduciary who is—

3 “(A) the parent (natural, adopted, or step-
4 parent) of a beneficiary who is a minor;

5 “(B) the spouse or parent of an incompetent
6 beneficiary;

7 “(C) a person who has been appointed a fidu-
8 ciary of the beneficiary by a court of competent ju-
9 risdiction;

10 “(D) being appointed to manage an estate
11 where the annual amount of veterans benefits to be
12 managed by the proposed fiduciary does not exceed
13 \$3,600, as adjusted pursuant to section 5312 of this
14 title; or

15 “(E) a person who is authorized to act on be-
16 half of the beneficiary under a durable power of at-
17 torney.

18 “(d) PROTECTION OF PRIVATE INFORMATION.—(1)
19 A fiduciary shall take all reasonable precautions to—

20 “(A) protect the private information of a bene-
21 ficiary, including personally identifiable information;
22 and

23 “(B) securely conducts financial transactions.

1 “(2) A fiduciary shall notify the Secretary of any ac-
2 tion of the fiduciary that compromises or potentially com-
3 promises the private information of a beneficiary.

4 “(e) POTENTIAL MISUSE OF FUNDS.—(1) If the Sec-
5 retary has reason to believe that a fiduciary may be mis-
6 using all or part of the benefit of a beneficiary, the Sec-
7 retary shall—

8 “(A) conduct a thorough investigation to deter-
9 mine the veracity of such belief; and

10 “(B) if such veracity is established, transmit to
11 the officials described in paragraph (2) a report of
12 such investigation.

13 “(2) The officials described in this paragraph are the
14 following:

15 “(A) The Attorney General.

16 “(B) Each head of a Federal department or
17 agency that pays to a fiduciary or other person ben-
18 efits under any law administered by such depart-
19 ment of agency for the use and benefit of a minor,
20 incompetent, or other beneficiary.

21 “(f) BOND.—In determining whether a proposed fi-
22 duciary is required to furnish a bond under subsection
23 (a)(4), the Secretary shall consider—

1 “(1) the existence of any familial or other per-
2 sonal relationship between the proposed fiduciary
3 and the beneficiary; and

4 “(2) the care the proposed fiduciary has taken
5 to protect the interests of the beneficiary.

6 “(g) LIST OF FIDUCIARIES.—Each regional office of
7 the Veterans Benefits Administration shall maintain a list
8 of the following:

9 “(1) The name and contact information of each
10 fiduciary, including address, telephone number, and
11 email address.

12 “(2) With respect to each fiduciary described in
13 paragraph (1)—

14 “(A) the date of the most recent back-
15 ground check and credit check performed by the
16 Secretary under this section;

17 “(B) the date that any bond was paid
18 under this section;

19 “(C) the name, address, and telephone
20 number of each beneficiary the fiduciary acts on
21 behalf of; and

22 “(D) the amount that the fiduciary con-
23 trols with respect to each beneficiary described
24 in subparagraph (C).”.

25 (e) ANNUAL RECEIPT OF PAYMENTS.—

1 (1) IN GENERAL.—Section 5509 of title 38,
2 United States Code, is amended—

3 (A) in subsection (a)—

4 (i) by striking “may require a fidu-
5 ciary to file a” and inserting “shall require
6 a fiduciary to file an annual”; and

7 (ii) by adding at the end the following
8 new sentence: “The Secretary shall trans-
9 mit such annual report or accounting to
10 the beneficiary and any legal guardian of
11 such beneficiary.”;

12 (B) by adding at the end the following new
13 subsections:

14 “(c) MATTERS INCLUDED.—Except as provided by
15 subsection (f), an annual report or accounting under sub-
16 section (a) shall include the following:

17 “(1) For each beneficiary that a fiduciary acts
18 on behalf of—

19 “(A) the amount of the benefits of the ben-
20 eficiary provided under any law administered by
21 the Secretary accrued during the year, the
22 amount spent, and the amount remaining; and

23 “(B) if the fiduciary serves the beneficiary
24 with respect to benefits not administered by the
25 Secretary, an accounting of all sources of bene-

1 fits or other income the fiduciary oversees for
2 the beneficiary.

3 “(2) A list of events that occurred during the
4 year covered by the report that could affect the abil-
5 ity of the fiduciary to act on behalf of the bene-
6 ficiary, including—

7 “(A) the fiduciary being convicted of any
8 crime;

9 “(B) the fiduciary declaring bankruptcy;
10 and

11 “(C) any judgments entered against the fi-
12 duciary.

13 “(d) RANDOM AUDITS.—The Secretary shall annu-
14 ally conduct random audits of fiduciaries who receive a
15 commission pursuant to subsection 5502A(a)(1) of this
16 title.

17 “(e) STATUS OF FIDUCIARY.—If a fiduciary includes
18 in the annual report events described in subsection (c)(2),
19 the Secretary may take appropriate action to adjust the
20 status of the fiduciary as the Secretary determines appro-
21 priate, including by revoking the fiduciary status of the
22 fiduciary.

23 “(f) CAREGIVERS AND CERTAIN OTHER FIDU-
24 CIARIES.—(1)(A) In carrying out this section, the Sec-
25 retary shall ensure that a caregiver fiduciary is required

1 only to file an annual report or accounting under sub-
2 section (a) with respect to the amount of the benefits of
3 the beneficiary provided under any law administered by
4 the Secretary—

5 “(i) spent on—

6 “(I) food and housing for the beneficiary;

7 and

8 “(II) clothing, health-related expenses,

9 recreation, and other personal items for the

10 beneficiary; and

11 “(ii) saved for the beneficiary.

12 “(B) The Secretary shall coordinate with the Under

13 Secretary for Benefits and the Under Secretary for Health

14 to—

15 “(i) minimize the frequency with which employ-

16 ees of the Department visit the home of a caregiver

17 fiduciary and beneficiary; and

18 “(ii) limit the extent of supervision by such

19 Under Secretaries with respect to such a fiduciary

20 and beneficiary.

21 “(C) In this paragraph, the term ‘caregiver fiduciary’

22 means a fiduciary who—

23 “(i) in addition to acting as a fiduciary for a

24 beneficiary, is approved by the Secretary to be a

25 provider of personal care services for the beneficiary

1 under paragraph (3)(A)(i) of section 1720G(a) of
2 this title;

3 “(ii) in carrying out such care services to such
4 beneficiary, has undergone not less than four home
5 visits under paragraph (9)(A) of such section; and

6 “(iii) has not been required by the Secretary to
7 take corrective action pursuant to paragraph (9)(C)
8 of such section.

9 “(2) In carrying out this section, the Secretary may
10 adjust the matters required under an annual report or ac-
11 counting under subsection (a) with respect to a fiduciary
12 whom the Secretary determines to have effectively pro-
13 tected the interests of the beneficiary over a sustained pe-
14 riod.”; and

15 (C) by striking the section heading and in-
16 serting the following: “**Annual reports and**
17 **accountings of fiduciaries**”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 55 of title 38,
20 United States Code, is amended by striking the item
21 relating to section 5509 and inserting the following
22 new item:

“5509. Annual reports and accountings of fiduciaries.”.

23 (f) REPAYMENT OF MISUSED BENEFITS.—Section
24 6107(a)(2)(C) of title 38, United States Code, is amended
25 by inserting before the period the following: “, including

1 by the Secretary not acting in accordance with section
2 5507 of this title”.

3 (g) ANNUAL REPORTS.—Section 5510 of title 38,
4 United States Code, is amended by striking “The Sec-
5 retary shall include in the Annual Benefits Report of the
6 Veterans Benefits Administration or the Secretary’s An-
7 nual Performance and Accountability Report” and insert-
8 ing “Not later than July 1 of each year, the Secretary
9 shall submit to the Committees on Veterans’ Affairs of
10 the House of Representatives and the Senate a separate
11 report containing”.

12 (h) REPORT.—Not later than one year after the date
13 of the enactment of this Act, the Secretary of Veterans
14 Affairs shall submit to the Committee on Veterans’ Affairs
15 of the Senate and the Committee on Veterans’ Affairs of
16 the House of Representatives a comprehensive report on
17 the implementation of the amendments made by this Act,
18 including—

19 (1) detailed information on the establishment of
20 new policies and procedures pursuant to such
21 amendments and training provided on such policies
22 and procedures; and

23 (2) a discussion of whether the Secretary
24 should provide fiduciaries with standardized finan-
25 cial software to simplify reporting requirements.

1 **SEC. 10. DEVELOPMENT OF EVIDENCE BY BOARD OF VET-**
2 **ERANS' APPEALS.**

3 (a) IN GENERAL.—Subsection (e) of section 7105 of
4 title 38, United States Code, is amended to read as fol-
5 lows:

6 “(e)(1)(A) Except as provided in subparagraph (B),
7 if, either at the time or after the agency of original juris-
8 diction receives a substantive appeal, the claimant or the
9 claimant’s representative, if any, identifies or submits evi-
10 dence to either the agency of original jurisdiction or the
11 Board of Veterans’ Appeals for consideration in connec-
12 tion with the issue or issues with which disagreement has
13 been expressed, or if any evidence so submitted or identi-
14 fied requires that further evidence be gathered pursuant
15 to section 5103A of this title, all such evidence shall be
16 subject to initial review by the Board.

17 “(B) If the claimant or the claimant’s representative
18 identifies or submits evidence under subparagraph (A) be-
19 fore the agency of original jurisdiction has certified the
20 appeal, the claimant or the claimant’s representative may
21 elect to have the agency of original jurisdiction review the
22 evidence in the first instance. In the case of such an elec-
23 tion, the agency of original jurisdiction shall—

24 “(i) complete such review by not later than 180
25 days after the date on which the evidence is identi-
26 fied or submitted; and

1 “(ii) certify the appeal by not later than 180
2 days after the completion of the review.

3 “(C) If no election is made under subparagraph (B),
4 the Board shall review the evidence identified or submitted
5 under subparagraph (A) in the first instance after the cer-
6 tification of the appeal.

7 “(2)(A) If the Board determines that there is insuffi-
8 cient evidence to make a decision in a claimant’s appeal
9 case, the Board shall take such steps as may be necessary
10 to develop the evidence necessary to make a decision in
11 the case in accordance with section 5103A of this title.

12 “(B) If the Board determines that an appeal requires
13 Federal records, independent medical opinions, or new
14 medical examinations, the Board shall take such steps as
15 may be necessary to develop such records, opinions, or ex-
16 aminations in accordance with section 5103A of this title.

17 “(C) The Secretary shall ensure that the Board has
18 access to such information as may be necessary to develop
19 evidence under this paragraph.

20 “(D) If new evidence is developed under this para-
21 graph—

22 “(i) the Board shall ensure that the claimant or
23 the claimant’s representative, if any, has an oppor-
24 tunity to review and respond to the new evidence;
25 and

1 “(ii) the claimant or the claimant’s representa-
2 tive may elect to have the agency of original jurisdic-
3 tion review such evidence in the first instance.

4 “(3)(A) Except as provided in subparagraph (B), the
5 Board may not remand any appeal case to the Veterans
6 Benefits Administration.

7 “(B) If the Board determines that a claim is inex-
8 tricably intertwined with a claim for which the agency of
9 original jurisdiction has not yet made a decision and that
10 it would be inappropriate to render a decision about the
11 claim before the Board without also rendering a decision
12 about the other claim, the Board shall remand the claim
13 before the Board to the agency of original jurisdiction.

14 “(4)(A) The Board shall establish an office to develop
15 evidence that the Board determines necessary to decide
16 an appeal.

17 “(B) The Secretary shall ensure that the Veterans
18 Benefits Administration cooperates with the Board of Vet-
19 erans’ Appeals in carrying out subparagraph (A).

20 “(5) For purposes of this subsection, the term ‘inex-
21 tricably intertwined’ means, with respect to two claims,
22 that the Board determines that a decision on one claim
23 would have a significant impact upon the other, and that
24 impact in turn could render any review of the decision on
25 the other claim meaningless and a waste of resources.”.

1 (b) TRANSFER OF EMPLOYEES.—In order to carry
2 out subsection (e) of section 7105 of title 38, United
3 States Code, as amended by subsection (a), the Secretary
4 of Veterans Affairs shall transfer employees of the Vet-
5 erans Benefits Administration who, prior to the enactment
6 of this Act, were responsible for processing claims re-
7 manded by the Board of Veterans' Appeals to positions
8 within the office established pursuant to paragraph (4)(A)
9 of such subsection in a number the Secretary determines
10 sufficient to carry out such subsection.

11 (c) REPORT.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, and an-
14 nually thereafter, the Secretary of Veterans Affairs
15 shall submit to the Committees on Veterans' Affairs
16 of the Senate and House of Representatives a report
17 on—

18 (A) the capacity of the Board of Veterans'
19 Appeals to carry out the additional functions of
20 the Board under subsection (e) of section 7105
21 of title 38, United States Code, as amended by
22 subsection (a); and

23 (B) a description of any additional re-
24 sources the Board determines necessary to
25 carry out such additional functions, including a

1 detailed justification of the necessity of such re-
2 sources.

3 (2) **TERMINATION.**—The requirement to submit
4 a report under this subsection shall terminate on the
5 date that is five years after the date of the enact-
6 ment of this Act.

7 (d) **EFFECTIVE DATE.**—Subsection (e) of section
8 7105 of title 38, United States Code, as amended by sub-
9 section (a), shall take effect on the date that is 180 days
10 after the date of the enactment of this Act.

11 **SEC. 11. BOARD OF VETERANS' APPEALS VIDEO HEARINGS.**

12 Section 7107 of title 38, United States Code, is
13 amended—

14 (1) in subsection (d), by amending paragraph
15 (1) to read as follows:

16 “(1)(A) Upon request for a hearing, the Board shall
17 determine, for purposes of scheduling the hearing for the
18 earliest possible date, whether a hearing before the Board
19 will be held at its principal location or at a facility of the
20 Department or other appropriate Federal facility located
21 within the area served by a regional office of the Depart-
22 ment. The Board shall also determine whether to provide
23 a hearing through the use of the facilities and equipment
24 described in subsection (e)(1) or by the appellant person-
25 ally appearing before a Board member or panel.

1 “(B) The Board shall notify the appellant of the de-
2 terminations of the location and type of hearing made
3 under subparagraph (A). Upon notification, the appellant
4 may request a different location or type of hearing as de-
5 scribed in such subparagraph. If so requested, the Board
6 shall grant such request and ensure that the hearing is
7 scheduled at the earliest possible date without any undue
8 delay or other prejudice to the appellant.”; and

9 (2) in subsection (e), by amending paragraph
10 (2) to read as follows:

11 “(2) Any hearing provided through the use of the fa-
12 cilities and equipment described in paragraph (1) shall be
13 conducted in the same manner as, and shall be considered
14 the equivalent of, a personal hearing.”.

15 **SEC. 12. IMPROVEMENTS TO AUTHORITY FOR PERFORM-**
16 **ANCE OF MEDICAL DISABILITIES EXAMINA-**
17 **TIONS BY CONTRACT PHYSICIANS.**

18 (a) EXTENSION OF TEMPORARY AUTHORITY.—Sub-
19 section (c) of section 704 of the Veterans Benefits Act
20 of 2003 (38 U.S.C. 5101 note) is amended by striking
21 “December 31, 2015” and inserting “December 31,
22 2017”.

23 (b) LICENSURE OF CONTRACT PHYSICIANS.—

24 (1) TEMPORARY AUTHORITY.—Such section
25 704 is further amended—

1 (A) by redesignating subsection (d) as sub-
2 section (e); and

3 (B) by inserting after subsection (c) the
4 following new subsection (d):

5 “(d) LICENSURE OF CONTRACT PHYSICIANS.—

6 “(1) IN GENERAL.—Notwithstanding any law
7 regarding the licensure of physicians, a physician de-
8 scribed in paragraph (2) may conduct an examina-
9 tion pursuant to a contract entered into under sub-
10 section (b) at any location in any State, the District
11 of Columbia, or a Commonwealth, territory, or pos-
12 session of the United States, so long as the examina-
13 tion is within the scope of the authorized duties
14 under such contract and the physician is not barred
15 from conducting such an examination in the location
16 in which it occurs.

17 “(2) PHYSICIAN DESCRIBED.—A physician de-
18 scribed in this paragraph is a physician who—

19 “(A) has a current license to practice the
20 health care profession of the physician; and

21 “(B) is performing authorized duties for
22 the Department of Veterans Affairs pursuant to
23 a contract entered into under subsection (b).”.

1 (2) PILOT PROGRAM.—Section 504 of the Vet-
2 erans’ Benefits Improvement Act of 1996 (38
3 U.S.C. 5101 note) is amended—

4 (A) by redesignating subsections (c) and
5 (d) as subsections (d) and (e), respectively; and

6 (B) by inserting after subsection (b) the
7 following new subsection (c):

8 “(c) LICENSURE OF CONTRACT PHYSICIANS.—

9 “(1) IN GENERAL.—Notwithstanding any law
10 regarding the licensure of physicians, a physician de-
11 scribed in paragraph (2) may conduct an examina-
12 tion pursuant to a contract entered into under sub-
13 section (a) at any location in any State, the District
14 of Columbia, or a Commonwealth, territory, or pos-
15 session of the United States, so long as the examina-
16 tion is within the scope of the authorized duties
17 under such contract and the physician is not barred
18 from conducting such an examination in the location
19 in which it occurs.

20 “(2) PHYSICIAN DESCRIBED.—A physician de-
21 scribed in this paragraph is a physician who—

22 “(A) has a current license to practice the
23 health care profession of the physician; and

1 “(B) is performing authorized duties for
2 the Department of Veterans Affairs pursuant to
3 a contract entered into under subsection (a).”.

4 **SEC. 13. PILOT PROGRAM ON FULLY DEVELOPED APPEALS.**

5 (a) IN GENERAL.—The Secretary of Veterans Affairs
6 shall carry out a pilot program to provide the option of
7 an alternative appeals process that shall more quickly de-
8 termine such appeals in accordance with this section.

9 (b) ELECTION.—

10 (1) FILING.—In accordance with paragraph

11 (2), a claimant may elect to file a fully developed ap-
12 peal under the pilot program under subsection (a) by
13 filing with the Secretary the following:

14 (A) The notice of disagreement under
15 chapter 71 of title 38, United States Code,
16 along with the written election of the claimant
17 to have the appeal determined under the pilot
18 program.

19 (B) All evidence that the claimant believes
20 is needed for the appeal as of the date of the
21 filing.

22 (C) A statement of the argument in sup-
23 port of the claim, if any.

24 (2) TIMING.—A claimant shall make an election
25 under paragraph (1) as part of the notice of dis-

1 agreement filed by the claimant in accordance with
2 paragraph (1)(A).

3 (3) REVERSION.—

4 (A) At any time, a claimant who makes an
5 election under paragraph (1) may elect to revert
6 to the standard appeals process. Such a rever-
7 sion shall be final.

8 (B) A claimant described in subparagraph
9 (A), or a claimant who makes an election under
10 paragraph (1) but is later determined to be in-
11 eligible for the pilot program under subsection
12 (a), shall revert to the standard appeals process
13 without any penalty to the claimant other than
14 the loss of the docket number associated with
15 the fully developed appeal.

16 (4) OUTREACH.—In providing claimants with
17 notices of the determination of a claim during the
18 period in which the pilot program under subsection
19 (a) is carried out, the Secretary shall conduct out-
20 reach as follows:

21 (A) The Secretary shall provide to the
22 claimant (and to the representative of record of
23 the claimant, if any) information regarding—

1 (i) the pilot program, including the
2 advantages and disadvantages of the pro-
3 gram;

4 (ii) how to make an election under
5 paragraph (1);

6 (iii) the limitation on the use of new
7 evidence described in paragraph (3) of sub-
8 section (c) and the development of infor-
9 mation under paragraph (4) of such sub-
10 section; and

11 (iv) the ability of the claimant to seek
12 advice and education regarding such proc-
13 ess from veterans service organizations, at-
14 torneys, and claims agents recognized
15 under chapter 59 of title 38, United States
16 Code.

17 (B) The Secretary shall collaborate, part-
18 ner with, and give weight to the advice of the
19 three veterans service organizations with the
20 most members to publish on the Internet
21 website of the Department of Veterans Affairs
22 an online tutorial explaining the advantages and
23 disadvantages of the pilot program.

24 (c) TREATMENT BY DEPARTMENT AND BOARD.—

1 (1) PROCESS.—Upon the election of a claimant
2 to file a fully developed appeal pursuant to sub-
3 section (b)(1), the Secretary shall—

4 (A) not provide the claimant with a state-
5 ment of the case nor require the claimant to file
6 a substantive appeal; and

7 (B) transfer jurisdiction over the fully de-
8 veloped appeal directly to the Board of Vet-
9 erans' Appeals.

10 (2) DOCKET.—

11 (A) The Board of Veterans' Appeals
12 shall—

13 (i) maintain fully developed appeals
14 on a separate docket than standard ap-
15 peals;

16 (ii) decide fully developed appeals in
17 the order that the fully developed appeals
18 are received on the fully developed appeal
19 docket;

20 (iii) except as provided by subpara-
21 graph (B), decide not more than one fully
22 developed appeal for each four standard
23 appeals decided; and

24 (iv) to the extent practicable, decide
25 each fully developed appeal by the date

1 that is one year following the date on
2 which the claimant files the notice of dis-
3 agreement.

4 (B) Beginning one year after the date on
5 which the pilot program under subsection (a)
6 commences, the Board may adjust the number
7 of standard appeals decided for each fully devel-
8 oped appeal under subparagraph (A)(iii) if the
9 Board determines that such adjustment is fair
10 for both standard appeals and fully developed
11 appeals.

12 (3) LIMITATION ON USE OF NEW EVIDENCE.—

13 (A) Except as provided by subparagraphs
14 (B) and (C)—

15 (i) a claimant may not submit or iden-
16 tify to the Board of Veterans' Appeals any
17 new evidence relating to a fully developed
18 appeal after filing such appeal unless the
19 claimant reverts to the standard appeals
20 process pursuant to subsection (b)(3); and

21 (ii) if a claimant submits or identifies
22 any such new evidence, such submission or
23 identification shall be deemed to be an
24 election to make such a reversion pursuant
25 to subsection (b)(3).

1 (B) Subparagraph (A) shall not apply to
2 evidence developed pursuant to paragraphs (4)
3 and (5). The Board shall consider such evidence
4 in the first instance without consideration by
5 the Veterans Benefits Administration.

6 (C) The representative of record of a
7 claimant for appeals purposes, if any, shall be
8 provided an opportunity to review the fully de-
9 veloped appeal of the claimant and submit any
10 additional arguments or evidence that the rep-
11 resentative determines necessary during a pe-
12 riod specified by the Board for purposes of this
13 subparagraph.

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

19 (A) in accordance with paragraph (5), take
20 such actions as may be necessary to develop
21 such records, opinions, or examinations in ac-
22 cordance with section 5103A of title 38, United
23 States Code;

24 (B) retain jurisdiction of the fully devel-
25 oped appeal without requiring a determination

1 by the Veterans Benefits Administration based
2 on such records, opinions, or examinations;

3 (C) ensure the claimant, and the represent-
4 ative of record of a claimant, if any, receives a
5 copy of such records, opinions, or examinations;
6 and

7 (D) provide the claimant a period of 90
8 days after the date of mailing such records,
9 opinions, or examinations during which the
10 claimant may provide the Board any additional
11 evidence without requiring the claimant to make
12 a reversion pursuant to subsection (b)(3).

13 (5) DEVELOPMENT UNIT.—

14 (A) The Board of Veterans' Appeals shall
15 establish an office to develop Federal records,
16 independent medical opinions, and new medical
17 examinations pursuant to paragraph (4)(A)
18 that the Board determines necessary to decide
19 a fully developed appeal.

20 (B) The Secretary shall—

21 (i) ensure that the Veterans Benefits
22 Administration cooperates with the Board
23 of Veterans' Appeals in carrying out sub-
24 paragraph (A); and

1 (ii) transfer employees of the Veterans
2 Benefits Administration who, prior to the
3 enactment of this Act, were responsible for
4 processing claims remanded by the Board
5 of Veterans' Appeals to positions within
6 the office of the Board established under
7 subparagraph (A) in a number the Sec-
8 retary determines sufficient to carry out
9 such subparagraph.

10 (6) HEARINGS.—Notwithstanding section 7107
11 of title 38, United States Code, the Secretary may
12 not provide hearings with respect to fully developed
13 appeals. If a claimant requests to hold a hearing
14 pursuant to such section 7107, such request shall be
15 deemed to be an election to revert to the standard
16 appeals process pursuant to subsection (b)(3).

17 (d) DURATION; APPLICATION.—The Secretary shall
18 carry out the pilot program under subsection (a) for a five-
19 year period beginning not later than one year after the
20 date of the enactment of this Act. This section shall apply
21 only to fully developed appeals that are filed during such
22 period.

23 (e) REPORTS.—During each year in which the pilot
24 program under subsection (a) is carried out, the Secretary
25 shall submit to the Committees on Veterans' Affairs of

1 the House of Representatives and the Senate a report on
2 the pilot program. The first such report shall be submitted
3 by not later than 180 days after the date on which the
4 pilot program commences. Each report shall include the
5 following:

6 (1) For the period covered by the report—

7 (A) the number of claimants who filed a
8 fully developed appeal under the pilot program;

9 (B) the average processing time for each
10 such appeal, measured by each phase of the ap-
11 peal, and, if the processing time for appeals ex-
12 ceed one year, the reasons for such processing
13 time;

14 (C) a summary of reasons for which the
15 development of evidence was required under
16 subsection (c)(5);

17 (D) the number of issues decided, listed by
18 the disposition of the issue;

19 (E) of the number identified in subpara-
20 graph (D), the number of issues for which evi-
21 dence was not so developed, listed by the dis-
22 position of the issue;

23 (F) of the number of fully developed ap-
24 peals decided by the Board of Veterans' Ap-
25 peals, the number of cases from each agency of

1 original jurisdiction, listed by the disposition of
2 the issue;

3 (G) the number of fully developed appeals
4 appealed to the Court of Appeals for Veterans
5 Claims, listed by the disposition of the case;

6 (H) the number of reversions made under
7 subsection (b)(3); and

8 (I) any reasons for why a claimant was de-
9 termined to be ineligible to participate in the
10 pilot program.

11 (2) A review, made in conjunction with veterans
12 service organizations, of the efforts of the Secretary
13 to provide clear rating decisions and improve dis-
14 ability rating notification letters, including with re-
15 spect to—

16 (A) the opinions of veterans service organi-
17 zations regarding such efforts; and

18 (B) how the pilot program improves such
19 efforts.

20 (3) A recommendation for any changes to im-
21 prove the pilot program.

22 (4) An assessment of the feasibility and advis-
23 ability of expanding the pilot program.

24 (f) REGULATIONS.—Not later than one day after the
25 date of the enactment of this Act, the Secretary shall pub-

1 lish interim guidance on the pilot program under sub-
2 section (a). Not later than 90 days after such date of en-
3 actment, the Secretary shall prescribe regulations to carry
4 out such pilot program.

5 (g) DEFINITIONS.—In this section:

6 (1) The term “claimant” has the meaning given
7 that term in section 5100 of title 38, United States
8 Code.

9 (2) The term “compensation” has the meaning
10 given that term in section 101 of title 38, United
11 States Code.

12 (3) The term “fully developed appeal” means
13 an appeal of a claim for disability compensation that
14 is—

15 (A) filed by a claimant in accordance with
16 subsection (b)(1); and

17 (B) considered in accordance with this sec-
18 tion.

19 (4) The term “standard appeal” means an ap-
20 peal of a claim for disability compensation that is
21 not a fully developed appeal.

1 **SEC. 14. DEADLINE FOR CERTIFICATION OF APPEALS**
2 **FORMS BY REGIONAL OFFICES OF THE DE-**
3 **PARTMENT OF VETERANS AFFAIRS.**

4 The Secretary of Veterans Affairs shall take such
5 steps as may be necessary to ensure that when a regional
6 office of the Department of Veterans Affairs receives a
7 form known as “VA Form 9, Appeal to Board of Veterans’
8 Appeals”, or any successor form, submitted by a veteran
9 to appeal a decision relating to a claim, the regional office
10 certifies such form by not later than one year after the
11 date of the receipt of the form.

12 **SEC. 15. EVALUATION OF BACKLOG OF DISABILITY CLAIMS**
13 **AND APPEALS OF CLAIMS OF DEPARTMENT**
14 **OF VETERANS AFFAIRS.**

15 (a) IN GENERAL.—There is established a commission
16 or task force to evaluate the backlog of claims within the
17 Department of Veterans Affairs and the appeals process
18 of claims.

19 (b) STUDIES.—

20 (1) BACKLOG STUDY.—

21 (A) IN GENERAL.—The Commission or
22 Task Force, acting through the subcommittee
23 described in subsection (d)(2)(A), shall carry
24 out a study on the backlog of claims, including
25 the current process the Secretary of Veterans
26 Affairs uses to evaluate claims and appeals and

1 the laws and regulations applicable to such
2 claims and appeals. Such study shall be a com-
3 prehensive evaluation and assessment of the
4 backlog of claims, an analysis of possible im-
5 provements to the procedures used to process
6 such claims, and any related issues that the
7 Commission or Task Force considers relevant.

8 (B) MATTERS INCLUDED.—In carrying out
9 the study under subparagraph (A), the Com-
10 mission or Task Force shall examine the fol-
11 lowing:

12 (i) The backlog of claims, including
13 an analysis of—

14 (I) the most effective means to
15 quickly and accurately resolve all
16 claims pending as of the date of the
17 study; and

18 (II) with respect to the Depart-
19 ment, the annual funding, number of
20 full-time employees, workload manage-
21 ment practices, and the progress, as
22 of the date of the study, of the stra-
23 tegic plan.

24 (ii) Possible improvements to the
25 claims process, including an evaluation and

1 recommendations with respect to whether
2 substantive and structural changes to the
3 overall claims process are required.

4 (iii) In carrying out the evaluation
5 and recommendations under subparagraph
6 (B), an examination of—

7 (I) options that make no major
8 substantive changes to the claims
9 process;

10 (II) options that maintain the
11 process but make minor changes; and

12 (III) options that make broad
13 changes to the process.

14 (2) APPEALS PROCESS STUDY.—

15 (A) IN GENERAL.—The Commission or
16 Task Force, acting through the subcommittee
17 described in subsection (d)(2)(B), shall carry
18 out a study on the anticipated increase of ap-
19 peals of claims, including the current appeals
20 process and the laws and regulations applicable
21 to such appeals. Such study shall be a com-
22 prehensive evaluation and assessment of such
23 anticipated increase of appeals claims, an anal-
24 ysis of possible improvements to the procedures
25 used to process such appeals, and any related

1 issues that the Commission or Task Force con-
2 siders relevant.

3 (B) MATTERS INCLUDED.—In carrying out
4 the study under subparagraph (A), the Com-
5 mission or Task Force shall examine the fol-
6 lowing:

7 (i) The anticipated surge in appeals of
8 claims, including an analysis of—

9 (I) the most effective means to
10 quickly and accurately resolve pending
11 appeals and future appeals;

12 (II) with respect to both the
13 Board and the Court of Appeals for
14 Veterans Claims, the annual funding,
15 number of full-time employees, work-
16 load management practices, and the
17 progress, as of the date of the study,
18 of the strategic plan; and

19 (III) the efficiency, effectiveness,
20 and utility of the Veterans Benefits
21 Management System with respect to
22 appeals operations, including an iden-
23 tification of key changes that may
24 need to be implemented to such sys-
25 tem.

1 (ii) Possible improvements to the ap-
2 peals process, including an evaluation and
3 recommendations with respect to whether
4 substantive and structural changes to the
5 overall appeals process are required.

6 (iii) In carrying out the evaluation
7 and recommendations under clause (ii), an
8 examination of—

9 (I) options that make no major
10 substantive changes to the appeals
11 process;

12 (II) options that maintain the
13 process but make minor changes;

14 (III) options that make broad
15 changes to the process;

16 (IV) the necessity of the multi-
17 tiered levels of appeals at the regional
18 office level, including filing a notice of
19 disagreement, receipt of a statement
20 of the case, supplemental statement of
21 the case (if applicable), and sub-
22 stantive appeal (VA Form 9);

23 (V) the role of the Board and the
24 Appeals Management Center, includ-
25 ing—

1 (aa) the effectiveness of the
2 workload management of the
3 Board and the Center;

4 (bb) whether the Board and
5 Center should be regionalized or
6 maintain the centralized struc-
7 ture in the District of Columbia;

8 (cc) whether Board members
9 should be required to pass the
10 administrative law judges certifi-
11 cation examination; and

12 (dd) whether the Board
13 should continue to require de
14 novo review of appeals; and

15 (VI) the role of the Court of Ap-
16 peals for Veterans Claims and the
17 United States Court of Appeals for
18 the Federal Circuit, including—

19 (aa) the continued effective-
20 ness and necessity of a multi-
21 tiered structure of judicial re-
22 view;

23 (bb) whether the Court of
24 Appeals for Veterans Claims

1 should have Article I or Article
2 III status;

3 (cc) expansion of either the
4 Court of Appeals for Veterans
5 Claims or the United States
6 Court of Appeals for the Federal
7 Circuit jurisdiction, including by
8 allowing such courts to hear class
9 action lawsuits with respect to
10 claims; and

11 (dd) the possibility of ex-
12 panding judicial review of claims
13 to all Federal circuit courts of
14 appeals or allowing judicial re-
15 view beyond the Court of Appeals
16 for Veterans Claims only by the
17 Supreme Court.

18 (3) CONSIDERATION.—In carrying out the stud-
19 ies under paragraph (1)(A) and (2)(A) and making
20 any recommendations under this section, the Com-
21 mission or Task Force shall consider the following:

22 (A) The interests of veterans, including
23 with respect to accuracy, fairness, and trans-
24 parency in the claims process of the Depart-
25 ment.

1 (B) The values and requirements of the
2 Constitution, including with respect to compli-
3 ance with procedural and substantive due proc-
4 ess.

5 (C) The public interest, including with re-
6 spect to the responsible use of available re-
7 sources.

8 (D) With respect to the study conducted
9 under paragraph (1)(A), the importance of the
10 claimant friendly, nonadversarial nature of the
11 claims process.

12 (E) With respect to the study conducted
13 under paragraph (2)(A), the importance of an
14 appeals process that is efficient and easily un-
15 derstandable by a claimant.

16 (4) ROLE OF SECRETARY, CHAIRMAN OF THE
17 BOARD, AND CHIEF JUDGE.—

18 (A) INFORMATION.—In carrying out each
19 study under paragraph (1)(A) and (2)(A), at
20 times that the Commission or Task Force de-
21 termines appropriate, the Commission or Task
22 Force shall submit to the Secretary of Veterans
23 Affairs, the Chairman of the Board, and the
24 Chief Judge of the Court of Appeals for Vet-
25 erans Claims, as the case may be, information

1 with respect to remedies and solutions that the
2 Commission or Task Force identifies pursuant
3 to such a study.

4 (B) IMPLEMENTATION.—The Secretary,
5 the Chairman of the Board, and the Chief
6 Judge shall each—

7 (i) fully consider the remedies and so-
8 lutions submitted to the Secretary, the
9 Chairman, or the Chief Judge, as the case
10 may be, under subparagraph (A);

11 (ii) implement such remedies and so-
12 lutions as the Secretary, the Chairman, or
13 the Chief Judge, respectively, determines
14 appropriate; and

15 (iii) submit to Congress justification
16 for failing to implement any such remedy
17 or solution.

18 (C) PLAN.—The Commission or Task
19 Force shall submit to the Secretary, the Chair-
20 man of the Board, and the Chief Judge a fea-
21 sible, timely, and cost-effective plan to eliminate
22 the backlog of appeals of claims based on the
23 remedies and solutions identified pursuant to
24 the study under paragraph (2)(A) and the in-
25 formation submitted under subparagraph (A).

1 (c) COMPREHENSIVE REPORTS.—

2 (1) INITIAL COMPREHENSIVE REPORT.—Not
3 later than 60 days after the date on which the Com-
4 mission or Task Force first meets, the Commission
5 or Task Force shall submit to the President and
6 Congress an initial comprehensive report on the
7 studies conducted under paragraphs (1)(A) and
8 (2)(A) of subsection (b), including—

9 (A) the findings of the causes of the back-
10 log of claims;

11 (B) a proposed plan to handle the antici-
12 pated surge in appeals of claims; and

13 (C) the level of cooperation the Commis-
14 sion or Task Force has received from the Sec-
15 retary and the heads of other departments or
16 agencies of the Federal Government.

17 (2) INTERIM COMPREHENSIVE REPORTS.—Not
18 later than 90 days after the date on which the Com-
19 mission or Task Force first meets, and each 30-day
20 period thereafter ending on the date on which the
21 Commission or Task Force submits the final com-
22 prehensive report under paragraph (3), the Commis-
23 sion or Task Force shall submit to the President
24 and Congress a comprehensive report on—

1 (A) the progress of the Secretary with re-
2 spect to implementing solutions to expedite the
3 elimination of the backlog of claims pursuant to
4 subsection (b)(4)(B)(ii);

5 (B) the progress of the Secretary, the
6 Chairman of the Board, and the Chief Judge of
7 the Court of Appeals for Veterans Claims with
8 respect to implementing solutions to complete
9 appeals of claims in a timely manner in a time-
10 ly manner pursuant to such subsection; and

11 (C) the level of cooperation the Commis-
12 sion or Task Force has received from the Sec-
13 retary and the heads of other departments or
14 agencies of the Federal Government.

15 (3) FINAL COMPREHENSIVE REPORT.—Not
16 later than 180 days after the date on which the
17 Commission or Task Force first meets, the Commis-
18 sion or Task Force shall submit to the President
19 and Congress a comprehensive report on the fol-
20 lowing:

21 (A) With respect to the study conducted
22 under subsection (b)(1)(A)—

23 (i) The findings, conclusions, and rec-
24 ommendations of the Commission or Task

1 Force with respect to the matters referred
2 to in such subsection.

3 (ii) The recommendations of the Com-
4 mission or Task Force for revising and im-
5 proving the backlog of claims and the pro-
6 cedures used to process claims.

7 (iii) The progress of the Secretary
8 with respect to implementing solutions to
9 expedite the elimination of the backlog of
10 claims pursuant to subsection (b)(4)(B)(ii).

11 (iv) Other information and rec-
12 ommendations with respect to claims as
13 the Commission or Task Force considers
14 appropriate.

15 (B) With respect to the study conducted
16 under subsection (b)(2)(A)—

17 (i) The findings, conclusions, and rec-
18 ommendations of the Commission or Task
19 Force with respect to the matters referred
20 to in such subsection.

21 (ii) The recommendations of the Com-
22 mission or Task Force for revising and im-
23 proving the appeals process;

24 (iii) The information described in sub-
25 section (b)(4)(A).

1 (iv) The feasible, timely, and cost ef-
2 fective plan described in subsection
3 (b)(4)(C).

4 (v) The progress of the Secretary, the
5 Chairman of the Board, and the Chief
6 Judge of the Court of Appeals for Vet-
7 erans Claims with respect to implementing
8 solutions to provide timely appeals of
9 claims.

10 (vi) Other information and rec-
11 ommendations with respect to the appeals
12 process as the Commission or Task Force
13 considers appropriate.

14 (d) MEMBERSHIP.—

15 (1) NUMBER AND APPOINTMENT.—The Com-
16 mission or Task Force shall be composed of 15
17 members, appointed as follows:

18 (A) Two members appointed by the Speak-
19 er of the House of Representatives, one of
20 whom shall be designated to serve upon the
21 Subcommittee on the Backlog of Claims and
22 one of whom shall be designated to serve upon
23 the Subcommittee on Appeals.

24 (B) Two members appointed by the minor-
25 ity leader of the House of Representatives, one

1 of whom shall be designated to serve upon the
2 Subcommittee on the Backlog of Claims and
3 one of whom shall be designated to serve upon
4 the Subcommittee on Appeals.

5 (C) Two members appointed by the major-
6 ity leader of the Senate, one of whom shall be
7 designated to serve upon the Subcommittee on
8 the Backlog of Claims and one of whom shall
9 be designated to serve upon the Subcommittee
10 on Appeals.

11 (D) Two members appointed by the minor-
12 ity leader of the Senate, one of whom shall be
13 designated to serve upon the Subcommittee on
14 the Backlog of Claims and one of whom shall
15 be designated to serve upon the Subcommittee
16 on Appeals.

17 (E) Three members appointed by the
18 President, two of whom shall be designated to
19 serve upon the Subcommittee on the Backlog of
20 Claims and one of whom shall be designated to
21 serve upon the Subcommittee on Appeals.

22 (F) One member appointed by the Sec-
23 retary of Defense, whom shall be designated to
24 serve upon the Subcommittee on the Backlog of
25 Claims.

1 (G) Two members appointed by the Sec-
2 retary of Veterans Affairs, one of whom shall be
3 designated to serve upon the Subcommittee on
4 the Backlog of Claims and one of whom shall
5 be designated to serve upon the Subcommittee
6 on Appeals.

7 (H) One member appointed by the Chief
8 Judge of the Court of Appeals for Veterans
9 Claims, whom shall be designated to serve upon
10 the Subcommittee on Appeals.

11 (2) SUBCOMMITTEES.—The Commission or
12 Task Force shall have two subcommittees as follows:

13 (A) A Subcommittee on the Backlog of
14 Claims consisting of the eight members des-
15 ignated in accordance with paragraph (1).

16 (B) A Subcommittee on Appeals consisting
17 of the seven members designated in accordance
18 with paragraph (1).

19 (3) QUALIFICATIONS.—Each member appointed
20 under paragraph (1) shall be appointed based on the
21 experience of the member as a veteran or on the
22 subject matter expertise or other relevant experience
23 of the member.

24 (4) ADVISORS.—

1 (A) IN GENERAL.—In addition to the 15
2 members appointed under paragraph (1), the
3 Commission or Task Force shall—

4 (i) have five nonvoting, nonmember
5 advisors, appointed by a majority of the
6 Commission or Task Force, each from a
7 different organization that represents the
8 interests of veterans; and

9 (ii) seek advice from experts from
10 nongovernmental organizations (including
11 veterans service organizations and military
12 organizations), the Internet technology in-
13 dustry, and the insurance industry.

14 (B) ADVICE.—Individuals described in
15 clause (i) and (ii) of subparagraph (A) shall
16 provide advice to both subcommittees described
17 in paragraph (2).

18 (5) CHAIRMAN.—The President shall designate
19 a member of the Commission or Task Force who is
20 appointed by the President and designated to serve
21 upon the Subcommittee on the Backlog of Claims to
22 serve as the chairman of the Commission or Task
23 Force. The chairman may designate a member to
24 serve as the chairman of the Subcommittee on the
25 Backlog of Claims and a member to serve as the

1 chairman of the Subcommittee on Appeals to chair
2 such subcommittees as the designee of the chairman
3 of the Commission or Task Force.

4 (6) PERIOD OF APPOINTMENT.—Members of
5 the Commission or Task Force shall be appointed
6 for the life of the Commission or Task Force. A va-
7 cancy shall not affect its powers.

8 (7) VACANCY.—A vacancy on the Commission
9 or Task Force shall be filled in the manner in which
10 the original appointment was made.

11 (8) APPOINTMENT DEADLINE.—The appoint-
12 ment of members of the Commission or Task Force
13 established in this section shall be made not later
14 than 15 days after the date of the enactment of this
15 Act.

16 (e) MEETINGS.—

17 (1) INITIAL MEETING.—The Commission or
18 Task Force shall hold its first meeting not later
19 than 15 days after the date on which a majority of
20 the members are appointed.

21 (2) MEETINGS.—The Commission or Task
22 Force shall meet at the call of the chairman.

23 (3) QUORUM.—A majority of the members of
24 the Commission or Task Force shall constitute a
25 quorum, but a lesser number may hold hearings.

1 (f) POWERS OF THE COMMISSION OR TASK FORCE.—

2 (1) HEARINGS.—The Commission or Task
3 Force may hold such hearings, sit and act at such
4 times and places, take such testimony, and receive
5 such evidence as the Commission or Task Force con-
6 siders advisable to carry out the purposes of this
7 section.

8 (2) INFORMATION FROM FEDERAL AGENCIES.—

9 The Commission or Task Force may secure directly
10 from any department or agency of the Federal Gov-
11 ernment such information as the Commission or
12 Task Force considers necessary to carry out the pro-
13 visions of this section. Upon request of the chair-
14 man, the head of such department or agency shall
15 furnish such information to the Commission or Task
16 Force.

17 (3) POSTAL SERVICES.—The Commission or
18 Task Force may use the United States mails in the
19 same manner and under the same conditions as
20 other departments and agencies of the Federal Gov-
21 ernment.

22 (4) GIFTS.—The Commission or Task Force
23 may accept, use, and dispose of gifts or donations of
24 service or property.

25 (g) PERSONNEL MATTERS.—

1 (1) COMPENSATION OF MEMBERS.—Each mem-
2 ber of the Commission or Task Force who is not an
3 officer or employee of the United States shall be
4 compensated at a rate equal to the daily equivalent
5 of the annual rate of basic pay prescribed for level
6 IV of the Executive Schedule under section 5315 of
7 title 5, United States Code, for each day (including
8 travel time) during which the member is engaged in
9 the performance of the duties of the Commission or
10 Task Force. All members of the Commission or
11 Task Force who are officers or employees of the
12 United States shall serve without compensation in
13 addition to that received for their services as officers
14 or employees of the United States.

15 (2) TRAVEL EXPENSES.—The members of the
16 Commission or Task Force shall be allowed travel
17 expenses, including per diem in lieu of subsistence,
18 at rates authorized for employees of agencies under
19 subchapter I of chapter 57 of title 5, United States
20 Code, while away from their homes or regular places
21 of business in the performance of service of the
22 Commission or Task Force.

23 (3) STAFF.—

24 (A) APPOINTMENT.—The chairman of the
25 Commission or Task Force may, without regard

1 to the civil service laws and regulations, appoint
2 an executive director and such other personnel
3 as may be necessary to enable the Commission
4 or Task Force to perform its duties. The ap-
5 pointment of an executive director shall be sub-
6 ject to the approval of the Commission or Task
7 Force.

8 (B) COMPENSATION.—The chairman of
9 the Commission or Task Force may fix the
10 compensation of the executive director and
11 other personnel without regard to the provisions
12 of chapter 51 and subchapter III of chapter 53
13 of title 5, United States Code, relating to classi-
14 fication of positions and General Schedule pay
15 rates, except that the rate of pay for the execu-
16 tive director and other personnel may not ex-
17 ceed the rate payable for level V of the Execu-
18 tive Schedule under section 5316 of such title.

19 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
20 Upon request of the chairman of the Commission or
21 Task Force, the head of any department or agency
22 of the Federal Government may detail, on a nonre-
23 imburseable basis, any personnel of that department
24 or agency to the Commission or Task Force to assist
25 it in carrying out its duties.

1 (5) PROCUREMENT OF TEMPORARY AND INTER-
2 MITTENT SERVICES.—The chairman of the Commis-
3 sion or Task Force may procure temporary and
4 intermittent services under section 3109(b) of title
5 5, United States Code, at rates for individuals which
6 do not exceed the daily equivalent of the annual rate
7 of basic pay prescribed for level V of the Executive
8 Schedule under section 5316 of such title.

9 (h) TERMINATION OF COMMISSION OR TASK
10 FORCE.—The Commission or Task Force shall terminate
11 60 days after the date on which the Commission or Task
12 Force submits the final comprehensive report under sub-
13 section (c)(3).

14 (i) FUNDING.—

15 (1) IN GENERAL.—The Secretary shall, upon
16 the request of the chairman of the Commission or
17 Task Force, make available to the Commission or
18 Task Force such amounts as the Commission or
19 Task Force may require to carry out the duties of
20 the Commission or Task Force under this section.

21 (2) AVAILABILITY.—Any sums made available
22 to the Commission or Task Force shall remain avail-
23 able, without fiscal year limitation, until the termi-
24 nation of the Commission or Task Force.

25 (j) DEFINITIONS.—In this section:

1 (1) The term “appeals process” means the
2 process to appeal the determination by the Secretary
3 of a claim beginning with the notice of disagreement
4 filed pursuant to section 7105 of title 38, United
5 States Code, and ending with the review of a deci-
6 sion by the Supreme Court pursuant to section
7 7292(e) of such title.

8 (2) The term “Board” means the Board of Vet-
9 erans’ Appeals.

10 (3) The term “strategic plan” means the Stra-
11 tegic Plan to Eliminate the Compensation Claims
12 Backlog, published by the Secretary of Veterans Af-
13 fairs on January 25, 2013.

14 **SEC. 16. DESIGNATION OF AMERICAN WORLD WAR II CIT-**
15 **IES.**

16 (a) IN GENERAL.—The Secretary of Veterans Affairs
17 shall designate at least one city in the United States each
18 year as an “American World War II City”.

19 (b) CRITERIA FOR DESIGNATION.—After the des-
20 ignation made under subsection (c), the Secretary, in con-
21 sultation with the Secretary of Defense, shall make each
22 designation under subsection (a) based on the following
23 criteria:

24 (1) Contributions by a city to the war effort
25 during World War II, including those related to de-

1 fense manufacturing, bond drives, service in the
2 Armed Forces, and the presence of military facilities
3 within the city.

4 (2) Efforts by a city to preserve the history of
5 the city's contributions during World War II, includ-
6 ing through the establishment of preservation orga-
7 nizations or museums, restoration of World War II
8 facilities, and recognition of World War II veterans.

9 (c) **FIRST AMERICAN WORLD WAR II CITY.**—The
10 city of Wilmington, North Carolina, is designated as an
11 “American World War II City”.

12 **SEC. 17. SENSE OF CONGRESS REGARDING AMERICAN VET-**
13 **ERANS DISABLED FOR LIFE.**

14 (a) **FINDINGS.**—Congress makes the following find-
15 ings:

16 (1) There are at least 3,600,000 veterans cur-
17 rently living with service-connected disabilities.

18 (2) As a result of their service, many veterans
19 are permanently disabled throughout their lives and
20 in many cases must rely on the support of their fam-
21 ilies and friends when these visible and invisible bur-
22 dens become too much to bear alone.

23 (3) October 5, which is the anniversary of the
24 dedication of the American Veterans Disabled for
25 Life Memorial, has been recognized as an appro-

1 piate day on which to honor American veterans dis-
2 abled for life each year.

3 (b) SENSE OF CONGRESS.—Congress—

4 (1) expresses its appreciation to the men and
5 women left permanently wounded, ill, or injured as
6 a result of their service in the Armed Forces;

7 (2) supports the annual recognition of Amer-
8 ican veterans disabled for life each year; and

9 (3) encourages the American people to honor
10 American veterans disabled for life each year with
11 appropriate programs and activities.

Amend the title so as to read: “A bill to make cer-
tain improvements in the laws administered by the Sec-
retary of Veterans Affairs relating to disability and me-
morial affairs, and for other purposes”.

