

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2137  
OFFERED BY MR. LUTTRELL OF TEXAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Review Every Veterans  
3 Claim Act of 2025”.

**4 SEC. 2. PROHIBITION ON DENIAL OF CLAIMS FOR BENE-  
5 FITS UNDER LAWS ADMINISTERED BY SEC-  
6 RETARY OF VETERANS AFFAIRS ON SOLE  
7 BASIS THAT VETERAN FAILED TO APPEAR  
8 FOR CERTAIN MEDICAL EXAMINATION.**

9       Subsection (d) of section 5103A of title 38, United  
10 States Code, is amended—

11           (1) in the heading, by striking “COMPENSATION  
12 CLAIMS” and inserting “CLAIMS FOR BENEFITS”;

13           (2) in paragraph (2), by striking “treat an ex-  
14 amination or opinion as being necessary to make a  
15 decision on a claim for purposes of” and inserting  
16 “provide for a medical examination or obtain a med-  
17 ical opinion under”; and

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

3       “(3) If a veteran fails to appear for a medical exam-  
4       ination provided by the Secretary in conjunction with a  
5       claim for a benefit under a law administered by the Sec-  
6       retary, the Secretary may not deny such claim on the sole  
7       basis that such veteran failed to appear for such medical  
8       examination.”.

9       **SEC. 3. IMPROVEMENTS TO EFFICIENCY OF ADJUDICA-**  
10                   **TIONS AND APPEALS OF CLAIMS FOR BENE-**  
11                   **FITS UNDER LAWS ADMINISTERED BY SEC-**  
12                   **RETARY OF VETERANS AFFAIRS.**

13       (a) ANNUAL REPORT ON LENGTH OF ADJUDICA-  
14       TIONS.—

15           (1) IN GENERAL.—Section 5109B of title 38,  
16       United States Code, is amended—

17                   (A) by striking “The Secretary” and in-  
18       serting “(a) IN GENERAL.—The Secretary”;  
19       and

20                   (B) by adding at the end the following new  
21       subsection:

22       “(b) ANNUAL REPORT.—The Secretary shall submit  
23       to the Committees on Veterans’ Affairs of the House of  
24       Representatives and the Senate an annual report that in-  
25       cludes, with respect to the period covered by the report—

1 “(1) the average length of time a claim (or an  
2 issue within a claim) that was remanded by the  
3 Board of Veterans’ Appeals was or has been pending  
4 before the Secretary after such remand;

5 “(2) the number of cases that advanced on the  
6 docket by reason of a motion that was filed under  
7 7107(b) of this title and on which the Board ruled,  
8 disaggregated by—

9 “(A) whether a motion was granted or de-  
10 nied; and

11 “(B) the reason provided for the motion;  
12 and

13 “(3) the number of appeals dismissed by the  
14 Board, disaggregated by—

15 “(A) whether or not the dismissal was by  
16 reason of the death of the appellant; and

17 “(B) in the case of a dismissal by reason  
18 of the death of the appellant, whether or not  
19 such death was a result of suicide.”.

20 (2) DEADLINE.—The Secretary of Veterans Af-  
21 fairs shall submit the first report required by sub-  
22 section (b) of section 5109B of such title (as added  
23 by paragraph (1)) by not later than one year after  
24 the date of the enactment of this Act.

1 (b) GUIDELINES FOR ADVANCEMENT OF CASES ON  
2 DOCKET OF BOARD.—Not later than one year after the  
3 date of the enactment of this Act, the Secretary of Vet-  
4 erans Affairs, in consultation with the Board of Veterans’  
5 Appeals and the General Counsel of the Department of  
6 Veterans Affairs, shall prescribe guidelines for the ad-  
7 vancement of a case on the docket of the Board on a mo-  
8 tion for earlier consideration and determination under sec-  
9 tion 7107(b)(3) of title 38, United States Code. Such  
10 guidelines shall include the type of evidence that may be  
11 submitted with the motion for the advancement of the case  
12 to show grounds for such a motion.

13 (c) REQUIREMENT TO TRACK CERTAIN CLAIMS FOR  
14 BENEFITS.—

15 (1) IN GENERAL.—Chapter 51 of title 38,  
16 United States Code, is amended by inserting after  
17 section 5109B the following new section:

18 **“§ 5109C. Requirement to track and maintain infor-**  
19 **mation on certain claims for benefits; no-**  
20 **tice of certain assignments**

21 “(a) IN GENERAL.—The Secretary shall use tech-  
22 nology to track and maintain information (including infor-  
23 mation with respect to timeliness) on—

1 “(1) claims for benefits under the laws adminis-  
2 tered by the Secretary (including issues within such  
3 claims) that are—

4 “(A) continuously pursued in accordance  
5 with—

6 “(i) sections 5104C(a) and 5110(a)(2)  
7 of this title; or

8 “(ii) any other policy established by  
9 the Secretary;

10 “(B) filed in the National Work Queue (or  
11 any successor system) but have not been as-  
12 signed to an office of the Veterans Benefits Ad-  
13 ministration for adjudication;

14 “(C) afforded expeditious treatment by the  
15 Veterans Benefits Administration pursuant to  
16 section 5109B of this title or any other policy  
17 established by the Secretary;

18 “(D) remanded by the Board of Veterans’  
19 Appeals to the Secretary pursuant to section  
20 7104 of this title; or

21 “(E) pending a hearing by the Board of  
22 Veterans’ Appeals under section 7107 of this  
23 title;

24 “(2) instances in which an adjudicator of the  
25 Veterans Benefits Administration does not comply

1 with a relevant decision of the Board of Veterans'  
2 Appeals to remand a claim for benefits under the  
3 laws administered by the Secretary (or an issue  
4 within such a claim), including any such instance in  
5 which the relevant decision concerned a failure on  
6 the part of the agency of original jurisdiction to sat-  
7 isfy the duty of the Secretary to assist under section  
8 5103A of this title;

9 “(3) supplemental claims under section 5108 of  
10 this title that are filed—

11 “(A) in accordance with section 5104C(a)  
12 and section 5110(a)(2) of this title; and

13 “(B) after the date of the applicable final  
14 decision of the Secretary with respect to a claim  
15 for benefits under the laws administered by the  
16 Secretary (or an issue within such a claim);

17 “(4) first notices submitted to the Secretary of  
18 the death of individuals in receipt of benefits under  
19 the laws administered by the Secretary,  
20 disaggregated by such individuals who were—

21 “(A) assigned a fiduciary; and

22 “(B) not assigned a fiduciary.

23 “(b) ANNUAL REPORT.—(1) The Secretary shall sub-  
24 mit to the Committees on Veterans' Affairs of the House  
25 of Representatives and the Senate an annual report that

1 includes all information maintained and tracked pursuant  
2 to subsection (a).

3 “(2) The first report required by paragraph (1) shall  
4 be submitted by not later than one year after the date  
5 of the enactment of the Veterans Appeals Efficiency Act  
6 of 2025.”.

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

“Sec. 5109C. Requirement to track and maintain information on certain claims  
for benefits; notice of certain assignments.”.

11 (d) IMPROVEMENTS TO BOARD OF VETERANS’ AP-  
12 PEALS.—

13 (1) AUTHORITY TO AGGREGATE CERTAIN  
14 CLAIMS.—

15 (A) IN GENERAL.—Section 7104(a) of  
16 such title is amended by inserting after the sec-  
17 ond sentence the following new sentence: “If  
18 the Chairman of the Board determines that  
19 more than one appeal involves common ques-  
20 tions of law or fact, the Chairman may aggre-  
21 gate such appeals to decide such questions of  
22 law or fact.”.

23 (B) EFFECTIVE DATE.—The amendment  
24 made by subparagraph (A) shall take effect on

1 the date of the enactment of this Act and apply  
2 beginning on the date on which the Secretary of  
3 Veterans Affairs completes the development of  
4 the policies and procedures required under sub-  
5 section (g)(4)(A)(ii).

6 (2) REQUIREMENT TO ENSURE SUBSTANTIAL  
7 COMPLIANCE WITH CERTAIN DECISIONS.—Such sec-  
8 tion is further amended—

9 (A) by redesignating subsection (f) as sub-  
10 section (g); and

11 (B) by inserting after subsection (e) the  
12 following new subsection (f):

13 “(f)(1) The Secretary, acting through a member of  
14 the Board, shall ensure substantial compliance with any  
15 decision of the Board to remand a claim.

16 “(2) The agency of original adjudication may waive  
17 the requirement under paragraph (1) with respect to a de-  
18 cision of the Board to remand a claim to the Secretary,  
19 if a member of the Board determines—

20 “(A) evidence added to the evidentiary record  
21 after the date of such decision is sufficient to resolve  
22 the issues underlying such decision; or

23 “(B) such decision was unnecessary.

24 “(3) If the Secretary waives such requirement, the  
25 applicable member of the Board shall include, pursuant



1 to subsection (d), a determination of such waiver in the  
2 decision of the Board.”.

3 (3) DEFINITION OF AGGREGATE; REPORT.—

4 Such section is further amended by adding at the  
5 end the following new subsections:

6 “(h) Not later than five years after the date of the  
7 enactment of the Veterans Appeals Efficiency Act of 2025,  
8 and every five years thereafter, the Secretary shall submit  
9 to the Committees on Veterans’ Affairs of the Senate and  
10 House of Representatives a report on the aggregation of  
11 claims by the Board under subsection (a). Each such re-  
12 port shall include—

13 “(1) an identification of each instance in which  
14 the Board aggregated appeals during the period cov-  
15 ered by the report, including, for each such instance,  
16 the number of appeals that were aggregated;

17 “(2) an assessment of whether the aggregation  
18 of appeals has contributed to improved efficiency at  
19 the Board with issuing decisions on appeals; and

20 “(3) such other matters as the Secretary deter-  
21 mines appropriate.

22 “(i) In this section, the term ‘aggregate’—

23 “(1) means any practice or procedure to collect  
24 common issues, claims, or appeals by multiple par-

1       ties for the purposes of resolving such issues, claims,  
2       or appeals; and

3           “(2) includes the use of joinder, consolidation,  
4       intervention, class actions, and any other multiparty  
5       proceedings.”.

6       (e) EXPANSION OF JURISDICTION OF COURT OF AP-  
7       PEALS FOR VETERANS CLAIMS.—Section 7252 of title 38,  
8       United States Code, is amended—

9           (1) by redesignating subsections (b) and (c) as  
10       subsections (d) and (e), respectively; and

11          (2) by inserting after subsection (a) the fol-  
12       lowing new subsections:

13       “(b)(1)(A) In a covered proceeding in which the ap-  
14       pellant or petitioner files a request for class certification  
15       pursuant to the rules prescribed by the Court pursuant  
16       to section 7264 of this title, the Court shall have supple-  
17       mental jurisdiction over any claim for benefits under the  
18       laws administered by the Secretary—

19           “(i) that satisfies the definition of the class  
20       contained in the request for class certification;  
21       and

22           “(ii) for which the agency of original juris-  
23       diction has issued a nonfinal decision and the  
24       claimant has filed a notice of disagreement  
25       under section 5104C(a) or section 7105 of this

1 title, including any case in which a claimant has  
2 filed a supplemental claim within one year of a  
3 Board decision under section 5110(a)(2)(D)  
4 and 5108 of this title following a notice of dis-  
5 agreement and decision of the Board.

6 “(B) For purposes of subparagraph (A)—

7 “(i) a covered proceeding means an appeal over  
8 which the Court has jurisdiction pursuant to section  
9 7266 of this title; and

10 “(ii) the definition of the class contained in the  
11 request for class certification includes claimants who  
12 have filed or will file a claim for benefits under the  
13 laws administered by the Secretary specified in such  
14 request for class certification.

15 “(2) A claimant may submit a request for administra-  
16 tive review of such a claim under section 5104C(a) of this  
17 title during the period beginning on the date on which the  
18 named claimant of the motion for class action review sub-  
19 mits to the Court a motion for class action review and  
20 ending on the date that is 60 days after the later of the  
21 following dates:

22 “(A) The date on which the Court issues a final  
23 decision with respect to such claim.

1           “(B) The date on which the Court issues a final  
2           decision with respect to such motion for class action  
3           review.

4           “(3) In the case of a claimant whose claim is decided  
5           by the Board during the period when the Court is review-  
6           ing the motion for class action review the deadline for such  
7           claimant to file an appeal to the Court with respect to  
8           the decision of the Board shall be tolled if the Court denies  
9           the motion for class action review.

10          “(c)(1) In the case of a claim for benefits under the  
11          laws administered by the Secretary, the Court may re-  
12          mand a matter to the Board of Veterans’ Appeals for the  
13          limited purpose of ordering the Board to address a ques-  
14          tion of law or fact if the Court determines the Board failed  
15          to—

16               “(A) address, in the relevant decision of the  
17          Board, an issue that—

18                       “(i) the claimant or the representative of  
19                       the claimant raised; or

20                       “(ii) was reasonably raised by the evi-  
21                       dentiary record of the claim; or

22               “(B) provide adequate reasons or bases for the  
23          decision of the Board with respect to such question.

24          “(2) The Court shall issue Rules that provide for  
25          each of the following:

1           “(A) When and how a party to an appeal (ei-  
2           ther the appellant or the Secretary) may request  
3           that the Court issue a limited remand.

4           “(B) The period of time within which the  
5           Board is required issue a decision on the relevant  
6           question identified in a limited remand.

7           “(C) Guidelines for when the Court may grant  
8           a request for a limited remand.

9           “(D) Guidelines for when the Court may decide  
10          sua sponte to issue a limited remand without a re-  
11          quest from any party.

12          “(E) A requirement that the parties to an ap-  
13          peal for which a limited remand is issued provide no-  
14          tice to the Court when the Board issues its decision  
15          on the relevant question identified in the limited re-  
16          mand.

17          “(3) With respect to any matter remanded to the  
18          Board pursuant to paragraph (1), the Court shall—

19               “(A) retain jurisdiction over such matter; and

20               “(B) stay the proceedings of the Court on such  
21          matter until the date on which the Board issues the  
22          decision required by such remand.”.

23          (f) STUDY AND REPORT ON COMMON QUESTIONS OF  
24          LAW OR FACT BEFORE BOARD OF VETERANS’ AP-  
25          PEALS.—

1           (1) STUDY.—The Chairman of the Board of  
2       Veterans' Appeals shall carry out a study to identify  
3       questions of law or fact the Board commonly con-  
4       siders when reviewing appeals pursuant to section  
5       7104 of title 38, United States Code, for which pre-  
6       cedential guidance would assist the Board in issuing  
7       final decisions on such appeals. The Chairman may  
8       use artificial intelligence and other technology in  
9       carrying out such study.

10          (2) REPORT.—Not later than one year after the  
11       date of the enactment of this Act, the Chairman of  
12       the Board of Veterans Appeals shall submit to the  
13       Committees on Veterans Affairs of the House of  
14       Representatives and the Senate a report that in-  
15       cludes the findings of the study required by para-  
16       graph (1).

17       (g) INDEPENDENT ASSESSMENT OF POTENTIAL  
18       MODIFICATIONS TO AUTHORITY OF BOARD OF VET-  
19       ERANS' APPEALS.—

20          (1) AGREEMENT.—Not later than 30 days after  
21       the date of the enactment of this Act, the Secretary  
22       of Veterans Affairs shall seek to enter into an agree-  
23       ment with an FFRDC under which the FFRDC  
24       shall conduct an assessment of the feasibility of  
25       modifying the authority of the Board of Veterans'

1 Appeals established under chapter 71 of title 38,  
2 United States Code, to permit the Board to issue  
3 precedential decisions with respect to questions of  
4 law or fact arising in matters before the Board.

5 (2) REPORT; BRIEFINGS.—If the Secretary fails  
6 to finalize an agreement with an FFRDC under  
7 paragraph (1) before the date that is 180 days after  
8 the date on which the Secretary enters negotiations  
9 with respect to such agreement, the Secretary  
10 shall—

11 (A) submit to the Committees on Veterans’  
12 Affairs of the House of Representatives and the  
13 Senate a report that includes—

14 (i) an explanation of the reasons the  
15 Secretary failed to satisfy such require-  
16 ment; and

17 (ii) an estimate of the date on which  
18 the Secretary will finalize the agreement  
19 under paragraph (1); and

20 (B) not less frequently than once every 60  
21 days after the date on which the Secretary  
22 failed to satisfy such requirement, provide to  
23 the Committees on Veterans’ Affairs of the  
24 House of Representatives and the Senate a

1           briefing on the progress of the Secretary toward  
2           finalizing such agreement.

3           (3) ASSESSMENT.—An FFRDC that enters into  
4           an agreement under subsection (a) shall, in con-  
5           sultation with veterans service organizations, vet-  
6           erans’ and survivors’ advocate groups, relevant legal  
7           experts, and the Chair of the Administrative Con-  
8           ference of the United States (or the designee or des-  
9           ignees of such Chair) submit to the Secretary a writ-  
10          ten assessment that includes the following:

11                (A) The determination of the FFRDC of  
12                whether modifying the authority of the Board  
13                to permit the Board to issue precedential deci-  
14                sions with respect to questions of law or fact  
15                arising in matters before the Board is feasible.

16                (B) An assessment of the authority of the  
17                Board of Veterans’ Appeals to aggregate, for  
18                review, more than one appeal under chapter 71  
19                of such title that involves common questions of  
20                law or fact pursuant to section 7104 of such  
21                title, as amended by subsection (d)(1).

22                (C) The recommendations of the FFRDC  
23                with respect to rules or principles to which the  
24                Board should adhere when aggregating appeals



1 for review pursuant to section 7104(a) of title  
2 38, United States Code, as so amended.

3 (4) REPORT; IMPLEMENTATION.—

4 (A) IN GENERAL.—Not later than 90 days  
5 after the Secretary receives the assessment  
6 under subsection (b), the Secretary shall—

7 (i) submit to the Committees on Vet-  
8 erans' Affairs of the Senate and House of  
9 Representatives a copy of such assessment;  
10 and

11 (ii) begin developing policies and pro-  
12 cedures to implement the recommendations  
13 in the assessment with respect to the au-  
14 thority of the Board of Veterans' Appeals  
15 referred to in paragraph (2)(B).

16 (B) DEADLINE.—The Secretary shall com-  
17 plete the development of the policies and proce-  
18 dures required under subparagraph (A)(ii) by  
19 not later than six months after the date on  
20 which the Secretary begins developing such poli-  
21 cies and procedures.

22 (5) DEFINITIONS.—In this subsection:

23 (A) The term “FFRDC” means a federally  
24 funded research and development center.

1 (B) The term “veterans service organiza-  
2 tion” means an organization recognized by the  
3 Secretary for the representation of veterans  
4 under section 5902 of title 38, United States  
5 Code.

6 **SEC. 4. IMPROVEMENTS TO SYSTEM FOR ADJUDICATION**  
7 **OF CLAIMS FOR BENEFITS UNDER LAWS AD-**  
8 **MINISTERED BY SECRETARY OF VETERANS**  
9 **AFFAIRS.**

10 (a) PROGRAM FOR QUALITY ASSURANCE IN DECISIONS OF BOARD OF VETERANS’ APPEALS; PERFORMANCE REVIEWS.—

13 (1) IN GENERAL.—Section 7101 of title 38,  
14 United States Code, is amended by adding at the  
15 end the following new subsection:

16 “(f)(1) The Chairman shall carry out a program to  
17 ensure quality in the decisions of the Board. Under such  
18 program, the Chairman shall—

19 “(A) develop policies and procedures for—

20 “(i) measuring quality in such decisions;

21 “(ii) maintaining data and identifying  
22 trends with respect to—

23 “(I) errors in such decisions;

1 “(II) errors in decisions remanded or  
2 returned to the Board by the Court of Ap-  
3 peals for Veterans Claims; and

4 “(III) specific members of the Board  
5 that issued decisions that were subse-  
6 quently vacated by the Court of Appeals  
7 for Veterans Claims; and

8 “(iii) ensuring any such decision of the  
9 Board to remand a claim for a benefit under a  
10 law administered by the Secretary is necessary  
11 under any applicable law or regulation;

12 “(B) with respect to a claim for such a benefit  
13 that is remanded to the Board by the Court of Ap-  
14 peals for Veterans Claims—

15 “(i) inform any employee of the Board re-  
16 sponsible for drafting the decision of the Board  
17 with respect to such claim that such decision  
18 was remanded;

19 “(ii) provide any such employee with a  
20 copy of the relevant order of the Court of Ap-  
21 peals for Veterans Claims (including a copy of  
22 any accompanying joint motion for remand);  
23 and

1                   “(iii) provide incentives to such employees  
2                   to review such relevant orders and joint motions  
3                   for remand; and

4                   “(C) ensure, to the maximum extent prac-  
5                   ticable, that any error identified by the Board under  
6                   such program is corrected before the date on which  
7                   the Board issues the final decision associated with  
8                   such error.

9                   “(2) In developing policies and procedures to measure  
10                  quality in decisions of the Board pursuant to clause (i)  
11                  of subparagraph (A) of paragraph (1), the Chairman shall  
12                  consider the data and trends maintained and identified  
13                  pursuant to clause (ii) of such subparagraph.

14                  “(3) The Chairman may use technology, including ar-  
15                  tificial intelligence, to maintain such data and identify  
16                  such trends.

17                  “(4) The Secretary shall submit to the Committees  
18                  on Veterans’ Affairs of the House of Representatives and  
19                  the Senate an annual report on the program required by  
20                  this subsection that includes, with respect to the period  
21                  covered by the report, an identification of—

22                  “(A) elements, if any of the process of the  
23                  Board for reviewing an appeal under this chapter  
24                  that lead to errors in decisions of the Board; and

1 “(B) the most common reasons that a claim for  
2 a benefit under a law administered by the Secretary  
3 was remanded to such Board by the Court of Ap-  
4 peals for Veterans Claims.”.

5 (2) DEADLINE.—The Secretary shall submit  
6 the first report required by paragraph (2) of such  
7 section (as added by paragraph (1)) by not later  
8 than one year after the date of the enactment of this  
9 Act.

10 (b) TRAINING PROGRAM FOR CERTAIN EMPLOYEES  
11 OF BOARD OF VETERANS’ APPEALS; PERFORMANCE RE-  
12 VIEWS.—

13 (1) TRAINING PROGRAM.—

14 (A) IN GENERAL.—Chapter 71 of such  
15 title (as amended by subsection (a)) is further  
16 amended by inserting after section 7101A the  
17 following new section:

18 **“§ 7101B. Training program for Members of Board on**  
19 **timely and correct adjudication of ap-**  
20 **peals**

21 “(a) IN GENERAL.—The Secretary, in conjunction  
22 with the Chairman of the Board of Veterans’ Appeals,  
23 shall develop and carry out a program to provide Members  
24 of the Board training on timely and correct adjudication  
25 of appeals under this chapter.

1       “(b) REQUIRED CONSIDERATIONS.—In carrying out  
2 the program required by subsection (a), the Secretary  
3 shall consider the following:

4           “(1) Feedback, if any, from members of the  
5 Board and covered employees with respect to such  
6 program.

7           “(2) Data on errors in decisions of the Board  
8 maintained pursuant to the program for quality as-  
9 surance required by subsection (f) of section 7101 of  
10 this title.

11           “(3) Any decision of the Court of Appeals for  
12 Veterans Claims to remand a claim for benefits  
13 under the laws administered by the Secretary to the  
14 Board for further action, including a joint motion to  
15 remand such claim.

16       “(c) ASSESSMENTS OF EFFECTIVENESS.—The Sec-  
17 retary, in conjunction with the Chairman of the Board of  
18 Veterans’ Appeals, shall develop a method to assess, on  
19 an annual basis, the effectiveness of the training program  
20 under this section. In developing such method, the Sec-  
21 retary shall consider best practices for assessing the effec-  
22 tiveness of training programs, including the Kirkpatrick  
23 evaluation model.

24       “(d) REPORT.—The Secretary shall submit to the  
25 Committees on Veterans’ Affairs of the House of Rep-

1 representatives and the Senate an annual report on the pro-  
2 gram required by subsection (a) that includes, with respect  
3 to the period covered by the report—

4 “(1) a statement of the topics of the training  
5 provided pursuant to this section, disaggregated  
6 by—

7 “(A) mandatory training; and

8 “(B) non-mandatory training; and

9 “(2) the results of the assessment of the effec-  
10 tiveness of such program required under subsection  
11 (b).

12 “(e) COVERED EMPLOYEE DEFINED.—In this sec-  
13 tion, the term ‘covered employee’ means an employee of  
14 the Board who is—

15 “(1) not a member of the Board; and

16 “(2) responsible for drafting decisions of the  
17 Board.”.

18 (B) CLERICAL AMENDMENT.—The table of  
19 sections at the beginning of such chapter is  
20 amended by inserting after the item relating to  
21 section 7101A the following new item:

“7101B. Training program for Members of Board on timely and correct  
adjudication of appeals.”.

22 (2) PERFORMANCE REVIEWS OF MEMBERS OF  
23 THE BOARD.—Section 7101A of such title (as  
24 amended by paragraph (1)) is amended—

1 (A) in subparagraph (B) of subsection  
2 (c)(1) by striking “not less often than once  
3 every three years” and inserting “not less often  
4 than annually”; and

5 (B) by adding at the end the following new  
6 subsection:

7 “(h)(1) With respect to any performance review of  
8 a covered employee, the Secretary may not consider the  
9 timeliness or quality of work of any Member of the Board.

10 “(2) In this subsection, the term ‘covered employee’  
11 has the meaning given such term in section 7101B of this  
12 title.”.

13 (c) DECISIONS OF BOARD TO REMAND.—

14 (1) INFORMATION RELATING TO DECISIONS TO  
15 REMAND.—Section 7104 of such title is amended in  
16 subsection (d)—

17 (A) by redesignating paragraphs (1)  
18 through (3) as paragraphs (2) through (4),  
19 respectively; and

20 (B) by inserting before paragraph (2) (as  
21 so redesignated), the following new paragraph:

22 “(1) with respect to a claim that the Board re-  
23 mands for further action, a statement of the specific  
24 reasons such claim was remanded, including any  
25 failure on the part of the Secretary to comply with—



1 “(A) the Secretary’s duty to assist under  
2 section 5103A of this title; and

3 “(B) the Secretary’s duty to notify under  
4 section 5103 of this title;”.

5 (2) NOTICE OF REMANDED DECISION FOR CER-  
6 TAIN EMPLOYEES.—Such section is further amended  
7 in—

8 (A) subsection (e)—

9 (i) by redesignating paragraphs (1)  
10 through (3) as subparagraphs (A) through  
11 (C), respectively;

12 (ii) by striking “After” and inserting  
13 “(1) After”; and

14 (iii) by adding at the end the fol-  
15 lowing new paragraph:

16 “(2) If, pursuant to a decision on an appeal, the  
17 Board remands a claim for a benefit under a law adminis-  
18 tered by the Secretary for further action, the Secretary  
19 shall, to the maximum extent practicable, issue a copy of  
20 such decision to each employee of the Veterans Benefits  
21 Administration who committed the error resulting in the  
22 decision of the Board to remand, when applicable.”; and

23 (B) in subsection (f), by striking “under  
24 subsection (e)” and inserting “ under para-  
25 graph (1) of subsection (e)”.

1 (d) ANNUAL REPORTS FOR BOARD OF VETERANS'  
2 APPEALS.—

3 (1) IN GENERAL.—Chapter 71 of title 38,  
4 United States Code, is amended by inserting after  
5 section 7114 the following new section:

6 **“§ 7115. Annual report on Board of Veterans’ Appeals**

7 “The Chairman of the Board shall submit to the  
8 Committees on Veterans’ Affairs of the House of Rep-  
9 resentatives and the Senate an annual report that in-  
10 cludes, for each decision of the Board to remand a claim  
11 for a benefit under a law administered by the Secretary  
12 to the Secretary for further adjudication during the period  
13 covered by the report, a statement of the reasons for such  
14 decision of the Board, disaggregated by decisions on—

15 “(1) claims with a rating decision dated on or  
16 after February 19, 2019; and

17 “(2) claims with a rating decision dated before  
18 such date.”.

19 (2) DEADLINES.—The Secretary shall submit  
20 the first reports required by subsections (a) and (b)  
21 of section 7115 of such title (as added by paragraph  
22 (1)) by not later than one year after the date of the  
23 enactment of this Act.

24 (3) CLERICAL AMENDMENT.—The table of sec-  
25 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 7114  
2 the following new item:

“7115. Annual report on Board of Veterans’ Appeals”.

3 (e) PLAN FOR IMPROVEMENTS TO QUALITY IN DECISIONS OF BOARD.—

5 (1) IN GENERAL.—Not later than six months  
6 after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the  
7 Chairman of the Board of Veterans’ Appeals and the  
8 head of the Office of Administrative Review of the  
9 Veterans Benefits Administration, shall develop a  
10 plan to—

12 (A) improve the quality of decisions of the  
13 Board to remand, pursuant to section 7104 of  
14 title 38, United States Code, claims for a benefit under a law administered by the Secretary  
15 to the Secretary for further action; and

17 (B) mitigate the number of such decisions  
18 that are unnecessary under any applicable law  
19 or regulation.

20 (2) REPORT.—The Secretary shall submit to  
21 the Committees on Veterans’ Affairs of the House of  
22 Representatives and the Senate a report on such  
23 plan by not later than six months after the date of  
24 the enactment of this Act.

1 **SEC. 5. NOTICE OF AVOIDABLE DEFERRALS OF CLAIMS**  
2 **FOR BENEFITS UNDER LAWS ADMINISTERED**  
3 **BY THE SECRETARY OF VETERANS AFFAIRS;**  
4 **STUDY AND REPORT ON CERTAIN OPINIONS**  
5 **OF DEPARTMENT OF VETERANS AFFAIRS OF-**  
6 **FICE OF GENERAL COUNSEL.**

7 (a) NOTICE OF AVOIDABLE DEFERRALS.—Not later  
8 than one year after the date of the enactment of this Act,  
9 the Secretary of Veterans Affairs shall develop policies,  
10 procedures, and technological capabilities to ensure that  
11 each employee of the Veterans Benefits Administration  
12 that commits an avoidable deferral with respect to a claim  
13 for benefits under the laws administered by the Secretary  
14 of Veterans Affairs in the National Work Queue is notified  
15 of any avoidable deferrals that such employee commits  
16 with respect to the same claim.

17 (b) STUDY AND REPORT ON CERTAIN OGC OPIN-  
18 IONS.—

19 (1) STUDY.—Not later than one year after the  
20 date of the enactment of this Act, the Secretary of  
21 Veterans Affairs, in consultation with the Office of  
22 the General Counsel of the Department of Veterans  
23 Affairs and the Chairman of the Board of Veterans'  
24 Appeals, shall complete a study to identify—

25 (A) issues about which an opinion from the  
26 Office of the General Counsel of the Depart-

1           ment would foster consistency in the decisions  
2           of the Secretary with respect to claims for bene-  
3           fits under the laws administered by the Sec-  
4           retary; and

5           (B) issues raised in appeals of such deci-  
6           sions to the United States Court of Appeals for  
7           Veterans Claims before the date of the enact-  
8           ment of this Act about which the Office of the  
9           General Counsel has had inconsistent opinions  
10          in matters involving substantially similar ques-  
11          tions of law or fact.

12          (2) REPORT.—Not later than one year after the  
13          date of the enactment of this Act, the Secretary of  
14          Veterans Affairs shall submit to the Committees on  
15          Veterans' Affairs of the House of Representatives a  
16          report that includes—

17                (A) the findings of the study required by  
18                paragraph (1);

19                (B) a statement of which issues identified  
20                pursuant to such study about which the Office  
21                of the General Counsel of the Department in-  
22                tends to publish an opinion; and

23                (C) a timeline for the publication of any  
24                such opinion.

1   **SEC. 6. EXTENSION OF CERTAIN LIMITS ON PAYMENTS OF**  
2                           **PENSION.**

3           Section 5503(d)(7) of title 38, United States Code,  
4   is amended by striking “November 30, 2031” and insert-  
5   ing “December 31, 2034”.

