

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2189
OFFERED BY MR. RUNYAN OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. EVALUATION OF BACKLOG OF DISABILITY**
2 **CLAIMS OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

4 (a) IN GENERAL.—There is established a commission
5 or task force to evaluate the backlog of claims within the
6 Department of Veterans Affairs.

7 (b) STUDY.—

8 (1) IN GENERAL.—The Commission or Task
9 Force shall carry out a study on the backlog of
10 claims, including the current process the Secretary
11 of Veterans Affairs uses to evaluate claims and ap-
12 peals and the laws and regulations applicable to
13 such claims and appeals. Such study shall be a com-
14 prehensive evaluation and assessment of the backlog
15 of claims, an analysis of possible improvements to
16 the procedures used to process such claims, and any
17 related issues that the Commission or Task Force
18 considers relevant.

1 (2) CONSIDERATION.—In carrying out the
2 study under paragraph (1) and making any rec-
3 ommendations under this section, the Commission or
4 Task Force shall consider the following:

5 (A) The interests of veterans, including
6 with respect to accuracy, fairness, and trans-
7 parency in the claims process of the Depart-
8 ment.

9 (B) The values and requirements of the
10 Constitution, including with respect to compli-
11 ance with procedural and substantive due proc-
12 ess.

13 (C) The public interest, including with re-
14 spect to the responsible use of available re-
15 sources.

16 (D) The importance of the claimant friend-
17 ly, nonadversarial nature of the claims process.

18 (3) MATTERS INCLUDED.—In carrying out the
19 study under paragraph (1), the Commission or Task
20 Force shall examine the following:

21 (A) The backlog of claims, including an
22 analysis of—

23 (i) the most effective means to quickly
24 and accurately resolve all claims pending
25 as of the date of the study; and

1 (ii) with respect to the Department,
2 the annual funding, number of full-time
3 employees, workload management prac-
4 tices, and the progress, as of the date of
5 the study, of the transformation plan of
6 the Department.

7 (B) Possible improvements to the claims
8 process, including an evaluation and rec-
9 ommendations with respect to whether sub-
10 stantive and structural changes to the overall
11 claims process are required.

12 (C) In carrying out the evaluation and rec-
13 ommendations under subparagraph (B), an ex-
14 amination of—

15 (i) options that make no major sub-
16 stantive changes to the claims process;

17 (ii) options that maintain the process
18 but make minor changes; and

19 (iii) options that make broad changes
20 to the process.

21 (D) The appeals process, including—

22 (i) an analysis of the necessity of the
23 multi-tiered levels of appeals at the Re-
24 gional Office level, including filing a notice
25 of disagreement, receipt of a statement of

1 the case, supplemental statement of the
2 case (if applicable), and substantive appeal
3 (VA form 9);

4 (ii) an analysis of the role of the
5 Board of Veterans' Appeals, including—

6 (I) the effectiveness of the work-
7 load management of the Board;

8 (II) whether the Board should be
9 regionalized or maintain the central-
10 ized structure in the District of Co-
11 lumbia; and

12 (III) whether Board Members
13 should be required to pass the admin-
14 istrative law judges certification exam-
15 ination; and

16 (iii) an analysis of the role of the
17 Court of Appeals for Veterans Claims and
18 the Court of Appeals for the Federal Cir-
19 cuit, including—

20 (I) the continued effectiveness
21 and necessity of a two-tiered structure
22 of judicial review;

23 (II) the Article I status of the
24 Court of Appeals for Veterans Claims;

1 (III) expansion of either the
2 Court of Appeals for Veterans Claims
3 or the Court of Appeals for the Fed-
4 eral Circuit jurisdiction, including by
5 allowing such Courts to hear class ac-
6 tion lawsuits with respect to claims;
7 and

8 (IV) the possibility of expanding
9 judicial review of claims to all Federal
10 circuit courts of appeals.

11 (4) ROLE OF SECRETARY OF VETERANS AF-
12 FAIRS.—

13 (A) INFORMATION.—In carrying out a
14 study on the backlog of claims under paragraph
15 (1), the Commission or Task Force shall submit
16 to the Secretary of Veterans Affairs, at times
17 that the Commission or Task Force determines
18 appropriate, information with respect to rem-
19 edies and solutions for the backlog of claims
20 that the Commission or Task Force identifies
21 pursuant to such study.

22 (B) IMPLEMENTATION.—The Secretary
23 shall—

24 (i) fully consider the remedies and so-
25 lutions submitted under subparagraph (A);

1 (ii) implement such remedies and so-
2 lutions as the Secretary determines appro-
3 priate; and

4 (iii) submit to Congress justification
5 for failing to implement any such remedy
6 or solution.

7 (c) REPORTS.—

8 (1) INITIAL REPORT.—Not later than 60 days
9 after the date on which the Commission or Task
10 Force first meets, the Commission or Task Force
11 shall submit to the President and Congress an initial
12 report on the study conducted under subsection (b),
13 including—

14 (A) the findings of the causes of the back-
15 log of claims; and

16 (B) the level of cooperation the Commis-
17 sion or Task Force has received from the Sec-
18 retary of Veterans Affairs and the heads of
19 other departments or agencies of the Federal
20 Government.

21 (2) INTERIM REPORTS.—Not later than 90 days
22 after the date on which the Commission or Task
23 Force first meets, and each 30-day period thereafter
24 ending on the date on which the Commission or
25 Task Force submits the final report under para-

1 graph (3), the Commission or Task Force shall sub-
2 mit to the President and Congress a report on—

3 (A) the progress of the Secretary of Vet-
4 erans Affairs with respect to implementing solu-
5 tions to expedite the elimination of the backlog
6 of claims pursuant to subsection (b)(4)(B)(ii);
7 and

8 (B) the level of cooperation the Commis-
9 sion or Task Force has received from the Sec-
10 retary of Veterans Affairs and the heads of
11 other departments or agencies of the Federal
12 Government.

13 (3) FINAL REPORT.—Not later than 180 days
14 after the date on which the Commission or Task
15 Force first meets, the Commission or Task Force
16 shall submit to the President and Congress a report
17 on the study conducted under subsection (b). The
18 report shall include the following:

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

23 (B) The recommendations of the Commis-
24 sion or Task Force for revising and improving

1 the backlog of claims and the procedures used
2 to process claims.

3 (C) The progress of the Secretary of Vet-
4 erans Affairs with respect to implementing solu-
5 tions to expedite the elimination of the backlog
6 of claims pursuant to subsection (b)(4)(B)(ii).

7 (D) Other information and recommenda-
8 tions with respect to claims as the Commission
9 or Task Force considers appropriate.

10 (d) MEMBERSHIP.—

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

14 (A) Two members appointed by the Speak-
15 er of the House of Representatives, at least one
16 of whom shall be a veteran.

17 (B) Two members appointed by the minor-
18 ity leader of the House of Representatives, at
19 least one of whom shall be a veteran.

20 (C) Two members appointed by the major-
21 ity leader of the Senate, at least one of whom
22 shall be a veteran.

23 (D) Two members appointed by the minor-
24 ity leader of the Senate, at least one of whom
25 shall be a veteran.

1 (E) Three members appointed by the
2 President, at least two of whom shall be vet-
3 erans.

4 (F) Two members appointed by the Sec-
5 retary of Defense.

6 (G) Two members appointed by the Sec-
7 retary of Veteran Affairs, at least one of whom
8 shall be a veteran, and at least one of whom
9 shall be an employee of the Veterans Benefits
10 Administration.

11 (2) ADVISORS.—In addition to the 15 members
12 appointed under paragraph (1), the Commission or
13 Task Force shall—

14 (A) have five nonvoting, nonmember advi-
15 sors, appointed by a majority of the Commis-
16 sion or Task Force from various veterans serv-
17 ice organizations; and

18 (B) seek advice from experts from non-
19 governmental organizations (including veterans
20 service organizations and military organiza-
21 tions), the Internet technology industry, and
22 the insurance industry.

23 (3) CHAIRMAN.—The President shall designate
24 a member of the Commission or Task Force to be
25 the chairman.

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

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

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

13 (e) MEETINGS.—

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

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

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

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

24 (1) HEARINGS.—The Commission or Task
25 Force may hold such hearings, sit and act at such

1 times and places, take such testimony, and receive
2 such evidence as the Commission or Task Force con-
3 siders advisable to carry out the purposes of this
4 section.

5 (2) INFORMATION FROM FEDERAL AGENCIES.—
6 The Commission or Task Force may secure directly
7 from any department or agency of the Federal Gov-
8 ernment such information as the Commission or
9 Task Force considers necessary to carry out the pro-
10 visions of this section. Upon request of the chair-
11 man, the head of such department or agency shall
12 furnish such information to the Commission or Task
13 Force.

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

19 (4) GIFTS.—The Commission or Task Force
20 may accept, use, and dispose of gifts or donations of
21 service or property.

22 (g) PERSONNEL MATTERS.—

23 (1) COMPENSATION OF MEMBERS.—Each mem-
24 ber of the Commission or Task Force who is not an
25 officer or employee of the United States shall be

1 compensated at a rate equal to the daily equivalent
2 of the annual rate of basic pay prescribed for level
3 IV of the Executive Schedule under section 5315 of
4 title 5, United States Code, for each day (including
5 travel time) during which the member is engaged in
6 the performance of the duties of the Commission or
7 Task Force. All members of the Commission or
8 Task Force who are officers or employees of the
9 United States shall serve without compensation in
10 addition to that received for their services as officers
11 or employees of the United States.

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

20 (3) STAFF.—

21 (A) The chairman of the Commission or
22 Task Force may, without regard to the civil
23 service laws and regulations, appoint an execu-
24 tive director and such other personnel as may
25 be necessary to enable the Commission or Task

1 Force to perform its duties. The appointment of
2 an executive director shall be subject to the ap-
3 proval of the Commission or Task Force.

4 (B) The chairman of the Commission or
5 Task Force may fix the compensation of the ex-
6 ecutive director and other personnel without re-
7 gard to the provisions of chapter 51 and sub-
8 chapter III of chapter 53 of title 5, United
9 States Code, relating to classification of posi-
10 tions and General Schedule pay rates, except
11 that the rate of pay for the executive director
12 and other personnel may not exceed the rate
13 payable for level V of the Executive Schedule
14 under section 5316 of such title.

15 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
16 Upon request of the chairman of the Commission or
17 Task Force, the head of any department or agency
18 of the Federal Government may detail, on a non-
19 reimbursable basis, any personnel of that depart-
20 ment or agency to the Commission or Task Force to
21 assist it in carrying out its duties.

22 (5) PROCUREMENT OF TEMPORARY AND INTER-
23 MITTENT SERVICES.—The chairman of the Commis-
24 sion or Task Force may procure temporary and
25 intermittent services under section 3109(b) of title

1 5, United States Code, at rates for individuals which
2 do not exceed the daily equivalent of the annual rate
3 of basic pay prescribed for level V of the Executive
4 Service under section 5316 of such title.

5 (h) TERMINATION OF COMMISSION OR TASK
6 FORCE.—The Commission or Task Force shall terminate
7 60 days after the date on which the Commission or Task
8 Force submits the final report under subsection (c)(3).

9 (i) FUNDING.—

10 (1) IN GENERAL.—The Secretary shall, upon
11 the request of the chairman of the Commission or
12 Task Force, make available to the Commission or
13 Task Force such amounts as the Commission or
14 Task Force may require to carry out the duties of
15 the Commission or Task Force under this section.

16 (2) AVAILABILITY.—Any sums made available
17 to the Commission or Task Force shall remain avail-
18 able, without fiscal year limitation, until the termi-
19 nation of the Commission or Task Force.

20 **SEC. 2. TIMELINE AND METRICS TO RESOLVE BACKLOG OF**
21 **DISABILITY CLAIMS.**

22 (a) IMPLEMENTATION OF STRATEGIC PLAN TO
23 ELIMINATE THE COMPENSATION CLAIMS BACKLOG.—In
24 addition to, and consistent with, any actions taken pursu-
25 ant to section 1(b)(4)(B)(ii), the Secretary of Veterans Af-

1 fairs shall implement applicable recommendations of the
2 Strategic Plan to Eliminate the Compensation Claims
3 Backlog, published by the Secretary on January 25, 2013,
4 to ensure that by Memorial Day (May 25), 2015, each
5 claim is approved or denied by not later than 125 days
6 after the date on which the claim is submitted with an
7 accuracy rate of 98 percent.

8 (b) SUPPLEMENTAL REPORT.—Not later than 60
9 days after the date of the enactment of this Act, the Sec-
10 retary of Veterans Affairs shall submit to Congress a sup-
11 plemental report to the Strategic Plan to Eliminate the
12 Compensation Claims Backlog that includes the following:

13 (1) Specific measures, procedures, and metrics
14 to assess the implementation of the plan pursuant to
15 subsection (a).

16 (2) A detailed timeline to implement each initia-
17 tive contained in the Strategic Plan to Eliminate the
18 Compensation Claims Backlog.

19 **SEC. 3. EXPEDITION OF TRANSFER OF CERTAIN RECORDS.**

20 (a) SSA RECORDS.—Not later than 60 days after the
21 date of the enactment of this Act, the Secretary of Vet-
22 erans Affairs shall enter into an agreement with the Com-
23 missioner of the Social Security Administration to ensure
24 that the Commissioner transfers to the Secretary disability
25 or medical records of the Commissioner that the Secretary

1 will use to evaluate a claim by not later than 30 days after
2 the Secretary requests such records.

3 (b) DOD RECORDS.—Not later than 60 days after
4 the date of the enactment of this Act, the Secretary of
5 Veterans Affairs shall enter into an agreement with the
6 Secretary of Defense to ensure that the Secretary of De-
7 fense transfers to the Secretary of Veterans Affairs med-
8 ical records of members or former members of the Armed
9 Forces that the Secretary will use to evaluate a claim by
10 not later than 30 days after the Secretary requests such
11 records.

12 (c) NATIONAL GUARD RECORDS.—Not later than 60
13 days after the date of the enactment of this Act, the Sec-
14 retary of Veterans Affairs and the Secretary of Defense
15 shall jointly—

16 (1) submit to Congress a plan to reduce to 30
17 days the amount of time needed to provide members
18 of the National Guard and the Secretary of Veterans
19 Affairs with the medical records of such members,
20 including by partnering with appropriate officials of
21 Federal or State departments or agencies; and

22 (2) implement such plan.

23 **SEC. 4. CLAIMS PROCESSORS TRAINING.**

24 (a) ESTABLISHMENT.—The Secretary of Veterans
25 Affairs shall establish a training program to provide newly

1 hired claims processors of the Department of Veterans Af-
2 fairs with training for a period of not less than three
3 years. In carrying out such program, the Secretary shall
4 identify successful claims processors of the Department
5 who can assist in the training of newly hired claims proc-
6 essors.

7 (b) ABILITY TO PROCESS CLAIMS.—The Secretary
8 shall carry out the training program established under
9 subsection (a) without increasing the amount of time in
10 which claims are processed by the Department.

11 **SEC. 5. REPORT BY COMPTROLLER GENERAL OF THE**
12 **UNITED STATES.**

13 Not later than one year after the date of the enact-
14 ment of this Act, the Comptroller General of the United
15 States shall submit to Congress a report on the progress
16 of the Secretary of Veterans Affairs in improving the time-
17 liness of claims processing and eliminating the backlog of
18 claims. The report shall include any recommendations of
19 the Comptroller General with respect to improving the
20 ability of the Secretary to make such progress.

21 **SEC. 6. CLAIM DEFINED.**

22 In this Act, the term “claim” means a claim for dis-
23 ability compensation under the laws administered by the
24 Secretary of Veterans Affairs.

Amend the title so as to read: “A bill to establish a commission or task force to evaluate the backlog of disability claims of the Department of Veterans Affairs, to direct the Secretary of Veterans Affairs to resolve the backlog of disability claims of the Department of Veterans Affairs, and for other purposes.”.

