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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** 7917

To amend title 38, United States Code, to improve the efficiency of adjudications and appeals of claims for benefits under laws administered by Secretary of Veterans Affairs, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BOST introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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**A BILL**

To amend title 38, United States Code, to improve the efficiency of adjudications and appeals of claims for benefits under laws administered by Secretary of Veterans Affairs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Appeals Effi-  
5 ciency Act of 2024”.

1 **SEC. 2. IMPROVEMENTS TO EFFICIENCY OF ADJUDICA-**  
2 **TIONS AND APPEALS OF CLAIMS FOR BENE-**  
3 **FITS UNDER LAWS ADMINISTERED BY SEC-**  
4 **RETARY OF VETERANS AFFAIRS.**

5 (a) ANNUAL REPORT ON LENGTH OF ADJUDICA-  
6 TIONS.—

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

9 (A) by striking “The Secretary” and in-  
10 sserting “(a) IN GENERAL.—The Secretary”;  
11 and

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

14 “(b) ANNUAL REPORT.—The Secretary shall submit  
15 to the Committees on Veterans’ Affairs of the House of  
16 Representatives and the Senate an annual report that in-  
17 cludes, with respect to the period covered by the report,  
18 a statement of the average length of time a claim (or issue  
19 within a claim) that is remanded by the Board of Vet-  
20 erans’ Appeals is pending before the Secretary after such  
21 return or remand.”.

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

1 (b) REQUIREMENT TO TRACK CERTAIN CLAIMS FOR  
2 BENEFITS.—

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

6 **“§ 5109C. Requirement to track and maintain infor-**  
7 **mation on certain claims for benefits; no-**  
8 **tice of certain assignments**

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

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

15 “(A) continuously pursued in accordance  
16 with—

17 “(i) section 5104C(a) and 5110(a)(2)  
18 of this title; or

19 “(ii) any other policy established by  
20 the Secretary;

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

1           “(C) afforded expeditious treatment by the  
2           Veterans Benefits Administration pursuant to  
3           section 5109B of this title or any other policy  
4           established by the Secretary;

5           “(D) remanded by the Board of Veterans’  
6           Appeals to the Secretary pursuant to section  
7           7104 of this title;

8           “(E) pending a hearing by the Board of  
9           Veterans’ Appeals under section 7107 of this  
10          title; and

11          “(2) instances in which an adjudicator of the  
12          Veterans Benefits Administration does not comply  
13          with a relevant decision of the Board of Veterans’  
14          Appeals to remand a claim for benefits under the  
15          laws administered by the Secretary (or issue within  
16          such claim), including such instances in which the  
17          relevant decision concerned a failure on the part of  
18          the agency of original jurisdiction to satisfy the Sec-  
19          retary’s duty to assist under section 5103A of this  
20          title;

21          “(3) supplemental claims under section 5108 of  
22          this title filed—

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

1           “(B) after the date of the applicable final  
2           decision of the Secretary with respect to a claim  
3           for benefits under the laws administered by the  
4           Secretary (or issue within such claim); and

5           “(4) first notices submitted to the Secretary of  
6           the death of individuals in receipt of benefits under  
7           the laws administered by the Secretary,  
8           disaggregated by such individuals who were—

9                   “(A) assigned a fiduciary; and

10                   “(B) not assigned a fiduciary; and

11           “(5) decisions of the Board of Veterans’ Ap-  
12           peals to remand a claim for benefits under the laws  
13           administered by the Secretary that the Chairman of  
14           the Board of Veterans’ Appeals determines were un-  
15           necessary pursuant to subsection (f) of section 7104  
16           of this title.

17           “(b) NOTICE OF REASON FOR CERTAIN ASSIGN-  
18           MENTS.—In carrying out this section, the Secretary shall  
19           prescribe rules and regulations to ensure that a claimant  
20           (or the representative of a claimant) may view or other-  
21           wise obtain notice of the reasons a relevant claim for bene-  
22           fits under the laws administered by the Secretary is—

23                   “(1) deferred for additional action by an office  
24           of the Veterans Benefits Administration in the Na-  
25           tional Work Queue (or any successor system); or

1           “(2) assigned a suspense date for further action  
2           in the National Work Queue (or any successor sys-  
3           tem).”.

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

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

8           (c) IMPROVEMENTS TO BOARD OF VETERANS’ AP-  
9           PEALS.—

10          (1) AUTHORITY TO AGGREGATE CERTAIN  
11          CLAIMS.—Section 7104 of such section is amended  
12          in subsection (a) by inserting after the second sen-  
13          tence “If the Chairman of the Board determines  
14          that more than one appeal involves substantially  
15          similar questions of law or fact, the Chairman may  
16          aggregate such appeals for review.””.

17          (2) REQUIREMENT TO ENSURE SUBSTANTIAL  
18          COMPLIANCE WITH CERTAIN DECISIONS.—Such sec-  
19          tion is further amended by adding at the end the fol-  
20          lowing new subsection—

21                 (A) by redesignating subsection (f) as sub-  
22                 section (g); and

23                 (B) by inserting after subsection (e) the  
24                 following new subsection (f):

1           “(f)(1) The Secretary, acting through the Chairman  
2 of the Board, shall ensure substantial compliance with any  
3 decision of the Board to remand a claim.

4           “(2) The Secretary may waive the requirement under  
5 paragraph (1) with respect to a decision of the Board to  
6 remand a claim to the Secretary if the Chairman of the  
7 Board determines—

8           “(A) evidence added to the evidentiary after the  
9 date of such decision is sufficient to resolve the  
10 issues underlying such decision; or

11           “(B) such decision was unnecessary.

12           “(3) If the Secretary exercises the authority under  
13 paragraph (2), the Secretary shall include, pursuant to  
14 subsection (d), a written notation of such exercise in the  
15 decision of the Board.”.

16           (3) MOTION FOR OGC OPINION.—Section 7104  
17 of such title is amended by adding at the end the  
18 following new subsection:

19           “(g) The Board may, on its own initiative or upon  
20 motion of the appellant, submit to the General Counsel  
21 a request for an opinion with respect to a question of law  
22 arising in an appeal under review by the Board.”.

23           (d) EXPANSION OF JURISDICTION OF COURT OF AP-  
24 PEALS FOR VETERANS CLAIMS.—Section 7252 of title 38,  
25 United States Code, is amended—

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

3 (2) by inserting after subsection (a) the fol-  
4 lowing new subsections:

5 “(b)(1) The Court shall have supplemental jurisdic-  
6 tion to review an eligible claim pending a final decision  
7 of the Board of Veterans Appeals with respect to such eli-  
8 gible claim.

9 “(2) The period during which a claimant may submit  
10 a request for administrative review of an eligible claim  
11 under subsection (a) of section 5104C of this title shall  
12 be tolled for the period beginning on the date on which  
13 the claimant submits to the Court a motion for class ac-  
14 tion review and ending on the date that is 60 days after  
15 the date on which the Court issues a final decision with  
16 respect to—

17 “(A) such eligible claim; or

18 “(B) such motion for class action review, which-  
19 ever is later.

20 “(3) In this subsection, the term ‘eligible claim’  
21 means a claim for benefits under the laws administered  
22 by the Secretary for which relief may be granted on a  
23 class-wide basis pursuant to the rules of practice and pro-  
24 cedure of the Court of Appeals for Veterans Claims.



1       “(c)(1) The Court may remand a matter to the Board  
2 of Veterans’ Appeals for the limited purpose of ordering  
3 the Board to address a question of law or fact in a claim  
4 for benefits under the laws administered by the Secretary  
5 that the Court determines the Board failed to—

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

8                       “(i) the claimant (or representative of such  
9 claimant) raised; or

10                      “(ii) was reasonably raised by the evi-  
11 dentiary record of such claim; or

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

14       “(2) In issuing a remand under paragraph (1), the  
15 Court may require the Board to issue a decision on the  
16 relevant question with a certain period of time prescribed  
17 by the Court.

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

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

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

1 (e) STUDY AND REPORT ON COMMON QUESTIONS OF  
2 LAW OR FACT BEFORE BOARD OF VETERANS' AP-  
3 PEALS.—

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

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

20 (f) INDEPENDENT ASSESSMENT OF POTENTIAL  
21 MODIFICATIONS TO AUTHORITY OF BOARD OF VET-  
22 ERANS' APPEALS.—

23 (1) AGREEMENT.—Not later than 30 days after  
24 the date of the enactment of this Act, the Secretary  
25 of Veterans Affairs shall seek to enter into an agree-

1       ment with an FFRDC for an assessment of the fea-  
2       sibility of modifying the authority of the Board of  
3       Veterans' Appeals established under chapter 71 of  
4       title 38, United States Code, to permit the Board to  
5       issue precedential decisions with respect to questions  
6       of law or fact arising in matters before the Board.

7       (2) ASSESSMENT.—An FFRDC that enters to  
8       an agreement under subsection (a) shall submit to  
9       the Secretary a written assessment that includes the  
10      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 substantially similar  
20           questions of law or fact pursuant to section  
21           7104 of such title (as amended by subsection  
22           (c)(1)).

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

1 for review pursuant to section 7104(a) of title  
2 38, United States Code (as amended by sub-  
3 section (d)).

4 (3) REPORT; IMPLEMENTATION.—Not later  
5 than 90 days after the Secretary receives the assess-  
6 ment under subsection (b), the Secretary shall—

7 (A) submit to the Committees on Veterans'  
8 Affairs of the Senate and House of Representa-  
9 tives a copy of such assessment; and

10 (B) create policies and procedures to im-  
11 plement the recommendations in the assessment  
12 with respect to the authority of the Board of  
13 Veterans' Appeals described in subparagraph  
14 (B) of paragraph (2).

15 (4) DEFINITIONS.—In this subsection:

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

18 (B) The terms “claimant” and “notice”  
19 have the meanings given such terms in section  
20 5100 of title 38, United States Code.

21 (g) PLAN FOR TIMELY ASSIGNMENT OF CLAIMS.—

22 The Secretary of Veterans Affairs shall develop a plan to  
23 ensure claims for benefits administered by the Secretary  
24 are assigned to an adjudicator of the Veterans Benefits  
25 Administration of the Department of Veterans in a timely

1 manner to the National Work Queue (or any successor  
2 system of the Department) and submit to the Committees  
3 on Veterans' Affairs of the House of Representatives and  
4 the Senate a copy of such plan by not later than one year  
5 after the date of the enactment of this Act.