

103^D CONGRESS
2^D SESSION

S. 1908

To provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans benefits.

IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, FEBRUARY 22), 1994

Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans benefits.

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. STUDY OF SYSTEM OF DEPARTMENT OF VETER-**
4 **ANS AFFAIRS FOR DISPOSITION OF CLAIMS**
5 **FOR VETERANS BENEFITS.**

6 (a) IN GENERAL.—The Administrative Conference of
7 the United States shall carry out a study of the Depart-
8 ment of Veterans Affairs system for the disposition of
9 claims for veterans benefits. The Administrative Con-

1 ference shall carry out the study in accordance with this
2 Act.

3 (b) PURPOSE OF STUDY.—The purpose of the study
4 required under this Act shall be to evaluate the Depart-
5 ment of Veterans Affairs system for the disposition of
6 claims for veterans benefits in order to determine—

7 (1) the efficiency of processes and procedures
8 under the system for the adjudication, resolution, re-
9 view, and final disposition of claims for veterans
10 benefits and means of increasing such efficiency, in-
11 cluding the effect of judicial review on such system;

12 (2) means of reducing the number of claims
13 under the system for which final disposition is pend-
14 ing; and

15 (3) means of enhancing the ability of the De-
16 partment of Veterans Affairs to dispose of claims
17 under the system in a prompt and appropriate man-
18 ner.

19 (c) CONTENTS OF STUDY.—The study of the Depart-
20 ment of Veterans Affairs system for the disposition of
21 claims for veterans benefits under this Act shall include
22 an evaluation and assessment of the following:

23 (1) The historical development of the system,
24 including the effect on such development of the pro-
25 vision under the Veterans' Judicial Review Act (divi-

1 sion A of Public Law 100–687; 102 Stat. 4105) of
2 authority for judicial review of claims disposed of
3 under the system.

4 (2) The preparation and submittal of claims by
5 veterans under the system.

6 (3) The processes and procedures under the
7 system for the disposition of claims, including—

8 (A) the scope and nature of the respon-
9 sibility of the Secretary to assist veterans in the
10 development of claims;

11 (B) the scope and nature of the hearings
12 provided for at each stage in the claims disposi-
13 tion process under the system (including hear-
14 ings de novo, hearings before travelling mem-
15 bers of the Board of Veterans' Appeals, hear-
16 ings that are expedited for reason of illness or
17 financial need, and hearings that permit the
18 transmission of evidence or testimony by elec-
19 tronic means);

20 (C) the scope and nature of the review un-
21 dertaken with respect to a claim at each stage
22 in the claims disposition process;

23 (D) the number, Federal employment
24 grade, and experience and qualifications re-

1 required of the persons undertaking such review
2 at each such stage;

3 (E) the effect on such review of the obliga-
4 tion of the Secretary to afford claimants with
5 the benefit of the doubt when there is an ap-
6 proximate balance of positive and negative evi-
7 dence with respect to a claim;

8 (F) opportunities for the submittal of new
9 evidence; and

10 (G) the availability of alternative means of
11 disposing of claims.

12 (4) The effect on the system of the participa-
13 tion of attorneys, members of veterans service orga-
14 nizations, and other advocates on behalf of veterans.

15 (5) The effect on the system of actions taken
16 by the Secretary to modernize the information man-
17 agement system of the Department, including the
18 utilization of electronic data management systems.

19 (6) The effect on the system of any work per-
20 formance standards utilized by the Secretary at re-
21 gional offices of the Department and at the Board
22 of Veterans' Appeals.

23 (7) The extent of the implementation in the
24 system of the recommendations of the Blue Ribbon
25 Panel on Claims Processing submitted to the Com-

1 mittees on Veterans' Affairs of the Senate and
2 House of Representatives on December 2, 1993, and
3 the effect of such implementation on the system.

4 (8) The effectiveness in improving the system of
5 any pilot programs carried out by the Secretary at
6 regional offices of the Department and of efforts by
7 the Secretary to implement such programs through-
8 out the system.

9 (9) The effectiveness of the quality control
10 practices and quality assurance practices under the
11 system in achieving the goals of such practices.

12 (d) CONSULTATION WITH NON-DEPARTMENT ENTI-
13 TIES.—Notwithstanding any other provision of law, the
14 Administrative Conference of the United States shall,
15 upon request, provide opportunities in the conduct of the
16 study under this Act for consultation with appropriate
17 representatives of veterans service organizations and of
18 other organizations and entities that represent veterans
19 before the Department of Veterans Affairs.

20 (e) COOPERATION OF SECRETARY.—(1) Not later
21 than 90 days after the date of the enactment of this Act,
22 the Secretary shall submit to the Administrative Con-
23 ference of the United States, and to the Committees on
24 Veterans' Affairs of the Senate and House of Representa-
25 tives, such information as the Chairman of the Adminis-

1 trative Conference shall determine necessary to carry out
2 the study required under this Act.

3 (2) The information referred to in paragraph (1)
4 shall include information on the claims disposed of by the
5 Department of Veterans Affairs during the 5-year period
6 ending on September 30, 1993, including the following:

7 (A) The total number of claims finally disposed
8 of during that period.

9 (B) The number of claims finally disposed of
10 during each fiscal year of that period.

11 (C) The number of claims referred to in sub-
12 paragraph (A) that were allowed by the Secretary
13 solely on the basis of information contained in the
14 initial claim for benefits.

15 (D) The number of claims referred to in sub-
16 paragraph (A) that were allowed by a regional office
17 of the Department at each of the various stages in
18 the claims disposition process.

19 (E) The number of claims referred to in sub-
20 paragraph (A) that were allowed by the Board of
21 Veterans' Appeals.

22 (F) The number of claims referred to in sub-
23 paragraph (E) that were reopened after a final deci-
24 sion by the Board of Veterans' Appeals.

1 (f) REPORTS ON STUDY.—(1) Not later than 1 year
2 after the date of the enactment of this Act, the Adminis-
3 trative Conference of the United States shall submit to
4 the Secretary and to the Committees on Veterans' Affairs
5 of the Senate and House of Representatives a preliminary
6 report on the study required under subsection (c). The re-
7 port shall contain the preliminary findings and conclusions
8 of the Administrative Conference with respect to the eval-
9 uation and assessment required under the study.

10 (2) Not later than 18 months after such date, the
11 Administrative Conference shall submit to the Secretary
12 and to such committees a report on such study. The report
13 shall include the following:

14 (A) The findings and conclusions of the Admin-
15 istrative Conference, including its findings and con-
16 clusions with respect to the matters referred to in
17 subsection (c).

18 (B) The recommendations of the Administrative
19 Conference for means of improving of the Depart-
20 ment of Veterans Affairs system for the disposition
21 of claims for veterans benefits.

22 (C) Such other information and recommenda-
23 tions with respect to the system as the Administra-
24 tive Conference considers appropriate.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$150,000 to the Depart-
3 ment of Veterans Affairs for payment to the Administra-
4 tive Conference of the United States under section 1535
5 of title 31, United States Code, of the cost of carrying
6 out the study and report required under this Act.

7 (h) DEFINITIONS.—For the purposes of this Act—

8 (1) The term “Administrative Conference of the
9 United States” means the Administrative Conference
10 provided for under subchapter V of chapter 5 of title
11 5, United States Code.

12 (2) The term “Department of Veterans Affairs
13 system for the disposition of claims for veterans ben-
14 efits” means the processes and procedures of the
15 Department of Veterans Affairs for the adjudication,
16 resolution, review, and final disposition of claims for
17 benefits under the laws administered by the Sec-
18 retary.

19 (3) The term “Secretary” means the Secretary
20 of Veterans Affairs.

21 (4) The term “veterans service organizations”
22 means any organization approved by the Secretary
23 under section 5902(a) of title 38, United States
24 Code.

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