

118TH CONGRESS
1ST SESSION

H. R. 1530

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

Received

AN ACT

To amend title 38, United States Code, to improve the requirement to publish disability benefit questionnaire forms of Department 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 This Act may be cited as the “Veterans Benefits Im-
3 provement Act of 2023”.

4 **SEC. 2. IMPROVEMENT OF PUBLICATION OF DEPARTMENT**
5 **OF VETERANS AFFAIRS DISABILITY BENEFIT**
6 **QUESTIONNAIRE FORMS.**

7 Section 5101 of title 38, United States Code, is
8 amended—

9 (1) in subsection (d)—

10 (A) in paragraph (1)(A), by inserting “,
11 including (except as provided in paragraph
12 (4)(A)) all disability benefit questionnaire forms
13 available to personnel of the Veterans Health
14 Administration and covered non-Department
15 providers for the completion of examinations
16 with respect to medical disability of applicants
17 for benefits under laws administered by the
18 Secretary” before the semicolon; and

19 (B) by adding at the end the following new
20 paragraph:

21 “(4)(A) The Secretary may exclude from publication
22 under clauses (i) and (ii) of paragraph (1)(A) any form
23 described in subparagraph (B) of this paragraph that the
24 Secretary determines could not reasonably be completed
25 to a clinically acceptable standard by someone not an em-
26 ployee or a contractor of the Department.

1 “(B) A form described in this subparagraph is a form
2 that—

3 “(i) was available or in use at any time after
4 the date of the enactment of the Veterans Benefits
5 Act of 2023; and

6 “(ii) has not been published under paragraph
7 (1).

8 “(C) The Secretary shall include on the same internet
9 website as the website on which forms are published under
10 paragraph (1)(A) a list of forms that have been excluded
11 from publication pursuant to subparagraph (A), and for
12 each such form, a justification for the exclusion of the
13 form from publication.”; and

14 (2) in subsection (e), by adding at the end the
15 following new paragraph:

16 “(3) The term ‘covered non-Department pro-
17 vider’ means a medical provider who is not an em-
18 ployee of the Department and who provides exami-
19 nations with respect to medical disability of appli-
20 cants for benefits under laws administered by the
21 Secretary pursuant to a contract with the Depart-
22 ment.”.

1 **SEC. 3. IMPROVEMENT OF PROVISION OF MEDICAL DIS-**
2 **ABILITY EXAMINATIONS BY CONTRACTORS.**

3 (a) REPORT ON IMPROVING REIMBURSEMENT FOR
4 TRAVEL RELATING TO MEDICAL DISABILITY EXAMINA-
5 TIONS.—Not later than one year after the date of the en-
6 actment of this Act, the Secretary of Veterans Affairs,
7 after consulting with the Secretary of State and the Com-
8 missioner of the Social Security Administration, shall sub-
9 mit to the Committees on Veterans' Affairs of the Senate
10 and the House of Representatives a report on the efforts
11 of the Secretary to reimburse veterans for expenses in-
12 curred traveling to a facility of the Department or of a
13 covered non-Department provider incident to an examina-
14 tion with respect to the medical disability of the veteran
15 for purposes of benefits under the laws administered by
16 the Secretary, regardless of whether the facility is located
17 inside or outside the United States.

18 (b) COMMUNICATION BY NON-DEPARTMENT PRO-
19 VIDERS PROVIDING MEDICAL DISABILITY EXAMINATIONS
20 WITH INDIVIDUALS AND ORGANIZATIONS DESIGNATED
21 FOR PREPARATION, PRESENTATION, AND PROSECUTION
22 OF CLAIMS.—Any contract entered into by the Secretary
23 of Veterans Affairs after the date of the enactment of this
24 Act under which a covered non-Department provider
25 agrees to provide examinations with respect to medical dis-
26 ability for applicants for benefits under the laws adminis-

1 tered by the Secretary, shall include a requirement that
2 every communication from the covered non-Department
3 provider to such an applicant regarding the scheduling of
4 a covered medical disability examination be contempora-
5 neously transmitted to any person or organization—

6 (1) designated by the applicant by a power of
7 attorney filed with the Secretary; and

8 (2) recognized under sections 5902, 5903, and
9 5904 of title 38, United States Code, for the prepa-
10 ration, presentation, and prosecution of claims.

11 (c) DEPARTMENT OF VETERANS AFFAIRS OUTREACH
12 REGARDING CONTACT INFORMATION FOR CONTRACTORS
13 PROVIDING COVERED MEDICAL DISABILITY EXAMINA-
14 TIONS.—Not later than 120 days after the date of enact-
15 ment of this Act, the Secretary of Veterans Affairs, in
16 partnership with veterans service organizations and such
17 other stakeholders as the Secretary considers relevant and
18 appropriate, shall implement an outreach program to pro-
19 vide veterans with the following information:

20 (1) Contact information for covered non-De-
21 partment providers that provide examinations with
22 respect to medical disability of applicants for bene-
23 fits under laws administered by the Secretary, in-
24 cluding the telephone numbers such providers may
25 use to contact veterans.

1 (2) Notice of the requirement for a veteran to
2 provide personally identifiable information to such a
3 provider when contacted in order to verify the iden-
4 tity of the veteran.

5 (d) COVERED NON-DEPARTMENT PROVIDER.—In
6 this section, the term “covered non-Department provider”
7 means a medical provider who is not an employee of the
8 Department of Veterans Affairs and who provides exami-
9 nations with respect to medical disability of applicants for
10 benefits under laws administered by the Secretary of Vet-
11 erans Affairs pursuant to a contract with the Department.

12 **SEC. 4. REPORT ON SUPPORTING GOVERNMENTAL VET-**
13 **ERANS SERVICE OFFICERS WHO PREPARE,**
14 **PRESENT, AND PROSECUTE BENEFITS**
15 **CLAIMS BEFORE DEPARTMENT OF VETERANS**
16 **AFFAIRS.**

17 (a) REPORT.—Not later than one year after the date
18 of the enactment of this Act and after consulting veterans
19 service organizations and such other stakeholders as the
20 Secretary of Veterans Affairs considers relevant and ap-
21 propriate, the Secretary shall submit to the Committee on
22 Veterans’ Affairs of the Senate and the House of Rep-
23 resentatives a report on improving the support by the De-
24 partment of Veterans Affairs of covered governmental vet-
25 erans service officers.

1 (b) ELEMENTS.—The report submitted under sub-
2 section (a) shall include the following:

3 (1) An assessment of the feasibility, advis-
4 ability, and current technical limitations of providing
5 covered governmental veterans service officers en-
6 hanced access to certain Department systems to bet-
7 ter serve veterans those governmental service officers
8 may not have authorization to represent.

9 (2) An assessment as to whether the Depart-
10 ment would benefit from the establishment or des-
11 ignation of an office or working group within the
12 Department to serve as an intergovernmental liaison
13 between the Department and governmental veterans
14 service officers.

15 (3) Any other recommendations to improve how
16 the Department monitors, coordinates with, or pro-
17 vides support to covered governmental veterans serv-
18 ice officers.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “covered governmental veterans
21 service officer” means an employee of a State, coun-
22 ty, municipal, or Tribal government—

23 (A) who is recognized by the Secretary of
24 Veterans Affairs as a representative of a vet-

1 erans service organization to serve as a veterans
2 service officer; and

3 (B) whose primary responsibilities include
4 preparing, presenting, and prosecuting before
5 the Department of Veterans Affairs claims for
6 benefits under laws administered by the Sec-
7 retary.

8 (2) The term “veterans service organization”
9 means an organization recognized by the Secretary
10 for the representation of veterans under section
11 5902 of title 38, United States Code.

12 **SEC. 5. BOARD OF VETERANS’ APPEALS INTERNSHIP PRO-**
13 **GRAM.**

14 (a) IN GENERAL.—Chapter 71 of title 38, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 7114. Internship program**

18 “The Secretary shall establish a competitive intern-
19 ship program of the Board for individuals enrolled in the
20 first or second year of law schools accredited by the Amer-
21 ican Bar Association.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 71 of such title is amended
24 by adding at the end the following new item:

“7114. Internship program.”.

1 (c) DEADLINE.—The Secretary of Veterans Affairs
2 shall establish the internship program required by section
3 7114 of such title, as added by subsection (a), not later
4 than one year after the date of the enactment of this Act.

5 **SEC. 6. BENEFITS FOR PARTICIPANTS IN CERTAIN PRO-**
6 **GRAMS OF THE DEPARTMENT OF VETERANS**
7 **AFFAIRS.**

8 (a) ESTABLISHMENT.—Not later than one year after
9 the date of the enactment of this Act, the Secretary of
10 Veterans Affairs shall carry out a program to furnish cer-
11 tain benefits to covered participants.

12 (b) BENEFITS: STUDENT LOAN REPAYMENT; REIM-
13 BURSEMENTS.—

14 (1) IN GENERAL.—Subject to an agreement
15 under paragraph (2), the Secretary shall provide to
16 each covered attorney—

17 (A) student loan repayment benefits under
18 section 5379 of title 5, United States Code, in
19 the case of a covered attorney who is eligible for
20 such benefits; and

21 (B) reimbursement for the cost of—

22 (i) enrollment in a course designed to
23 prepare an individual for licensure to prac-
24 tice law in a State;

1 (ii) sitting for a bar examination in a
2 State; and

3 (iii) annual dues required to maintain
4 membership in the bar of any State.

5 (2) AGREEMENT.—The Secretary shall enter
6 into an agreement with a covered attorney who will
7 receive benefits under paragraph (1). Each such
8 agreement shall specify that—

9 (A) the covered attorney agrees to remain
10 in the service of the Department for a period of
11 not less than three years, unless involuntarily
12 separated; and

13 (B) if separated involuntarily on account
14 of misconduct, or voluntarily, before the end of
15 the period specified in the agreement, the cov-
16 ered attorney shall repay to the United States
17 the amount of any benefits received by the cov-
18 ered participant under paragraph (1).

19 (c) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

20 (1) MENTORSHIP.—Not later than 90 days
21 after the date on which an individual becomes a cov-
22 ered participant, the Secretary shall assign the cov-
23 ered participant a mentor who is an employee of the
24 Department who is—

1 (A) to the extent practicable, a managerial
2 employee; and

3 (B) outside the participant's chain of com-
4 mand.

5 (2) ASSIGNMENTS.—At the election of a cov-
6 ered participant who has completed at least two
7 years of service to the Department, the Secretary
8 shall assign such covered participant to:

9 (A) The Office of General Counsel, in a
10 position—

11 (i) that includes full-time legal respon-
12 sibilities in order to further the profes-
13 sional development of the covered partici-
14 pant; and

15 (ii) for a period of not less than 120
16 days and not more than 180 days, or
17 longer at the discretion of the Secretary.

18 (B) In the case of a covered participant
19 who has already held a position described in
20 subparagraph (A), an assignment described in
21 clauses (i) and (ii) of such subparagraph with
22 the Board of Veterans' Appeals.

23 (3) OTHER ROTATIONAL ASSIGNMENTS.—The
24 Secretary may provide a covered participant one or
25 more other short-term rotational assignments. Such

1 an assignment shall be for a period of not less than
2 30 days and not more than 180 days, at the discre-
3 tion of the Secretary.

4 (d) PERIODIC REPORTS.—

5 (1) REPORTS REQUIRED.—Not later than three
6 years after the date on which the Secretary begins
7 to carry out the program under this section, and not
8 less frequently than once every three years there-
9 after, the Secretary shall submit to the Committee
10 on Veterans’ Affairs of the Senate and the Com-
11 mittee on Veterans’ Affairs of the House of Rep-
12 resentatives regarding such program.

13 (2) ELEMENTS.—Each report submitted under
14 paragraph (1) shall include the following elements:

15 (A) Costs to the United States to provide
16 benefits under subsection (b).

17 (B) The rates of retention of covered par-
18 ticipants compared to other employees of the
19 Department.

20 (C) Recommendations of the Secretary re-
21 garding legislative or administrative action to
22 improve such program.

23 (e) DEFINITIONS.—In this section:

24 (1) The term “covered attorney” means an in-
25 dividual who—

1 (A) is a covered participant;

2 (B) has graduated from a law school ac-
3 credited by the American Bar Association; and

4 (C) is a member in good standing of the
5 bar of a State.

6 (2) The term “covered participant” means an
7 individual who participates in—

8 (A) the Honors Attorney Program (or suc-
9 cessor program) of the Office of General Coun-
10 sel of the Department of Veterans Affairs; or

11 (B) the Law Clerk Program (or successor
12 program) of the Board of Veterans’ Appeals.

13 (3) The term “State” has the meaning given
14 such term in section 101 of title 38, United States
15 Code.

16 **SEC. 7. INCREASE IN MAXIMUM NUMBER OF JUDGES AP-**
17 **POINTED TO UNITED STATES COURT OF AP-**
18 **PEALS FOR VETERANS CLAIMS.**

19 Section 7253(a) of title 38, United States Code, is
20 amended by striking “seven” and inserting “nine”.

21 **SEC. 8. REPORT ON IMPROVING ACCESS TO BOARD OF VET-**
22 **ERANS’ APPEALS TELEHEARINGS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of Vet-
25 erans Affairs shall submit to the Committee on Veterans’

1 Affairs of the Senate and the Committee on Veterans' Af-
2 fairs of the House of Representatives a report on improv-
3 ing access to hearings before the Board of Veterans' Ap-
4 peals held by picture and voice transmission.

5 (b) CONTENTS.—The report required by subsection
6 (a) shall include the following:

7 (1) Recommendations on the feasibility and ad-
8 visability of reimbursing veterans for expenses in-
9 curred for travel from the home of a veteran to the
10 location at which a hearing before the Board of Vet-
11 erans' Appeals is held by picture and voice trans-
12 mission, if the Secretary determines that travel to
13 such location is reasonably necessary for such a
14 hearing.

15 (2) Recommendations on establishment of pilot
16 programs to assess the feasibility and advisability of
17 using other methods that could improve veteran ac-
18 cess to hearings before the Board of Veterans' Ap-
19 peals held by picture and voice transmission from a
20 veteran's home.

21 (3) Such other recommendations to improve ac-
22 cess to hearings before the Board of Veterans' Ap-

- 1 peals held by picture and voice transmission as the
- 2 Secretary may receive from stakeholders.

Passed the House of Representatives September 20,
2023.

Attest: KEVIN F. MCCUMBER,
Clerk.