

119TH CONGRESS  
1ST SESSION

# H. R. 3835

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

JUNE 9, 2025

Mr. BOST (for himself, Mr. TAKANO, Mr. VALADAO, Mr. BILIRAKIS, Mr. JAMES, Mr. BACON, and Mr. LAWLER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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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 2025”.

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

22 “(2) the number of cases that advanced on the  
23 docket by reason of a motion that was filed under  
24 7107(b) of this title and on which the Board ruled,  
25 disaggregated by—

1           “(A) whether a motion was granted or de-  
2           nied; and

3           “(B) the reason provided for the motion;  
4           and

5           “(3) the number of appeals dismissed by the  
6           Board, disaggregated by—

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

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

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

17          (b) GUIDELINES FOR ADVANCEMENT OF CASES ON  
18          DOCKET OF BOARD.—Not later than one year after the  
19          date of the enactment of this Act, the Secretary of Vet-  
20          erans Affairs, in consultation with the Board of Veterans’  
21          Appeals and the General Counsel of the Department of  
22          Veterans Affairs, shall prescribe guidelines for the ad-  
23          vancement of a case on the docket of the Board on a mo-  
24          tion for earlier consideration and determination under sec-  
25          tion 7107(b)(3) of title 38, United States Code. Such

1 guidelines shall include the type of evidence that may be  
2 submitted with the motion for the advancement of the case  
3 to show grounds for such a motion.

4 (c) REQUIREMENT TO TRACK CERTAIN CLAIMS FOR  
5 BENEFITS.—

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

9 **“§ 5109C. Requirement to track and maintain infor-**  
10 **mation on certain claims for benefits; no-**  
11 **tice of certain assignments**

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

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

18 “(A) continuously pursued in accordance  
19 with—

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

22 “(ii) any other policy established by  
23 the Secretary;

24 “(B) filed in the National Work Queue (or  
25 any successor system) but have not been as-

1 signed to an office of the Veterans Benefits Ad-  
2 ministration for adjudication;

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

7 “(D) remanded by the Board of Veterans’  
8 Appeals to the Secretary pursuant to section  
9 7104 of this title; or

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

13 “(2) instances in which an adjudicator of the  
14 Veterans Benefits Administration does not comply  
15 with a relevant decision of the Board of Veterans’  
16 Appeals to remand a claim for benefits under the  
17 laws administered by the Secretary (or an issue  
18 within such a claim), including any such instance in  
19 which the relevant decision concerned a failure on  
20 the part of the agency of original jurisdiction to sat-  
21 isfy the duty of the Secretary to assist under section  
22 5103A of this title;

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

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

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

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

11                  “(A) assigned a fiduciary; and

12                  “(B) not assigned a fiduciary.

13          “(b) ANNUAL REPORT.—(1) The Secretary shall sub-  
14          mit to the Committees on Veterans’ Affairs of the House  
15          of Representatives and the Senate an annual report that  
16          includes all information maintained and tracked pursuant  
17          to subsection (a).

18          “(2) The first report required by paragraph (1) shall  
19          be submitted by not later than one year after the date  
20          of the enactment of the Veterans Appeals Efficiency Act  
21          of 2025.”.

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

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

1 (d) IMPROVEMENTS TO BOARD OF VETERANS’ AP-  
2 PEALS.—

3 (1) AUTHORITY TO AGGREGATE CERTAIN  
4 CLAIMS.—

5 (A) IN GENERAL.—Section 7104(a) of  
6 such title is amended by inserting after the sec-  
7 ond sentence the following new sentence: “If  
8 the Chairman of the Board determines that  
9 more than one appeal involves common ques-  
10 tions of law or fact, the Chairman may aggre-  
11 gate such appeals to decide such questions of  
12 law or fact.”.

13 (B) EFFECTIVE DATE.—The amendment  
14 made by subparagraph (A) shall take effect on  
15 the date of the enactment of this Act and apply  
16 beginning on the date on which the Secretary of  
17 Veterans Affairs completes the development of  
18 the policies and procedures required under sub-  
19 section (g)(4)(A)(ii).

20 (2) REQUIREMENT TO ENSURE SUBSTANTIAL  
21 COMPLIANCE WITH CERTAIN DECISIONS.—Such sec-  
22 tion is further amended—

23 (A) by redesignating subsection (f) as sub-  
24 section (g); and

1 (B) by inserting after subsection (e) the  
2 following new subsection (f):

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

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

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

13 “(B) such decision was unnecessary.

14 “(3) If the Secretary waives such requirement, the  
15 applicable member of the Board shall include, pursuant  
16 to subsection (d), a determination of such waiver in the  
17 decision of the Board.”.

18 (3) DEFINITION OF AGGREGATE; REPORT.—

19 Such section is further amended by adding at the  
20 end the following new subsections:

21 “(h) Not later than five years after the date of the  
22 enactment of the Veterans Appeals Efficiency Act of 2025,  
23 and every five years thereafter, the Secretary shall submit  
24 to the Committees on Veterans’ Affairs of the Senate and  
25 House of Representatives a report on the aggregation of

1 claims by the Board under subsection (a). Each such re-  
2 port shall include—

3 “(1) an identification of each instance in which  
4 the Board aggregated appeals during the period cov-  
5 ered by the report, including, for each such instance,  
6 the number of appeals that were aggregated;

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

10 “(3) such other matters as the Secretary deter-  
11 mines appropriate.

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

13 “(1) means any practice or procedure to collect  
14 common issues, claims, or appeals by multiple par-  
15 ties for the purposes of resolving such issues, claims,  
16 or appeals; and

17 “(2) includes the use of joinder, consolidation,  
18 intervention, class actions, and any other multiparty  
19 proceedings.”.

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

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

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

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

9                       “(i) that satisfies the definition of the class  
10                      contained in the request for class certification;  
11                      and

12                     “(ii) for which the agency of original juris-  
13                     diction has issued a nonfinal decision and the  
14                     claimant has filed a notice of disagreement  
15                     under section 5104C(a) or section 7105 of this  
16                     title, including any case in which a claimant has  
17                     filed a supplemental claim within one year of a  
18                     Board decision under section 5110(a)(2)(D)  
19                     and 5108 of this title following a notice of dis-  
20                     agreement and decision of the Board.

21           “(B) For purposes of subparagraph (A), a covered  
22           proceeding means—

23                     “(i) an appeal over which the Court has juris-  
24                     diction pursuant to section 7266 of this title; or

1           “(ii) a request for a writ over which the Court  
2           has jurisdiction.

3           “(2) A claimant who has not opted out of an oppor-  
4           tunity to be a member of a class action may submit a re-  
5           quest for administrative review of such a claim under sec-  
6           tion 5104C(a) of this title during the period beginning on  
7           the date on which the named claimant of the motion for  
8           class action review submits to the Court a motion for class  
9           action review and ending on the date that is 60 days after  
10          the later of the following dates:

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

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

16          “(3) In the case of a claimant who has not opted out  
17          of an opportunity to be a member of a class action and  
18          whose claim is decided by the Board during the period  
19          when the Court is reviewing the motion for class action  
20          review the deadline for such claimant to file an appeal to  
21          the Court with respect to the decision of the Board shall  
22          be tolled if the Court denies the motion for class action  
23          review.

24          “(c)(1) In the case of a claim for benefits under the  
25          laws administered by the Secretary, the Court may re-

1 mand a matter to the Board of Veterans' Appeals for the  
2 limited purpose of ordering the Board to address a ques-  
3 tion of law or fact if the Court determines the Board failed  
4 to—

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

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

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

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

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

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

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

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

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

1           “(E) A requirement that the parties to an ap-  
2           peal for which a limited remand is issued provide no-  
3           tice to the Court when the Board issues its decision  
4           on the relevant question identified in the limited re-  
5           mand.

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

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

9                   “(B) stay the proceedings of the Court on such  
10           matter until the date on which the Board issues the  
11           decision required by such remand.”.

12           (f) STUDY AND REPORT ON COMMON QUESTIONS OF  
13           LAW OR FACT BEFORE BOARD OF VETERANS’ AP-  
14           PEALS.—

15                   (1) STUDY.—The Chairman of the Board of  
16           Veterans’ Appeals shall carry out a study to identify  
17           questions of law or fact the Board commonly con-  
18           siders when reviewing appeals pursuant to section  
19           7104 of title 38, United States Code, for which pre-  
20           cedential guidance would assist the Board in issuing  
21           final decisions on such appeals. The Chairman may  
22           use artificial intelligence and other technology in  
23           carrying out such study.

24                   (2) REPORT.—Not later than one year after the  
25           date of the enactment of this Act, the Chairman of

1 the Board of Veterans Appeals shall submit to the  
2 Committees on Veterans Affairs of the House of  
3 Representatives and the Senate a report that in-  
4 cludes the findings of the study required by para-  
5 graph (1).

6 (g) INDEPENDENT ASSESSMENT OF POTENTIAL  
7 MODIFICATIONS TO AUTHORITY OF BOARD OF VET-  
8 ERANS' APPEALS.—

9 (1) AGREEMENT.—Not later than 30 days after  
10 the date of the enactment of this Act, the Secretary  
11 of Veterans Affairs shall seek to enter into an agree-  
12 ment with an FFRDC under which the FFRDC  
13 shall conduct an assessment of the feasibility of  
14 modifying the authority of the Board of Veterans'  
15 Appeals established under chapter 71 of title 38,  
16 United States Code, to permit the Board to issue  
17 precedential decisions with respect to questions of  
18 law or fact arising in matters before the Board.

19 (2) REPORT; BRIEFINGS.—If the Secretary fails  
20 to finalize an agreement with an FFRDC under  
21 paragraph (1) before the date that is 180 days after  
22 the date on which the Secretary enters negotiations  
23 with respect to such agreement, the Secretary  
24 shall—

1 (A) submit to the Committees on Veterans'  
2 Affairs of the House of Representatives and the  
3 Senate a report that includes—

4 (i) an explanation of the reasons the  
5 Secretary failed to satisfy such require-  
6 ment; and

7 (ii) an estimate of the date on which  
8 the Secretary will finalize the agreement  
9 under paragraph (1); and

10 (B) not less frequently than once every 60  
11 days after the date on which the Secretary  
12 failed to satisfy such requirement, provide to  
13 the Committees on Veterans' Affairs of the  
14 House of Representatives and the Senate a  
15 briefing on the progress of the Secretary toward  
16 finalizing such agreement.

17 (3) ASSESSMENT.—An FFRDC that enters into  
18 an agreement under subsection (a) shall, in con-  
19 sultation with veterans service organizations, vet-  
20 erans' and survivors' advocate groups, relevant legal  
21 experts, and the Chair of the Administrative Con-  
22 ference of the United States (or the designee or des-  
23 ignees of such Chair) submit to the Secretary a writ-  
24 ten assessment that includes the following:

1 (A) The determination of the FFRDC of  
2 whether modifying the authority of the Board  
3 to permit the Board to issue precedential deci-  
4 sions with respect to questions of law or fact  
5 arising in matters before the Board is feasible.

6 (B) An assessment of the authority of the  
7 Board of Veterans' Appeals to aggregate, for  
8 review, more than one appeal under chapter 71  
9 of such title that involves common questions of  
10 law or fact pursuant to section 7104 of such  
11 title, as amended by subsection (d)(1).

12 (C) The recommendations of the FFRDC  
13 with respect to rules or principles to which the  
14 Board should adhere when aggregating appeals  
15 for review pursuant to section 7104(a) of title  
16 38, United States Code, as so amended.

17 (4) REPORT; IMPLEMENTATION.—

18 (A) IN GENERAL.—Not later than 90 days  
19 after the Secretary receives the assessment  
20 under subsection (b), the Secretary shall—

21 (i) submit to the Committees on Vet-  
22 erans' Affairs of the Senate and House of  
23 Representatives a copy of such assessment;  
24 and

1                   (ii) begin developing policies and pro-  
2                   cedures to implement the recommendations  
3                   in the assessment with respect to the au-  
4                   thority of the Board of Veterans' Appeals  
5                   referred to in paragraph (2)(B).

6                   (B) DEADLINE.—The Secretary shall com-  
7                   plete the development of the policies and proce-  
8                   dures required under subparagraph (A)(ii) by  
9                   not later than six months after the date on  
10                  which the Secretary begins developing such poli-  
11                  cies and procedures.

12                 (5) DEFINITIONS.—In this subsection:

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

15                   (B) The term “veterans service organiza-  
16                   tion” means an organization recognized by the  
17                   Secretary for the representation of veterans  
18                   under section 5902 of title 38, United States  
19                   Code.

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