

119TH CONGRESS
1ST SESSION

S. 1992

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.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2025

Mr. BANKS (for himself and Mr. BLUMENTHAL) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

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.—Not less frequently than an-
15 nually, the Secretary shall submit to the Committee on
16 Veterans’ Affairs of the Senate and the Committee on Vet-
17 erans’ Affairs of the House of Representatives an annual
18 report that includes, with respect to the period covered
19 by the report—

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

24 “(2) the number of cases that advanced on the
25 docket by reason of a motion that was filed under

1 7107(b) of this title and on which the Board ruled,
2 disaggregated by—

3 “(A) whether a motion was granted or de-
4 nied; and

5 “(B) the reason provided for the motion;
6 and

7 “(3) the number of appeals dismissed by the
8 Board, disaggregated by—

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

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

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

19 (b) GUIDELINES FOR ADVANCEMENT OF CASES ON
20 DOCKET OF BOARD.—Not later than one year after the
21 date of the enactment of this Act, the Secretary of Vet-
22 erans Affairs, in consultation with the Board of Veterans’
23 Appeals and the General Counsel of the Department of
24 Veterans Affairs, shall prescribe guidelines for the ad-
25 vancement of a case on the docket of the Board on a mo-

tion for earlier consideration and determination under section 7107(b)(3) of title 38, United States Code. Such guidelines shall include the type of evidence that may be submitted with the motion for the advancement of the case to show grounds for such a motion.

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

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

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

“(a) IN GENERAL.—The Secretary shall use technology to track and maintain information (including information with respect to timeliness) on—

“(1) claims for benefits under the laws administered by the Secretary (including issues within such claims) that are—

“(A) continuously pursued in accordance with—

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

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

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

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

9 “(D) remanded by the Board of Veterans’
10 Appeals to the Secretary pursuant to section
11 7104 of this title; or

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

15 “(2) instances in which an adjudicator of the
16 Veterans Benefits Administration does not comply
17 with a relevant decision of the Board of Veterans’
18 Appeals to remand a claim for benefits under the
19 laws administered by the Secretary (or an issue
20 within such a claim), including any such instance in
21 which the relevant decision concerned a failure on
22 the part of the agency of original jurisdiction to sat-
23 isfy the duty of the Secretary to assist under section
24 5103A of this title;

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

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

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

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

13 “(A) assigned a fiduciary; and

14 “(B) not assigned a fiduciary.

15 “(b) ANNUAL REPORT.—(1) Not less frequently than
16 annually, the Secretary shall submit to the Committee on
17 Veterans’ Affairs of the Senate and the Committee on Vet-
18 erans’ Affairs of the House of Representatives an annual
19 report that includes all information maintained and
20 tracked pursuant to subsection (a).

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

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

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

5 (d) IMPROVEMENTS TO BOARD OF VETERANS’ AP-
 6 PEALS.—

7 (1) AUTHORITY TO AGGREGATE CERTAIN
 8 CLAIMS.—

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

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

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

4 (A) by redesignating subsection (f) as sub-
5 section (g); and

6 (B) by inserting after subsection (e) the
7 following new subsection (f):

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

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

15 “(A) evidence added to the evidentiary record
16 after the date of such decision is sufficient to resolve
17 the issues underlying such decision; or

18 “(B) such decision was unnecessary.

19 “(3) If the Secretary waives such requirement, the
20 applicable member of the Board shall include, pursuant
21 to subsection (d), a determination of such waiver in the
22 decision of the Board.”.

23 (3) DEFINITION OF AGGREGATE; REPORT.—
24 Such section is further amended by adding at the
25 end the following new subsections:

1 “(h) Not later than five years after the date of the
2 enactment of the Veterans Appeals Efficiency Act of 2025,
3 and not less frequently than once every five years there-
4 after, the Secretary shall submit to the Committee on Vet-
5 erans’ Affairs of the Senate and the Committee on Vet-
6 erans’ Affairs of the House of Representatives a report
7 on the aggregation of claims by the Board under sub-
8 section (a). Each such report shall include—

9 “(1) an identification of each instance in which
10 the Board aggregated appeals during the period cov-
11 ered by the report, including, for each such instance,
12 the number of appeals that were aggregated;

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

16 “(3) such other matters as the Secretary deter-
17 mines appropriate.

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

19 “(1) means any practice or procedure to collect
20 common issues, claims, or appeals by multiple par-
21 ties for the purposes of resolving such issues, claims,
22 or appeals; and

23 “(2) includes the use of joinder, consolidation,
24 intervention, class actions, and any other multiparty
25 proceedings.”.

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

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

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

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

14 “(i) that satisfies the definition of the class con-
15 tained in the request for class certification; and

16 “(ii) for which the agency of original jurisdic-
17 tion has issued a nonfinal decision and the claimant
18 has filed a notice of disagreement under section
19 5104C(a) or section 7105 of this title, including any
20 case in which a claimant has filed a supplemental
21 claim within one year of a Board decision under sec-
22 tion 5110(a)(2)(D) and 5108 of this title following
23 a notice of disagreement and decision of the Board.

24 “(B) For purposes of subparagraph (A), a covered
25 proceeding means—

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

3 “(ii) a request for a writ over which the Court
4 has jurisdiction.

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

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

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

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

1 “(c)(1) In the case of a claim for benefits under the
2 laws administered by the Secretary, the Court may re-
3 mand a matter to the Board of Veterans’ Appeals for the
4 limited purpose of ordering the Board to address a ques-
5 tion of law or fact if the Court determines the Board
6 failed—

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

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

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

13 “(B) to provide adequate reasons or bases for
14 the decision of the Board with respect to such ques-
15 tion.

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

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

21 “(B) The period within which the Board is re-
22 quired issue a decision on the relevant question iden-
23 tified in a limited remand.

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

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

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

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

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

12 “(B) stay the proceedings of the Court on such
13 matter until the date on which the Board issues the
14 decision required by such remand.”.

15 (f) STUDY AND REPORT ON COMMON QUESTIONS OF
16 LAW OR FACT BEFORE BOARD OF VETERANS’ AP-
17 PEALS.—

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

1 use artificial intelligence and other technology in
2 carrying out such study.

3 (2) REPORT.—Not later than one year after the
4 date of the enactment of this Act, the Chairman of
5 the Board of Veterans Appeals shall submit to the
6 Committees on Veterans Affairs of the House of
7 Representatives and the Senate a report that in-
8 cludes the findings of the study required by para-
9 graph (1).

10 (g) INDEPENDENT ASSESSMENT OF POTENTIAL
11 MODIFICATIONS TO AUTHORITY OF BOARD OF VET-
12 ERANS' APPEALS.—

13 (1) AGREEMENT.—Not later than 30 days after
14 the date of the enactment of this Act, the Secretary
15 of Veterans Affairs shall seek to enter into an agree-
16 ment with a federally funded research and develop-
17 ment center under which the center shall conduct an
18 assessment of the feasibility of modifying the au-
19 thority of the Board of Veterans' Appeals estab-
20 lished under chapter 71 of title 38, United States
21 Code, to permit the Board to issue precedential deci-
22 sions with respect to questions of law or fact arising
23 in matters before the Board.

24 (2) REPORT; BRIEFINGS.—If the Secretary fails
25 to finalize an agreement with a federally funded re-

1 search and development center under paragraph (1)
2 before the date that is 180 days after the date on
3 which the Secretary enters negotiations with respect
4 to such agreement, the Secretary shall—

5 (A) submit to the Committees on Veterans'
6 Affairs of the House of Representatives and the
7 Senate a report that includes—

8 (i) an explanation of the reasons the
9 Secretary failed to satisfy such require-
10 ment; and

11 (ii) an estimate of the date on which
12 the Secretary will finalize the agreement
13 under paragraph (1); and

14 (B) not less frequently than once every 60
15 days after the date on which the Secretary
16 failed to satisfy such requirement, provide to
17 the Committee on Veterans' Affairs of the Sen-
18 ate and the Committee on Veterans' Affairs of
19 the House of Representatives a briefing on the
20 progress of the Secretary toward finalizing such
21 agreement.

22 (3) ASSESSMENT.—A federally funded research
23 and development center that enters into an agree-
24 ment under subsection (a) shall, in consultation with
25 veterans service organizations, veterans' and sur-

1 vivors' advocate groups, relevant legal experts, and
2 the Chair of the Administrative Conference of the
3 United States (or the designee or designees of such
4 Chair) submit to the Secretary a written assessment
5 that includes the following:

6 (A) The determination of the center of
7 whether modifying the authority of the Board
8 to permit the Board to issue precedential deci-
9 sions with respect to questions of law or fact
10 arising in matters before the Board is feasible.

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

17 (C) The recommendations of the center
18 with respect to rules or principles to which the
19 Board should adhere when aggregating appeals
20 for review pursuant to section 7104(a) of title
21 38, United States Code, as so amended.

22 (4) REPORT; IMPLEMENTATION.—

23 (A) IN GENERAL.—Not later than 90 days
24 after the Secretary receives the assessment
25 under subsection (b), the Secretary shall—

1 (i) submit to the Committee on Vet-
 2 erans' Affairs of the Senate and the Com-
 3 mittee on Veterans' Affairs of the House
 4 of Representatives a copy of such assess-
 5 ment; and

6 (ii) begin developing policies and pro-
 7 cedures to implement the recommendations
 8 in the assessment with respect to the au-
 9 thority of the Board of Veterans' Appeals
 10 referred to in paragraph (2)(B).

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

17 (5) DEFINITION OF VETERANS SERVICE ORGA-
 18 NIZATION.—In this subsection, the term “veterans
 19 service organization” means an organization recog-
 20 nized by the Secretary for the representation of vet-
 21 erans under section 5902 of title 38, United States
 22 Code.

