

By: Hancock

S.B. No. 1591

A BILL TO BE ENTITLED

AN ACT

relating to the provision of claims assistance services to veterans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 434.0078, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The commission may contract with the following persons to provide claims assistance services under Section 434.007(a)(5), including federal appellate litigation services at the United States Court of Appeals for Veterans Claims:

(1) a law firm specializing in veteran benefits law that:

(A) has at least 10 years of experience representing veterans in disability cases before the United States Department of Veterans Affairs based on a VA Form 21-22a appointing at least one attorney employed by the firm as the claimant's representative of record;

(B) has a principal owner or practice section chairperson licensed to practice before the United States Court of Appeals for Veterans Claims who:

(i) has entered appearances in at least 750 cases at the United States Court of Appeals for Veterans Claims; and

(ii) is an accredited representative with the United States Department of Veterans Affairs;

1 (C) employs at least one attorney licensed to
2 practice law in this state who resides in this state; and

3 (D) maintains a physical office in this state and
4 has maintained a physical office in this state for at least one year
5 immediately preceding the date on which the firm enters into a
6 contract with the commission to provide services under this
7 subsection; and

8 (2) an organization exempt from federal income tax
9 under Section 501(a), Internal Revenue Code of 1986, as an
10 organization described by Section 501(c)(3) of that code whose
11 primary mission is to provide disability claims assistance to
12 veterans and that:

13 (A) has at least 10 years of experience
14 representing veterans in disability cases before the United States
15 Department of Veterans Affairs based on a VA Form 21-22 appointing
16 the organization as the claimant's representative organization of
17 record;

18 (B) employs at least one attorney licensed to
19 practice before the United States Court of Appeals for Veterans
20 Claims who:

21 (i) has entered appearances in at least 750
22 cases at the United States Court of Appeals for Veterans Claims; and

23 (ii) is an accredited representative with
24 the United States Department of Veterans Affairs;

25 (C) employs at least one attorney licensed to
26 practice law in this state who resides in this state; and

27 (D) maintains a physical office in this state and

1 has maintained a physical office in this state for at least one year
2 immediately preceding the date on which the organization enters
3 into a contract with the commission to provide services under this
4 subsection.

5 (g) Services provided under Subsection (f) must be provided
6 as follows:

7 (1) for representation before the United States Court
8 of Appeals for Veterans Claims following an adverse decision at the
9 Board of Veterans' Appeals, representation is free of charge to the
10 claimant and the state if the claimant's net worth is less than \$2
11 million;

12 (2) for appeals or supplemental claims following an
13 initial denial or a remand from the United States Court of Appeals
14 for Veterans Claims, a person described by Subsection (f) may
15 charge a claimant a reasonable fee, as defined by applicable
16 federal statutes and regulations, including the factors and
17 presumptions specified by 38 C.F.R. Section 14.636, that does not
18 exceed 33 percent of the claimant's past due benefits;

19 (3) a fee may not be charged to a claimant for
20 preparing and filing initial claims with the United States
21 Department of Veterans Affairs; and

22 (4) fees or costs may not be charged to the state by a
23 person described by Subsection (f).

24 SECTION 2. This Act takes effect September 1, 2025.