

112TH CONGRESS  
1ST SESSION

# H. R. 2053

To amend title 38, United States Code, to improve the efficiency of processing certain claims for disability compensation by veterans.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. WALZ of Minnesota (for himself and Mr. KING of New York) 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 processing certain claims for disability compensation by veterans.

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’ Disability  
5 Claims Efficiency Act of 2011”.

6 **SEC. 2. IMPROVEMENT OF DISABILITY CLAIMS PROC-**  
7 **ESSING.**

8 (a) ESTABLISHMENT OF FAST TRACK INTERIM DIS-  
9 ABILITY RATINGS.—Section 1157 of title 38, United  
10 States Code, is amended—

1           (1) by striking “The Secretary” and inserting  
2           “(a) The Secretary”; and

3           (2) by adding at the end the following new sub-  
4           section:

5           “(b)(1) In the case of a veteran who submits to the  
6 Secretary a claim for compensation under this chapter for  
7 more than one condition and the Secretary determines  
8 that a disability rating can be assigned without further  
9 development for one or more conditions but not all condi-  
10 tions in the claim, the Secretary shall—

11           “(A) expeditiously review the claim in accord-  
12           ance with section 5103B of this title;

13           “(B) assign an interim disability rating for each  
14           condition that the Secretary determines could be as-  
15           signed without further development (except as pro-  
16           vided in paragraph (3)(A)); and

17           “(C) continue development of the remaining  
18           conditions.

19           “(2) If the Secretary is able to assign a disability rat-  
20           ing for a condition described in paragraph (1)(C) with re-  
21           spect to a claim, the Secretary shall assign such rating  
22           and combine such rating with each interim rating pre-  
23           viously assigned under paragraph (1)(B) with respect to  
24           that claim.

1 “(3)(A) With respect to an interim disability rating  
2 assigned under paragraph (1)(B) for a condition that is  
3 rated less than the maximum rate, the Secretary shall con-  
4 tinue development of such condition.

5 “(B) Except as provided in subparagraph (C), an in-  
6 terim disability rating assigned under paragraph (1)(B)  
7 for a condition shall remain in effect unless the Secretary  
8 later assigns an increased rating for such condition.

9 “(C) Under regulations prescribed by the Secretary,  
10 subparagraph (B) shall not apply to an interim disability  
11 rating assigned under paragraph (1)(B) for a condition  
12 if—

13 “(i) such rating was based on fraud; or

14 “(ii) such condition improves.”.

15 (b) ESTABLISHMENT OF FAST TRACK CLAIM RE-  
16 VIEW PROCESS.—

17 (1) IN GENERAL.—Subchapter I of chapter 51  
18 of title 38, United States Code, is amended by in-  
19 sserting after section 5103A the following new sec-  
20 tion:

21 “§ 5103B. **Expedited review of initial claims for dis-**  
22 **ability compensation**

23 “(a) PROCESS REQUIRED.—The Secretary shall es-  
24 tablish a process for the rapid identification of initial  
25 claims for disability compensation that should, in the adju-

1 dication of such claims, receive priority in the order of re-  
2 view.

3 “(b) REVIEW OF INITIAL CLAIMS.—As part of the  
4 process required by subsection (a), the Secretary shall  
5 carry out a preliminary review of all initial claims for dis-  
6 ability compensation submitted to the Secretary in order  
7 to identify whether—

8 “(1) the claims have the potential of being ad-  
9 judicated quickly, including claims where an interim  
10 disability rating could be assigned under section  
11 1157(b)(1)(B) of this title;

12 “(2) the claims qualify for priority treatment  
13 under paragraph (2) of subsection (c); and

14 “(3) a temporary disability rating could be as-  
15 signed with respect to the claims under section 1156  
16 of this title.

17 “(c) PRIORITY IN ADJUDICATION OF INITIAL  
18 CLAIMS.—(1) As part of the process required by sub-  
19 section (a) and except as provided in paragraph (2), the  
20 Secretary shall, in the adjudication of initial claims for  
21 disability compensation submitted to the Secretary, give  
22 priority in the order of review of such claims to claims  
23 identified under subsection (b)(1) as having the potential  
24 of being adjudicated quickly.

1       “(2) Under regulations prescribed for such purpose,  
2 the Secretary may provide priority in the order of review  
3 of initial claims for disability compensation based on the  
4 effect such priority would have on a claimant.”.

5           (2) CLERICAL AMENDMENT.—The table of sec-  
6 tions at the beginning of chapter 51 of such title is  
7 amended by inserting after the item relating to sec-  
8 tion 5103A, the following new item:

“5103B. Expedited review of initial claims for disability compensation.”.

9       (c) REPORTS.—

10           (1) FIRST INTERIM REPORT.—Not later than  
11 one year after the date of the enactment of this Act,  
12 the Secretary of Veterans Affairs shall submit to the  
13 appropriate congressional committees a report on—

14                   (A) the implementation of sections 1157(b)  
15 and 5103B of title 38, United States Code, as  
16 added by this section;

17                   (B) the workflow of the employees of the  
18 Department of Veterans Affairs who review and  
19 process claims for disability compensation, in-  
20 cluding an analysis of—

21                           (i) the efficiency of such employees;

22                           and

23                           (ii) whether such claims are directed  
24 to such employees based on the complexity

1 of the claim in relation to the experience  
2 and skill of the employee; and

3 (C) pilot programs carried out by the Sec-  
4 retary relating to the review and process of  
5 claims for disability compensation, including—

6 (i) the status of such pilot programs;

7 (ii) an evaluation of any best practices  
8 learned from such pilot programs; and

9 (iii) whether such practices should be  
10 expanded.

11 (2) SECOND INTERIM REPORT.—Not later than  
12 18 months after the date of the enactment of this  
13 Act, the Secretary shall submit to the appropriate  
14 congressional committees an update to the report  
15 submitted under paragraph (1).

16 (3) FINAL REPORT.—Not later than two years  
17 after the date of the enactment of this Act, the Sec-  
18 retary shall submit to the appropriate congressional  
19 committees an update to the report submitted under  
20 paragraph (2).

21 (4) APPROPRIATE CONGRESSIONAL COMMIT-  
22 TEES.—In this subsection, the term “appropriate  
23 congressional committees” means the Committee on  
24 Veterans’ Affairs of the House of Representatives

1       and the Committee on Veterans' Affairs of the Sen-  
2       ate.

3       (d) **EFFECTIVE DATE.**—The amendments made by  
4 this section shall take effect on the date of the enactment  
5 of this Act, and shall apply with respect to claims for dis-  
6 ability compensation filed on or after the date that is two  
7 years after the date of the enactment of this Act.

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