

110TH CONGRESS
1ST SESSION

H. R. 1490

To provide for a presumption of service-connectedness for certain claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2007

Mr. DONNELLY (for himself and Mr. UPTON) (both by request): introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide for a presumption of service-connectedness for certain claims for benefits under the laws administered by the 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. PRESUMPTION OF SERVICE-CONNECTEDNESS**

4 **FOR SUBMITTED CLAIMS.**

5 (a) IN GENERAL.—Section 5107 of title 38, United

6 States Code, is amended by adding at the end the fol-

7 lowing new subsection:

1 “(c) PRESUMPTION OF SERVICE-CONNECTEDNESS.—

2 (1) A claimant presenting a claim for benefits with respect
3 to a service-connected disability or death shall be pre-
4 sumed to have presented a valid claim of service-connect-
5 edness, subject to the requirements of paragraph (2), un-
6 less the Secretary determines there is positive evidence to
7 the contrary.

8 “(2) A claimant presenting a claim described under
9 paragraph (1) shall be required to support such claim with
10 proof of service in a conflict referred to in such claim, and
11 a brief description of the nature, including the connection
12 to such service, of the disability or claim.

13 “(3) The Secretary shall audit a percentage, to be
14 determined by the Secretary, of the presented claims de-
15 scribed in paragraph (1), to uncover and deter fraudulent
16 claims.

17 “(4) The Secretary shall award benefits for claims
18 described in paragraph (1) and meeting the requirements
19 under paragraph (2), immediately upon processing of such
20 claim, at a median level, as determined by the Secretary,
21 for the type of disability described in the claim, until such
22 time as the appropriate level of benefits is determined.”.

23 (b) APPLICABILITY.—Subsection (c) of section 5107
24 of title 38, United States Code, as added by subsection
25 (a) of this section, shall apply to claims presented on or

1 after the date of the enactment of this Act and claims
2 that are still pending or have not been fully adjudicated
3 as of the date of the enactment of this Act, but shall not
4 apply to claims which have been denied and fully adju-
5 dicated before the date of the enactment of this Act.

6 **SEC. 2. REDEPLOYMENT OF DEPARTMENT OF VETERANS**

7 **AFFAIRS CLAIMS WORKERS TO ASSIST VET-
8 ERANS WITH CLAIMS.**

9 The Secretary of Veterans Affairs shall redeploy a
10 certain number of employees involved with processing
11 claims that the Secretary determines are no longer needed
12 to evaluate claims for benefits relating to service-con-
13 nected disability and death, due to the presumption of
14 service-connectedness for such claims under section
15 5107(c) of title 38, United States Code, as added by sec-
16 tion 1, for the purpose of assisting veterans applying for
17 such benefits. The Secretary shall redeploy such employees
18 to centers for the provision of readjustment counseling
19 and related mental health services established under sec-
20 tion 1712A of such title (commonly referred to as “vet
21 centers”), or to any other locations the Secretary deter-
22 mines are appropriate for such purpose.

