

111TH CONGRESS
2D SESSION

H. R. 5549

To amend title 38, United States Code, to provide for expedited procedures for the consideration of certain veterans claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2010

Mr. DONNELLY of Indiana (for himself and Mr. HALL of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for expedited procedures for the consideration of certain veterans claims, 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 Rating and Processing
5 Individuals’ Disability Claims Act” or the “RAPID Claims
6 Act”.

1 **SEC. 2. WAIVER OF CLAIM DEVELOPMENT PERIOD FOR**
2 **CLAIMS UNDER LAWS ADMINISTERED BY**
3 **SECRETARY OF VETERANS AFFAIRS.**

4 Section 5101 of title 38, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(d)(1) If a claimant submits to the Secretary a claim
8 that the Secretary determines is a fully developed claim,
9 the Secretary shall provide—

10 “(A) the claimant with the opportunity to waive
11 any claim development period otherwise made avail-
12 able by the Secretary with respect to such claim; and

13 “(B) expeditious treatment to such claim.

14 “(2) If a person submits to the Secretary any written
15 notification sufficient to inform the Secretary that the per-
16 son plans to submit a fully developed claim and, not later
17 than one year after submitting such notification submits
18 to the Secretary a claim that the Secretary determines is
19 a fully developed claim, the Secretary shall provide expedi-
20 tious treatment to the claim.

21 “(3) If the Secretary determines that a claim sub-
22 mitted by a claimant as a fully developed claim is not fully
23 developed, the Secretary shall provide such claimant with
24 the notice described in section 5103(a) within 30 days
25 after the Secretary makes such determination.

26 “(4) For purposes of this section:

1 “(A) The term ‘fully developed claim’ means a
2 claim—

3 “(i) for which the claimant—

4 “(I) received assistance from a vet-
5 erans service officer, a State or county vet-
6 erans service organization, an agent, or an
7 attorney; or

8 “(II) submits, together with the claim,
9 an appropriate indication that the claimant
10 does not intend to submit any additional
11 information or evidence in support of the
12 claim and does not require additional as-
13 sistance with respect to the claim; and

14 “(ii) for which the claimant or the claim-
15 ant’s representative, if any, each signs, dates,
16 and submits a certification in writing stating
17 that, as of such date, no additional information
18 or evidence is available or needs to be submitted
19 in order for the claim to be adjudicated.

20 “(B) The term ‘expeditious treatment’ means,
21 with respect to a claim for benefits under the laws
22 administered by the Secretary, treatment of such
23 claim so that the claim is fully processed and adju-
24 dicated within 90 days after the Secretary receives
25 an application for such claim.”.

1 **SEC. 3. APPEALS FORM AVAILABILITY.**

2 Subsection (b) of section 5104 of such title is amend-
3 ed—

4 (1) by striking “and (2)” and inserting “(2)”;
5 and

6 (2) by inserting before the period at the end the
7 following: “, and (3) any form or application re-
8 quired by the Secretary to appeal such decision”.

9 **SEC. 4. EFFECTIVE DATE.**

10 The amendments made by this Act shall apply with
11 respect to claims submitted on or after the date of the
12 enactment of this Act.

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