

113TH CONGRESS
1ST SESSION

H. R. 1739

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to pay provisional benefits for certain nonadjudicated claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2013

Mr. ENYART (for himself and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to pay provisional benefits for certain nonadjudicated 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 “Veterans Backlog Re-
5 duction Act”.

1 **SEC. 2. PROVISIONAL PAYMENT OF CERTAIN NONADJU-**
2 **DICATED CLAIMS FOR BENEFITS UNDER THE**
3 **LAWS ADMINISTERED BY THE SECRETARY OF**
4 **VETERANS AFFAIRS.**

5 (a) AUTHORITY TO MAKE PAYMENTS.—

6 (1) IN GENERAL.—Subchapter III of chapter
7 51 of title 38, United States Code, is amended by
8 adding at the end the following new section:

9 **“§ 5127. Payment of provisional benefits for certain**
10 **nonadjudicated claims**

11 “(a) IN GENERAL.—In the case of any claim for dis-
12 ability compensation under chapter 11 of this title that
13 is not adjudicated before the date that is 125 days after
14 the date of the submittal of the claim, the Secretary shall
15 pay to the claimant provisional benefits under this section
16 for the period beginning on the date that is 125 days after
17 the date of the submittal of the claim and ending on the
18 date on which a final decision is made with respect to the
19 claim.

20 “(b) AMOUNT OF BENEFITS.—The amount of the
21 provisional benefits payable to a claimant under this sec-
22 tion is an amount equal to the lesser of the following:

23 “(1) The average amount payable to a person
24 who receives payments of compensation for the type
25 of disability for which the claimant submitted the
26 claim.

1 “(2) The amount payable to a person who re-
2 ceives payments of compensation for a disability
3 rated at 40 percent under the schedule for rating
4 disabilities under section 1155 of this title.

5 “(c) ADJUDICATION.—(1) Upon the adjudication of
6 a claim for which the claimant receives payments of provi-
7 sional benefits under this section, the Secretary shall re-
8 duce the amount owed to the claimant for the period be-
9 tween the effective date of the award of the benefits and
10 the date of the adjudication of the claim by the amount
11 of provisional benefits paid to the claimant under this sec-
12 tion.

13 “(2) If, upon the adjudication of such a claim, the
14 claim is denied or the monthly amount of the disability
15 compensation benefits awarded to the claimant is less than
16 the monthly amount of provisional benefits paid to the
17 claimant under this section, there shall be no recovery of
18 the overpayments unless the Secretary determines that
19 there exists in connection with the claim an indication of
20 fraud, misrepresentation, or bad faith on the part of the
21 claimant.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by adding at the end of the items relating to such
25 subchapter the following new item:

“5127. Payment of provisional benefits for certain nonadjudicated claims.”.

1 (b) EFFECTIVE DATE.—Section 5127 of title 38,
2 United States Code, as added by subsection (a), shall
3 apply with respect to a new claim for benefits submitted
4 after the date of the enactment of this Act.

○