

113TH CONGRESS
1ST SESSION

S. 935

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requesting additional medical examinations of veterans who have submitted sufficient medical evidence provided by non-Department medical professionals and to improve the efficiency of processing certain claims for disability compensation by veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2013

Mr. FRANKEN introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requesting additional medical examinations of veterans who have submitted sufficient medical evidence provided by non-Department medical professionals and to improve the efficiency of processing certain claims for disability compensation by veterans, 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 “Quicker Veterans Ben-
5 efits Delivery Act of 2013”.

1 **SEC. 2. TREATMENT OF MEDICAL EVIDENCE PROVIDED BY**
2 **NON-DEPARTMENT OF VETERANS AFFAIRS**
3 **MEDICAL PROFESSIONALS IN SUPPORT OF**
4 **CLAIMS DISABILITY COMPENSATION.**

5 (a) IN GENERAL.—Section 5103A(d) of title 38,
6 United States Code, is amended by adding at the end the
7 following new paragraph:

8 “(3) During the six-year period beginning on the date
9 of the enactment of the Quicker Veterans Benefits Deliv-
10 ery Act of 2013, the Secretary may not request a medical
11 examination under paragraph (1) in the case of a claim
12 for disability compensation in support of which a claimant
13 submits medical evidence provided by a non-Department
14 medical professional, including a non-Department medical
15 opinion, that is competent, credible, probative, and other-
16 wise adequate for purposes of making a decision on the
17 claim.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to medical evidence
20 submitted after the date that is 90 days after the date
21 of the enactment of this Act.

22 **SEC. 3. IMPROVEMENT OF DISABILITY CLAIMS PROC-**
23 **ESSING.**

24 (a) PRESTABILIZATION RATES.—Section 1156 of
25 title 38, United States Code, is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (e) and (f), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsection (c):

5 “(c) PRESTABILIZATION RATES.—During the six-
6 year period beginning on the date of the enactment of the
7 Quicker Veterans Benefits Delivery Act of 2013, in assign-
8 ing to a veteran a prestabilization rating pursuant to sec-
9 tion 4.28 of title 38, Code of Federal Regulations, or suc-
10 cessor regulation, the Secretary shall assign such a rating
11 at the level of total, 50 percent, or 30 percent, as deter-
12 mined appropriate by the Secretary.”.

13 (b) TEMPORARY MINIMUM RATES.—Section 1156 of
14 title 38, United States Code, is further amended by insert-
15 ing after subsection (c), as added by subsection (a), the
16 following new subsection (d):

17 “(d) TEMPORARY MINIMUM RATES.—During the six-
18 year period beginning on the date of the enactment of the
19 Quicker Veterans Benefits Delivery Act of 2013, the Sec-
20 retary shall assign a temporary minimum disability rating
21 to a veteran who—

22 “(1) has one or more disabilities not covered
23 under subsection (a); and

1 “(2) submits a claim for such disability that
 2 has sufficient evidence to support a minimum dis-
 3 ability rating.”.

4 (c) REPORTING OF CLAIMS BACKLOG.—During the
 5 six-year period beginning on the date of the enactment of
 6 this Act, the Secretary of Veterans Affairs shall not in-
 7 clude any veteran to whom the Secretary has assigned a
 8 pre-stabilization rating under subsection (c) of section
 9 1156 of such title, as added by subsection (a), or a tem-
 10 porary minimum disability rating under subsection (d) of
 11 such section, as added by subsection (b), in any count of
 12 the backlog of disability ratings to be assigned by the Sec-
 13 retary.

14 (d) EFFECTIVE DATE.—The amendments made by
 15 this section shall take effect on the date that is 90 days
 16 after the date of the enactment of this Act and shall apply
 17 with respect to claims for disability compensation filed on
 18 or after that date.

19 **SEC. 4. TIMING OF MONTHLY PAYMENTS OF BENEFITS**
 20 **UNDER THE LAWS ADMINISTERED BY THE**
 21 **SECRETARY OF VETERANS AFFAIRS.**

22 (a) IN GENERAL.—Section 5120(e) of title 38,
 23 United States Code, is amended—

24 (1) by striking “Whenever” and inserting “(1)
 25 Whenever”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) During the six-year period beginning on the date
4 of the enactment of the Quicker Veterans Benefits Deliv-
5 ery Act of 2013, the Secretary may certify benefit pay-
6 ments for any calendar month in such a way that such
7 payments will be delivered by mail, or transmitted for
8 credit to the payee’s account pursuant to subsection (d)
9 of this section, before the first day of the calendar month
10 for which such payments are issued.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall apply with respect to a calendar month
13 that begins after the date that is 90 days after the date
14 of the enactment of this Act.

○