

110TH CONGRESS
2D SESSION

H. R. 5089

To reform the veterans' disability determination process by requiring the Secretary of Veterans Affairs to pay disability compensation to certain veterans based on the concurring diagnoses of two physicians.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2008

Mr. BARROW introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To reform the veterans' disability determination process by requiring the Secretary of Veterans Affairs to pay disability compensation to certain veterans based on the concurring diagnoses of two physicians.

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 Reform Act of 2007".

1 **SEC. 2. PAYMENT OF DISABILITY COMPENSATION BY SEC-**
2 **RETARY OF VETERANS AFFAIRS SOLELY ON**
3 **THE BASIS OF CONCURRING DIAGNOSES BY**
4 **ANY TWO PHYSICIANS.**

5 (a) **IN GENERAL.**—Notwithstanding any other provi-
6 sion of law, the Secretary of Veterans Affairs shall pay
7 compensation under chapter 11 of title 38, United States
8 Code, to an eligible veteran.

9 (b) **ELIGIBLE VETERAN.**—For the purposes of this
10 Act, the term “eligible veteran” means a veteran who—

11 (1) is discharged or released on or after Sep-
12 tember 11, 2001, under conditions other than dis-
13 honorable, from a period of service in the active mili-
14 tary, naval, or air service; and

15 (2) submits to the Secretary of Veterans Affairs
16 the concurring diagnoses of any two physicians stat-
17 ing that the veteran has a service-connected dis-
18 ability compensable under chapter 11 of title 38,
19 United States Code, and the assignment by such
20 physicians of a concurring rating of such disability.

21 (c) **SUBMISSION OF DIAGNOSES.**—Concurring diag-
22 noses and disability ratings shall be submitted to the Sec-
23 retary of Veterans Affairs for purposes of this section in
24 the manner the Secretary determines is appropriate.

25 (d) **AMOUNT OF COMPENSATION.**—The Secretary of
26 Veterans Affairs shall pay to an eligible veteran monthly

1 compensation in the amount payable under chapter 11 of
2 title 38, United States Code for a disability rated at the
3 same percentage assigned to the eligible veteran's dis-
4 ability by the two physicians, regardless of whether the
5 rating assigned by the physicians is the same rating that
6 would have been assigned by the Secretary.

7 (e) NO REQUIREMENT TO SUBMIT A CLAIM.—The
8 Secretary of Veterans Affairs may not require an eligible
9 veteran to submit a claim in accordance with chapter 51
10 of title 38, United States Code, or otherwise, in order to
11 receive compensation under this Act.

12 (f) DEADLINE FOR REGULATIONS.—The Secretary of
13 Veterans Affairs shall prescribe final regulations to carry
14 out this section not later than the date that is one year
15 after the date of the enactment of this Act.

16 (g) APPLICABILITY.—This Act shall apply with re-
17 spect to compensation payable for months beginning on
18 or after the date of the enactment of this Act.

○