

110TH CONGRESS
1ST SESSION

H. R. 1444

To direct the Secretary of Veterans Affairs to make interim benefit payments under certain remanded claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2007

Mr. HALL of New York introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to make interim benefit payments under certain remanded 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. INTERIM PAYMENTS UNDER CERTAIN VET-**
4 **ERANS CLAIMS WHEN DECISION IS DELAYED**
5 **FOLLOWING REMAND.**

6 (a) IN GENERAL.—(1) Chapter 53 of title 38, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

1 **“§ 5320. Interim benefits under certain remanded**
2 **cases**

3 “(a) INTERIM BENEFITS.—When a claim for benefits
4 under the jurisdiction of the Secretary is remanded by the
5 United States Court of Appeals for Veterans Claims or
6 by the Board for Veterans’ Appeals in a case involving
7 a claim under chapters 11, 13, or 15 of this title and to
8 which section 5109B or 7112 of this title applies, if the
9 Secretary does not make a decision on the matter within
10 180 days of the date of the remand decision, then until
11 such matter is finally decided, the Secretary shall pay an
12 interim benefit in the amount of \$500 per month to each
13 claimant under the claim. Such payments shall commence
14 as of the first month beginning after the end of such 180-
15 day period.

16 “(b) EFFECT ON INTERIM BENEFIT PAYMENTS OF
17 FINAL DECISION ON CLAIM.—When a claim with respect
18 to which interim benefits are being paid under subsection
19 (a) is finally decided—

20 “(1) if the final decision is to award benefits,
21 the amounts paid as interim benefits shall be consid-
22 ered to be an advance payment of benefits owed for
23 any period before the date of such final decision (ex-
24 cept that if the total amount of interim benefits paid
25 is greater than the amount of retroactive benefits,

1 the amount of the difference shall not be considered
2 to be an overpayment for any purpose); and

3 “(2) if the final decision is not to award bene-
4 fits, the amounts paid as interim benefits shall not
5 be considered to be an overpayment for any pur-
6 pose.”.

7 (2) The table of sections at the beginning of such
8 chapter is amended by adding at the end the following
9 new item:

“5320. Interim benefits under certain remanded cases.”.

10 (b) EFFECTIVE DATE.—Section 5320 of title 38,
11 United States Code, as added by subsection (a), shall
12 apply with respect to any decision remanded by the Court
13 of Appeals for Veterans Claims or the Board of Veterans’
14 Appeals on or after the date of the enactment of this Act.

15 (c) REPORT.—Not later than 6 months after the date
16 of the enactment of this Act, the Secretary of Veterans
17 Affairs shall submit to Congress a report on measures the
18 Secretary intends to take to expedite the processing of re-
19 manded claims for veterans benefits.

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