

110TH CONGRESS
2^D SESSION

S. 2870

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out quality assurance activities with respect to the administration of disability compensation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2008

Mr. BROWN 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 require the Secretary of Veterans Affairs to carry out quality assurance activities with respect to the administration of disability compensation, 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 Disability
5 Fairness Act”.

1 **SEC. 2. QUALITY ASSURANCE RELATING TO DISABILITY**
 2 **COMPENSATION UNDER LAWS ADMINIS-**
 3 **TERED BY SECRETARY OF VETERANS AF-**
 4 **FAIRS.**

5 (a) **QUALITY ASSURANCE REQUIREMENTS.**—

6 (1) **IN GENERAL.**—Subchapter II of chapter 77
 7 of title 38, United States Code, is amended by add-
 8 ing at the end the following new section:

9 **“§ 7735. Quality assurance relating to disability com-**
 10 **ensation**

11 “(a) **QUALITY ASSURANCE.**—In order to carry out
 12 the quality assurance program under section 7731 of this
 13 title with respect to the administration of disability com-
 14 pensation, the Secretary shall ensure the accuracy and
 15 consistency across different offices within the Department
 16 of the treatment of claims for disability compensation, in-
 17 cluding determinations with respect to disability ratings
 18 and whether a disability is service-connected.

19 “(b) **TREATMENT OF DATA.**—

20 “(1) **RETENTION AND MONITORING.**—The Sec-
 21 retary shall retain, monitor, and store in an acces-
 22 sible format data described in paragraph (2).

23 “(2) **COVERED DATA.**—The data described in
 24 this paragraph includes the following:

1 “(A) For each claim for disability com-
2 pensation under laws administered by the Sec-
3 retary submitted by a claimant—

4 “(i) the State in which the claimant
5 resided when the claim was submitted;

6 “(ii) the decision of the Secretary with
7 respect to the claim;

8 “(iii) the regional office and individual
9 employee of the Department responsible
10 for evaluating the claim; and

11 “(iv) if the claim was adjudicated, the
12 results of such adjudication.

13 “(B) The State of the claimant’s residence.

14 “(C) Such other data as the Secretary de-
15 termines is appropriate for monitoring the accu-
16 racy and consistency of decisions with respect
17 to such claims.

18 “(c) **REVIEWS AND AUDITS.**—(1) The Secretary shall
19 conduct reviews and audits, at least annually, to identify
20 and correct any inaccuracies or inconsistencies in dis-
21 ability ratings and the adjudication of claims for disability
22 compensation under chapter 11 of this title. Such reviews
23 and audits shall evaluate disability ratings and claims ad-
24 judication by regional office and by the employee respon-
25 sible for each such rating or adjudication.

1 “(2) In conducting reviews and audits under this sub-
 2 section, the Secretary shall conduct a sufficient number
 3 of such reviews and audits to provide for statistically valid
 4 conclusions to be drawn.

5 “(d) EVALUATION OF EMPLOYEES.—In evaluating
 6 an employee of the Department whose responsibilities in-
 7 clude the rating of disabilities or the adjudication of claims
 8 for disability compensation under chapter 11 of this title,
 9 the Secretary shall consider factors relating to the accu-
 10 racy and consistency with which such employee performs
 11 such responsibilities.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
 13 tions at the beginning of such chapter is amended
 14 by adding at the end of the items relating to sub-
 15 chapter II the following new item:

“7735. Quality assurance relating to disability compensation.”.

16 (b) REPORT TO CONGRESS.—Not later than 60 days
 17 after the date of the enactment of this Act, the Secretary
 18 of Veterans Affairs shall submit to Congress a report on
 19 the implementation of section 7735 of title 38, United
 20 States Code, as added by subsection (a).

21 (c) INCLUSION OF INFORMATION RELATING TO CON-
 22 SISTENCY OF DECISIONS IN ANNUAL REPORT.—Section
 23 7734(2) of title 38, United States Code, is amended by
 24 inserting “and consistency” after “accuracy”.