

110TH CONGRESS
1ST SESSION

H. R. 4219

To direct the Secretary of Veterans Affairs to assign a temporary disability rating to certain members of the Armed Forces upon separation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

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

A BILL

To direct the Secretary of Veterans Affairs to assign a temporary disability rating to certain members of the Armed Forces upon separation, 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 “Immediate Benefits
5 for Wounded Warriors Act of 2007”.

1 **SEC. 2. ASSIGNMENT OF TEMPORARY DISABILITY RATING**
2 **TO CERTAIN MEMBERS OF THE ARMED**
3 **FORCES FOR PURPOSES OF LAWS ADMINIS-**
4 **TERED BY SECRETARY OF VETERANS AF-**
5 **FAIRS.**

6 (a) **IN GENERAL.**—For purposes of the laws adminis-
7 tered by the Secretary of Veterans Affairs, at the request
8 of an eligible member of the Armed Forces, the Secretary
9 shall assign to that member a temporary disability rating
10 of 30 percent upon the date of such member's separation
11 from the Armed Forces, or in the case of an eligible mem-
12 ber of the Armed Forces who has received a medical diag-
13 nosis of post traumatic stress disorder or traumatic brain
14 injury, upon receipt of such diagnosis.

15 (b) **ASSIGNMENT OF PERMANENT DISABILITY RAT-**
16 **ING.**—Upon the assignment of a permanent disability rat-
17 ing to an eligible member of the Armed Forces who has
18 received a temporary disability rating under subsection
19 (a)—

20 (1) if such permanent disability rating is more
21 than 30 percent, for each month that the member
22 received a disability compensation payment under
23 chapter 11 of title 38, United States Code, the Sec-
24 retary of Veterans Affairs shall make a payment to
25 the member in an amount equal to the difference be-
26 tween the amount the member actually received for

1 that month and the amount the member would have
2 received if the member had been assigned the mem-
3 ber's permanent disability rating; and

4 (2) if such permanent disability rating is less
5 than 30 percent, the member shall not be required
6 to make any payment to the Secretary for any ben-
7 efit provided during the period of time for which the
8 member was assigned the temporary disability rat-
9 ing.

10 (c) RELATION TO SEVERANCE AND SEPARATION

11 PAY.—A payment of disability compensation received by
12 an eligible member of the Armed Forces who receives a
13 temporary disability rating under subsection (a) is not
14 subject to offset even though the member also receives sep-
15 aration pay under section 1174 of title 10, United States
16 Code, or disability severance pay under section 1212 of
17 such title.

18 (d) ELIGIBLE MEMBER OF THE ARMED FORCES.—

19 For purposes of this Act, an eligible member of the Armed
20 Forces is a member of the Armed Forces who—

21 (1) served on active duty in support of Oper-
22 ation Iraqi Freedom or Operation Enduring Free-
23 dom;

24 (2) has not received a disability rating from the
25 Secretary of Veterans Affairs for the disability for

1 which the member requests a temporary disability
2 rating;

3 (3) is not authorized for pre-stabilization bene-
4 fits under 38 C.F.R. 4.28;

5 (4) has submitted to the Secretary of Veterans
6 Affairs a claim for disability compensation under
7 laws administered by the Secretary of Veterans Af-
8 fairs for the disability for which the member re-
9 quested the temporary disability rating but has not
10 received such compensation; and

11 (5) is separated from the Armed Forces—

12 (A) pursuant to section 1201 of title 10,
13 United States Code; or

14 (B) under conditions other than dishonor-
15 able and has—

16 (i) been determined by the Secretary
17 of Defense to have a disability with a rat-
18 ing of at least 10 percent under the stand-
19 ard schedule of rating disabilities in use by
20 the Department of Veterans Affairs at the
21 time of the determination; or

22 (ii) received a medical diagnosis of
23 post traumatic stress disorder or traumatic
24 brain injury.

1 (e) RESPONSIBILITIES OF SECRETARY OF DE-
2 FENSE.—The Secretary of Defense shall—

3 (1) not later than 30 days before the date on
4 which the Secretary anticipates that an eligible
5 member of the Armed Forces will separate from the
6 Armed Forces, notify the Secretary of Veterans Af-
7 fairs of that date; and

8 (2) before the date on which the Secretary an-
9 ticipates that an eligible member of the Armed
10 Forces will separate from the Armed Forces, trans-
11 mit to the Secretary of Veterans Affairs the medical
12 and service records of that member.

13 (f) TREATMENT OF ANTICIPATED SEPARATION
14 DATE.—For purposes of providing benefits under the laws
15 administered by the Secretary of Veterans Affairs, the
16 Secretary may use the anticipated date of separation pro-
17 vided to the Secretary under subsection (e)(1).

18 (g) PTSD AND TBI REGISTRY.—The Secretary of
19 Veterans Affairs shall establish a post traumatic stress
20 disorder and traumatic brain injury registry and shall in-
21 clude in the registry all eligible members of the Armed
22 Forces who request a temporary disability rating under
23 this section who have been diagnosed with post traumatic
24 stress disorder or traumatic brain injury.

1 (h) TERMINATION.—The authority of the Secretary
2 of Veterans Affairs to assign a temporary disability rating
3 under this section shall expire on the date that is five
4 years after the date of the enactment of this Act.

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