

110TH CONGRESS  
2D SESSION

# H. R. 5709

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2008

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

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## 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”.