

110TH CONGRESS
1ST SESSION

S. 1252

To amend title 10, United States Code, to provide for uniformity in the awarding of disability ratings for wounds or injuries incurred by members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2007

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for uniformity in the awarding of disability ratings for wounds or injuries incurred by members of the Armed Forces, 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. UNIFORMITY IN DISABILITY RATINGS FOR**
4 **MEMBERS OF THE ARMED FORCES.**

5 (a) UNIFORMITY IN DISABILITY RATINGS.—

6 (1) IN GENERAL.—Chapter 61 of title 10,
7 United States Code, is amended by inserting after
8 section 1216 the following new section:

1 **“§ 1216a. Ratings of disability: uniformity; schedule**
2 **of ratings to be utilized**

3 “(a) IN GENERAL.—The Secretary of Defense shall
4 prescribe in regulations uniform standards for determina-
5 tions of ratings of disability under this chapter in order
6 to assure that the ratings of disability issued by the mili-
7 tary departments for members of the armed forces with
8 a wound or injury of a particular degree of disablement
9 are consistent across the military departments.

10 “(b) CONSIDERATION OF APPLICABLE MEDICAL
11 CONDITIONS.—The Secretary of Defense shall prescribe
12 in regulations requirements that, in making the deter-
13 mination of a rating of disability of a member of the
14 armed forces for purposes of this chapter, the Secretary
15 concerned shall take into account all medical conditions
16 incurred by the member while entitled to basic pay or
17 while absent as described in section 1201(c)(3) of this title
18 that render the member unfit to perform the duties of the
19 member’s office, grade, rank, or rating, as determined uti-
20 lizing the standard schedule for rating disabilities referred
21 to in subsection (c).

22 “(c) UTILIZATION OF SCHEDULE FOR RATING DIS-
23 ABILITIES OF DEPARTMENT OF VETERANS AFFAIRS.—In
24 order to ensure uniformity in determinations of disability
25 for purposes of this chapter and under the laws adminis-
26 tered by the Secretary of Veterans Affairs, each Secretary

1 concerned shall utilize the standard schedule for rating
 2 disabilities in use by the Department of Veterans Affairs,
 3 including any applicable interpretation of the schedule by
 4 the United States Court of Appeals for Veterans Claims
 5 or the United States Court of Appeals for the Federal Cir-
 6 cuit, in making any determination of disability for pur-
 7 poses of this chapter. Such Secretary may not modify the
 8 schedule, or any interpretation of the schedule, whether
 9 by regulation, administrative action, or otherwise, in mak-
 10 ing any such determination for purposes of this chapter.

11 “(d) TRAINING OF CERTAIN PERSONNEL.—In order
 12 to ensure the compliance of such personnel with the provi-
 13 sions of this section in the making of determinations of
 14 ratings of disability of members of the armed forces under
 15 this chapter, the Secretary of Defense shall prescribe in
 16 regulations uniform requirements for training in the mak-
 17 ing of such determinations for personnel as follows:

18 “(1) Physical evaluation board personnel.

19 “(2) Physicians who serve on medical examina-
 20 tion boards.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
 22 tions at the beginning of chapter 61 of such title is
 23 amended by inserting after the item relating to sec-
 24 tion 1216 the following new item:

“1216a. Ratings of disability: uniformity; schedule of ratings to be utilized.”.

1 (3) CONFORMING AMENDMENT.—Section
2 1216(a) of such title is amended by adding at the
3 end the following new sentence: “Such regulations
4 shall be consistent with the provisions of section
5 1216a of this title and the regulations prescribed
6 under that section.”.

7 (b) REGULATIONS.—The Secretary of Defense shall
8 prescribe the regulations required by section 1216a of title
9 10, United States Code (as added by subsection (a)), not
10 later than 180 days after the date of the enactment of
11 this Act.

12 (c) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary of Defense
14 shall submit to Congress a report setting forth the actions
15 to be taken by the Secretary to implement the require-
16 ments to be prescribed under section 1216a of title 10,
17 United States Code (as so added), and to otherwise ensure
18 that determinations of the ratings of disability of members
19 of the Armed Forces for purposes of chapter 61 of title
20 10, United States Code, are made in a fair, uniform, and
21 timely manner.

22 (d) EFFECTIVE DATE.—Except as provided in sub-
23 section (b), section 1216a of title 10, United States Code

- 1 (as so added), shall take effect on the date that is 180
- 2 days after the date of the enactment of this Act.

