

HR 5892

Veterans Disability Benefits Claims Modernization Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Apr 24, 2008

Current Status: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. (Jul 31, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5892>

Sponsor

Name: Rep. Hall, John J. [D-NY-19]

Party: Democratic • **State:** NY • **Chamber:** House

Cosponsors (78 total)

Cosponsor	Party / State	Role	Date Joined
Del. Bordallo, Madeleine Z. [D-GU-At Large]	D · GU		Apr 30, 2008
Rep. Donnelly, Joe [D-IN-2]	D · IN		Apr 30, 2008
Rep. Rodriguez, Ciro D. [D-TX-23]	D · TX		Apr 30, 2008
Rep. Boyda, Nancy E. [D-KS-2]	D · KS		May 1, 2008
Rep. Gillibrand, Kirsten E. [D-NY-20]	D · NY		May 6, 2008
Rep. Arcuri, Michael A. [D-NY-24]	D · NY		May 7, 2008
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		May 7, 2008
Rep. Cuellar, Henry [D-TX-28]	D · TX		May 7, 2008
Rep. Ellsworth, Brad [D-IN-8]	D · IN		May 7, 2008
Rep. Engel, Eliot L. [D-NY-17]	D · NY		May 7, 2008
Rep. Filner, Bob [D-CA-51]	D · CA		May 7, 2008
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		May 7, 2008
Rep. Hare, Phil [D-IL-17]	D · IL		May 7, 2008
Rep. Hinchey, Maurice D. [D-NY-22]	D · NY		May 7, 2008
Rep. Kennedy, Patrick J. [D-RI-1]	D · RI		May 7, 2008
Rep. Lowey, Nita M. [D-NY-18]	D · NY		May 7, 2008
Rep. McDermott, Jim [D-WA-7]	D · WA		May 7, 2008
Rep. Salazar, John T. [D-CO-3]	D · CO		May 7, 2008
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		May 7, 2008
Rep. Tierney, John F. [D-MA-6]	D · MA		May 7, 2008
Rep. Van Hollen, Chris [D-MD-8]	D · MD		May 7, 2008
Rep. Altmire, Jason [D-PA-4]	D · PA		May 13, 2008
Rep. Crowley, Joseph [D-NY-7]	D · NY		May 13, 2008
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		May 13, 2008
Rep. Herseth Sandlin, Stephanie [D-SD-At Large]	D · SD		May 13, 2008
Rep. Murtha, John P. [D-PA-12]	D · PA		May 13, 2008
Rep. Serrano, Jose E. [D-NY-16]	D · NY		May 13, 2008
Rep. Sutton, Betty [D-OH-13]	D · OH		May 13, 2008
Rep. Goode, Virgil H., Jr. [R-VA-5]	R · VA		May 15, 2008
Rep. Kagen, Steve [D-WI-8]	D · WI		May 15, 2008
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		May 20, 2008
Rep. Carnahan, Russ [D-MO-3]	D · MO		May 21, 2008
Rep. Courtney, Joe [D-CT-2]	D · CT		May 21, 2008
Rep. Napolitano, Grace F. [D-CA-38]	D · CA		May 21, 2008
Del. Faleomavaega, Eni F. H. [D-AS-At Large]	D · AS		Jun 4, 2008
Rep. Delahunt, William D. [D-MA-10]	D · MA		Jun 4, 2008
Rep. Thompson, Mike [D-CA-1]	D · CA		Jun 4, 2008
Rep. Allen, Thomas H. [D-ME-1]	D · ME		Jun 5, 2008
Rep. Frank, Barney [D-MA-4]	D · MA		Jun 5, 2008
Rep. Klein, Ron [D-FL-22]	D · FL		Jun 5, 2008
Rep. Ellison, Keith [D-MN-5]	D · MN		Jun 10, 2008

Cosponsor	Party / State	Role	Date Joined
Rep. Gerlach, Jim [R-PA-6]	R · PA		Jun 10, 2008
Rep. Gordon, Bart [D-TN-6]	D · TN		Jun 10, 2008
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Jun 10, 2008
Rep. Lewis, John [D-GA-5]	D · GA		Jun 10, 2008
Rep. McIntyre, Mike [D-NC-7]	D · NC		Jun 10, 2008
Rep. Foster, Bill [D-IL-14]	D · IL		Jun 11, 2008
Rep. Murphy, Tim [R-PA-18]	R · PA		Jun 11, 2008
Rep. Bean, Melissa L. [D-IL-8]	D · IL		Jun 18, 2008
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Jun 24, 2008
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Jun 24, 2008
Rep. Wexler, Robert [D-FL-19]	D · FL		Jun 24, 2008
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		Jun 25, 2008
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Jun 25, 2008
Rep. Costello, Jerry F. [D-IL-12]	D · IL		Jul 9, 2008
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jul 9, 2008
Rep. Weiner, Anthony D. [D-NY-9]	D · NY		Jul 9, 2008
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Jul 9, 2008
Rep. Hinojosa, Ruben [D-TX-15]	D · TX		Jul 10, 2008
Rep. McCollum, Betty [D-MN-4]	D · MN		Jul 14, 2008
Rep. Ross, Mike [D-AR-4]	D · AR		Jul 15, 2008
Rep. Hodes, Paul W. [D-NH-2]	D · NH		Jul 23, 2008
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Jul 23, 2008
Rep. Mitchell, Harry E. [D-AZ-5]	D · AZ		Jul 23, 2008
Rep. Lamborn, Doug [R-CO-5]	R · CO		Jul 24, 2008
Rep. Space, Zachary T. [D-OH-18]	D · OH		Jul 24, 2008
Del. Christensen, Donna M. [D-VI-At Large]	D · VI		Jul 29, 2008
Rep. Baca, Joe [D-CA-43]	D · CA		Jul 29, 2008
Rep. Brady, Robert A. [D-PA-1]	D · PA		Jul 29, 2008
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Jul 29, 2008
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Jul 29, 2008
Rep. Etheridge, Bob [D-NC-2]	D · NC		Jul 29, 2008
Rep. Jefferson, William J. [D-LA-2]	D · LA		Jul 29, 2008
Rep. Kilpatrick, Carolyn C. [D-MI-13]	D · MI		Jul 29, 2008
Rep. McGovern, James P. [D-MA-3]	D · MA		Jul 29, 2008
Rep. Moore, Gwen [D-WI-4]	D · WI		Jul 29, 2008
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Jul 29, 2008
Rep. Welch, Peter [D-VT-At Large]	D · VT		Jul 29, 2008

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	House	Reported By	Jul 29, 2008
Veterans' Affairs Committee	Senate	Referred To	Jul 31, 2008

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
110 S 3419	Related bill	Aug 1, 2008: Read twice and referred to the Committee on Veterans' Affairs.
110 HR 6236	Related bill	Jun 11, 2008: Referred to the House Committee on Veterans' Affairs.

Veterans Disability Benefits Claims Modernization Act of 2008 - **Title I: Matters Relating to Modernizing the Disability Compensation System of Department of Veterans Affairs** - (Sec. 101) Directs the Secretary of Veterans Affairs to: (1) establish in the Veterans Benefits Administration (VBA) of the Department of Veterans Affairs (VA) an Office of Survivor Assistance to provide direct assistance to survivors and dependents of deceased veterans and members of the Armed Forces regarding all benefits and services delivered by the VA; and (2) report annually to Congress on Office activities.

(Sec. 102) Requires the Secretary to conduct, and report to Congress on, a study on adjusting the VA schedule for rating veterans' disabilities (rating schedule) to base such schedule on current standards, practices, and codes in common use by medical, mental health, and disability professions. Directs the Secretary, after the report, to submit to Congress a plan for the readjustment of such schedule, along with a proposed implementation timeline (not to exceed three years). Authorizes appropriations.

Establishes in the VA the Advisory Committee on Disability Compensation to advise the Secretary on the maintenance and periodic readjustment of the rating schedule. Requires an annual Committee report to the Secretary (to be forwarded to the congressional veterans' committees) on its programs and activities.

(Sec. 103) Directs the Secretary to: (1) conduct a study of the VBA's work credit system used to measure the work production of VBA employees; (2) establish a new system; and (3) report to Congress on the study and on VA progress in implementing the new system. Prohibits the Secretary from awarding work credits to VBA employees until the new system is established.

(Sec. 104) Requires the Secretary to conduct a study of, and report to Congress on, the VBA work management system, which is designed to improve accountability, quality, and accuracy of, and reduce the time for processing, veterans' benefit claims (claims) adjudicated by the VBA.

(Sec. 105) Directs the Secretary to: (1) develop and implement a certification examination for VBA employees and managers responsible for processing claims; (2) contract for an evaluation of training and performance assessment programs for employees responsible for matters relating to veterans' compensation or pension benefits; and (3) report to Congress on actions taken under (1) and (2).

(Sec. 106) Requires the Secretary to: (1) contract for an independent annual assessment of the VBA's quality assurance program; and (2) report annually to Congress on the most recent assessment.

(Sec. 107) Directs the Secretary to: (1) provide for the expedited treatment by the appropriate VBA regional office of any fully developed claim to ensure that it is adjudicated no more than 90 days after its submission; (2) provide to claimants a checklist of information required to substantiate claims; and (3) submit the checklist to Congress.

(Sec. 108) Requires the Secretary to: (1) evaluate the need of the VBA and VA to employ additional medical professionals to act as consultants to assist VBA employees to accurately assess medical evidence submitted in support of claims; and (2) report to Congress on the evaluation.

(Sec. 109) Provides VA authority to provide partial disability ratings for severely (50% service-connected) and very severely (100% service-connected) disabled veterans who are 365 days or less from active-duty discharge and for whom gainful employment is not feasible or likely. Terminates such partial rating on the earlier of 365 days after discharge or the date on which the veteran receives a permanent rating.

(Sec. 110) Directs the Secretary to: (1) review VBA use of information technology and develop a comprehensive plan for the use of such technology in processing claims; (2) review VA best practices and lessons learned and the use of the technology known as VistA by other government agencies and private organizations who employ information technology and automated decision support software; (3) develop a plan that would reduce the processing time for each claim processed by the VBA to the average amount of time required to process a claim as determined by the Secretary; and (4) report to Congress on the reviews and plan required under this section.

(Sec. 111) Provides that if a veteran claimant dies while a claim or appeal is pending, the claim beneficiary shall be treated as the claimant for purposes of processing the claim to completion, except that such person may only submit new evidence in support of the claim during the one-year period following the veteran's death.

Title II: Matters Relating to United States Court of Appeals for Veterans Claims - (Sec. 201) Requires the Chief Judge of the U.S. Court of Appeals for Veterans Claims (Court) to report annually to the veterans' committees summarizing the Court's workload.

(Sec. 202) Empowers the Court to affirm, modify, reverse, remand, or vacate and remand a decision of the Board of Veterans' Appeals after deciding all relevant assignments of error raised for each claim. Provides that, when the Court reverses a decision on the merits of a claim and orders an award of benefits, the Court need not decide any additional assignments of error with respect to that claim.

Actions Timeline

- **Jul 31, 2008:** Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
- **Jul 30, 2008:** Considered as unfinished business. (consideration: CR H7518)
- **Jul 30, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by recorded vote (2/3 required): 429 - 0 (Roll no. 538).(text: CR 7/29/2008 H7256-7261)
- **Jul 30, 2008:** On motion to suspend the rules and pass the bill, as amended Agreed to by recorded vote (2/3 required): 429 - 0 (Roll no. 538). (text: CR 7/29/2008 H7256-7261)
- **Jul 30, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 29, 2008:** Reported by the Committee on Veterans' Affairs. H. Rept. 110-789.
- **Jul 29, 2008:** Placed on the Union Calendar, Calendar No. 507.
- **Jul 29, 2008:** Mr. Filner moved to suspend the rules and pass the bill, as amended.
- **Jul 29, 2008:** Considered under suspension of the rules. (consideration: CR H7256-7263)
- **Jul 29, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5892.
- **Jul 29, 2008:** At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. Lamborn objected to the vote on the grounds that a quorum was not present. Further proceedings on the motion were postponed. The point of no quorum was withdrawn.
- **Apr 30, 2008:** Committee Consideration and Mark-up Session Held.
- **Apr 30, 2008:** Ordered to be Reported by Voice Vote.
- **Apr 24, 2008:** Introduced in House
- **Apr 24, 2008:** Referred to the House Committee on Veterans' Affairs.