

110TH CONGRESS  
2D SESSION

# S. 3388

To amend title 38, United States Code, to authorize the assignment of pre-stabilization disability ratings to certain veterans for purposes of the payment of disability compensation, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

Mr. BARRASSO 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 authorize the assignment of pre-stabilization disability ratings to certain veterans for purposes of the payment 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. ASSIGNMENT OF PRE-STABILIZATION DIS-**  
4 **ABILITY RATINGS TO CERTAIN VETERANS.**

5 (a) ASSIGNMENT OF PRE-STABILIZATION RAT-  
6 INGS.—

1           (1) IN GENERAL.—Chapter 11 of title 38,  
2           United States Code, is amended by inserting after  
3           section 1155 the following new section:

4   **“§ 1156. Pre-stabilization disability ratings**

5           “(a) ASSIGNMENT OF PRE-STABILIZATION RAT-  
6           INGS.—For the purpose of providing disability compensa-  
7           tion under this chapter to a qualifying veteran, the Sec-  
8           retary shall assign a pre-stabilization disability rating to  
9           the veteran as follows:

10           “(1) In the case of a qualifying veteran de-  
11           scribed in subsection (b)(3)(A), a rating of 100 per-  
12           cent.

13           “(2) In the case of a qualifying veteran de-  
14           scribed in subsection (b)(3)(B), a rating of 50 per-  
15           cent.

16           “(b) QUALIFYING VETERAN.—For the purposes of  
17           this section, a qualifying veteran is a veteran—

18           “(1) who has been discharged from active duty  
19           service for 365 days or less;

20           “(2) for whom a permanent disability rating is  
21           not immediately assignable under the regular provi-  
22           sions of the schedule for rating disabilities under  
23           section 1155 of this title or on the basis of indi-  
24           vidual unemployability; and

25           “(3) who has—

1           “(A) a severe disability for whom substan-  
2           tially gainful employment is not feasible or ad-  
3           visable; or

4           “(B) a wound or injury, whether healed,  
5           unhealed, or incompletely healed, for whom ma-  
6           terial impairment of employability is likely.

7           “(c) EXAMINATIONS.—A medical examination of a  
8           qualifying veteran is not required to be performed before  
9           assigning a pre-stabilization disability rating to the vet-  
10          eran under this section, but the fact that such an examina-  
11          tion is conducted shall not prevent the Secretary from as-  
12          signing such a rating.

13          “(d) TERMINATION OF PRE-STABILIZATION RAT-  
14          ING.—(1) Except as provided in paragraph (2), a pre-sta-  
15          bilization disability rating assigned to a veteran under this  
16          section shall remain in effect until the earlier of the fol-  
17          lowing dates:

18                 “(A) The date on which the veteran receives a  
19                 permanent disability rating based on the schedule  
20                 for rating disabilities under section 1155 of this  
21                 title.

22                 “(B) The date that is 365 days after the date  
23                 of the veteran’s last separation or release from ac-  
24                 tive duty.

1       “(2) The Secretary may extend a pre-stabilization  
2 disability rating assigned to a veteran under this section  
3 beyond the applicable termination date under paragraph  
4 (1) if the Secretary determines that such an extension is  
5 appropriate.”.

6           (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of chapter 11 of such title is  
8 amended by inserting after the item relating to sec-  
9 tion 1155 the following new item:

“1156. Pre-stabilization disability ratings.”.

10       (b) EFFECTIVE DATE.—Section 1156 of title 38,  
11 United States Code, as added by subsection (a), shall take  
12 effect on the date of the enactment of this Act.

○