

113TH CONGRESS  
1ST SESSION

# S. 1582

To require the Secretary of Veterans Affairs to submit reports on the provision of services by the Department of Veterans Affairs to veterans with hearing loss and other auditory system injuries and the measures that can be taken jointly by the Department of Veterans Affairs and the Department of Defense with respect to hearing loss and other auditory system injuries, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2013

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To require the Secretary of Veterans Affairs to submit reports on the provision of services by the Department of Veterans Affairs to veterans with hearing loss and other auditory system injuries and the measures that can be taken jointly by the Department of Veterans Affairs and the Department of Defense with respect to hearing loss and other auditory system injuries, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improved Compensa-  
3 tion for Hearing Loss Act of 2013”.

4 **SEC. 2. REPORT ON PRACTICES OF THE DEPARTMENT OF**  
5 **VETERANS AFFAIRS TO ADEQUATELY PRO-**  
6 **VIDE SERVICES TO VETERANS WITH HEAR-**  
7 **ING LOSS.**

8 (a) IN GENERAL.—Not later than one year after the  
9 date of the enactment of this Act, the Secretary of Vet-  
10 erans Affairs shall submit to the Committee on Veterans’  
11 Affairs of the Senate and the Committee on Veterans’ Af-  
12 fairs of the House of Representatives a report on the ac-  
13 tions taken by the Secretary to implement the findings  
14 and recommendations included in the 2006 report by the  
15 Institute of Medicine of the National Academies entitled  
16 “Noise and Military Service: Implications for Hearing  
17 Loss and Tinnitus” that was prepared pursuant to section  
18 104 of the Veterans Benefits Act of 2002 (Public Law  
19 107–330; 116 Stat. 2822).

20 (b) EFFECT OF DUTY MILITARY OCCUPATIONAL  
21 SPECIALTY NOISE EXPOSURE LISTING ON RECEIPT OF  
22 BENEFITS BY VETERANS.—

23 (1) IN GENERAL.—The Secretary shall include  
24 in the report required by subsection (a) an evalua-  
25 tion of the extent to which veterans who had a mili-  
26 tary occupational specialty during service as a mem-

1 ber of the Armed Forces that is not included on the  
2 Duty Military Occupational Specialty Noise Expo-  
3 sure Listing (in this subsection referred to as the  
4 “MOS List”) are precluded from receiving benefits  
5 related to hearing loss from the Department of Vet-  
6 erans Affairs.

7 (2) DATA.—The Secretary shall include in the  
8 evaluation required by paragraph (1) the following:

9 (A) With respect to veterans who had a  
10 military occupational specialty included on the  
11 MOS List—

12 (i) the number of claims for benefits  
13 related to hearing loss from the Depart-  
14 ment of Veterans Affairs that were grant-  
15 ed; and

16 (ii) the number of claims for benefits  
17 related to hearing loss from the Depart-  
18 ment that were denied.

19 (B) With respect to veterans who had a  
20 military occupational specialty not included on  
21 the MOS List—

22 (i) the number of claims for benefits  
23 related to hearing loss from the Depart-  
24 ment that were granted;

1 (ii) the number of claims for benefits  
2 related to hearing loss from the Depart-  
3 ment that were denied;

4 (iii) of the number of denied claims  
5 under clause (ii), the number of those  
6 claims that were appealed; and

7 (iv) of the number of appealed claims  
8 under clause (iii), the number of those ap-  
9 pealed claims that were successfully ap-  
10 pealed.

11 (c) ADDITIONAL MATTERS.—The Secretary shall in-  
12 clude in the report required by subsection (a) the fol-  
13 lowing:

14 (1) In the case of a veteran with unilateral  
15 hearing loss, an explanation of the scientific basis  
16 for the practice of the Department of determining a  
17 disability rating level with respect to hearing based  
18 on an examination of that veteran's healthy ear in-  
19 stead of the injured ear.

20 (2) An analysis of the reduction in earning ca-  
21 pacity for veterans as a result of unilateral hearing  
22 loss, with a focus on the ability of those veterans—

23 (A) to detect the direction of sound; and

24 (B) to understand speech.

1           (3) An explanation of the rationale for the prac-  
2           tice of the Department of not issuing a compensable  
3           rating for hearing loss at certain levels that are se-  
4           vere enough to require the use of hearing aids.

5           (4) A survey of the audiologists that conduct  
6           compensation and pension examinations for the De-  
7           partment to assess the implementation of the most  
8           recent edition of the best practices manual for hear-  
9           ing loss and tinnitus examinations that includes the  
10          following:

11                 (A) A description of the training received  
12                 by those audiologists compared to the methods  
13                 described in the most recent edition of the best  
14                 practices manual for hearing loss and tinnitus  
15                 examinations.

16                 (B) An assessment of how those audiol-  
17                 ogists have complied with that training.

18                 (C) Whether those audiologists are using a  
19                 range of tones up to 8000 hertz to test the  
20                 hearing of veterans.

1 **SEC. 3. REPORT ON JOINT PROGRAMS OF DEPARTMENT OF**  
2 **VETERANS AFFAIRS AND DEPARTMENT OF**  
3 **DEFENSE WITH RESPECT TO HEARING LOSS**  
4 **OF MEMBERS OF THE ARMED FORCES AND**  
5 **VETERANS.**

6 Not later than one year after the date of the enact-  
7 ment of this Act, the Secretary of Veterans Affairs shall,  
8 in consultation with the Secretary of Defense, submit to  
9 Congress a report that identifies the following:

10 (1) Goals for the Department of Veterans Af-  
11 fairs and the Department of Defense for the preven-  
12 tion, early detection, and treatment of hearing loss  
13 by the National Center for Rehabilitative Auditory  
14 Research of the Department of Veterans Affairs and  
15 the Hearing Center of Excellence of the Department  
16 of Defense.

17 (2) Resources of the Department of Veterans  
18 Affairs that could be made available to assist the  
19 Department of Defense in conducting audiometric  
20 tests and tinnitus screenings for members of the  
21 Armed Forces.

22 (3) Barriers to information being added to the  
23 Hearing Loss and Auditory System Injury Registry  
24 required under section 721(c)(1) of the Duncan  
25 Hunter National Defense Authorization Act for Fis-

1 cal Year 2009 (Public Law 110–417; 122 Stat.  
2 4506).

3 (4) Recommendations for any legislative or ad-  
4 ministrative actions necessary with respect to the  
5 Hearing Loss and Auditory System Injury Reg-  
6 istry—

7 (A) to assist in achieving the goals speci-  
8 fied in paragraph (1);

9 (B) to improve the adjudication of claims  
10 for benefits with respect to hearing loss; and

11 (C) to further the research objectives of  
12 the National Center for Rehabilitative Auditory  
13 Research of the Department of Veterans Affairs  
14 and the Hearing Center of Excellence of the  
15 Department of Defense.

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