



UNDERSTANDING SECTION 108

IN THE TAKE CARE OF AMERICA'S VETERANS ACT (TCAVA)

SECTION 108 IS ONE OF THE MOST DEBATED PROVISIONS IN TCVA.

WHAT SECTION 108 WOULD DO

Section 108 would place into federal law new disability-rating criteria for tinnitus and sleep apnea claims filed after enactment. Existing compensation would be protected from reduction based on these changes.

SUPPORTERS ARGUE

- ▶ These changes largely reflect rating updates VA proposed through regulation in 2022 but has not finalized.
- ▶ The projected savings help satisfy congressional budget requirements to identify offsets.
- ▶ The savings do not automatically fund veterans' programs; Congress must direct them toward other veterans' benefits.

OPPONENTS ARGUE

- ▶ Future veterans should not receive less disability compensation in order to finance other veterans' benefits.
- ▶ These changes could affect future veterans who have not yet filed claims.
- ▶ Placing disability-rating changes directly into law could establish a precedent for Congress to use future disability-compensation changes as offsets for other legislation.

THE HEART OF THE DISAGREEMENT

The disagreement involves both the proposed rating changes themselves and whether savings associated with those changes should help finance other veterans' benefits.