

116TH CONGRESS
2D SESSION

S. 3761

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide veterans service organizations and recognized agents and attorneys opportunities to review Department of Veterans Affairs disability rating determinations before they are finalized, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2020

Mr. TESTER (for himself, Mr. BLUMENTHAL, Mr. MANCHIN, Ms. HIRONO, Mrs. SHAHEEN, and Ms. HASSAN) 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 require the Secretary of Veterans Affairs to provide veterans service organizations and recognized agents and attorneys opportunities to review Department of Veterans Affairs disability rating determinations before they are finalized, 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. SHORT TITLE.**

4 This Act may be cited as the “Veterans Claim Trans-
5 parency Act of 2020”.

1 **SEC. 2. OPPORTUNITY FOR VETERANS SERVICE ORGANIZA-**
 2 **TIONS AND RECOGNIZED AGENTS AND AT-**
 3 **TORNEYS TO REVIEW DEPARTMENT OF VET-**
 4 **ERANS AFFAIRS DISABILITY RATING DETER-**
 5 **MINATIONS BEFORE THEY ARE FINALIZED.**

6 (a) IN GENERAL.—Chapter 11 of title 38, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing new section:

9 **“§ 1164. Opportunity for veterans service organiza-**
 10 **tions, agents, and attorneys to review dis-**
 11 **ability rating determinations before final-**
 12 **ization**

13 “(a) IN GENERAL.—Before the Secretary finalizes a
 14 determination of a rating of the disability of a person for
 15 purposes of this chapter, the Secretary shall provide an
 16 opportunity to review such determination to each (rep-
 17 resentative of record of the person)/(representative of the
 18 person designated by the person for purposes of this sec-
 19 tion).

20 “(b) REPRESENTATIVES.—For purposes of this sec-
 21 tion, a representative of a person is—

22 “(1) a representative of the person who is rec-
 23 ognized under section 5902 of this title; or

24 “(2) an agent or attorney of the person who is
 25 recognized under section 5904 of this title.

1 “(c) NOTICE.—(1) For each determination that the
2 Secretary is required under subsection (a) to provide an
3 opportunity to a representative to review such determina-
4 tion, the Secretary shall notify such representative when
5 such determination is ready to be reviewed under such
6 subsection.

7 “(2) Notice regarding a determination shall be sub-
8 mitted under paragraph (1) not later than 48 hours before
9 the Secretary finalizes the determination.

10 “(d) PERIOD FOR REVIEW.—Each opportunity to re-
11 view a determination under subsection (a) for a represent-
12 ative of a person shall be for a period—

13 “(1) beginning at the moment that notice is
14 submitted for such determination under subsection
15 (c) to such representative; and

16 “(2) ending on the earlier of—

17 “(A) the moment that the representative
18 indicates that the person has no dispute with
19 the determination or the person no longer has
20 any dispute with the determination; or

21 “(B) the moment that is 48 hours after
22 the moment described in paragraph (1).

23 “(e) LIMITATION.—The Secretary may not finalize a
24 determination that is subject to a period of review under

1 this section until after the period for review of such deter-
2 mination set forth under subsection (d).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 11 of such title is amended
5 by inserting after the item relating to section 1163 the
6 following new item:

“1164. Opportunity for veterans service organizations, agents, and attorneys to
review disability rating determinations before finalization.”.

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