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

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 _______________

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Claim Transparency Act of 2020”.

B1K GM F7Y
SEC. 2. OPPORTUNITY FOR VETERANS SERVICE ORGANIZATIONS AND RECOGNIZED AGENTS AND ATTORNEYS TO REVIEW DEPARTMENT OF VETERANS AFFAIRS DISABILITY RATING DETERMINATIONS BEFORE THEY ARE FINALIZED.

(a) In general.—Chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

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

"(a) In general.—Before the Secretary finalizes a determination of a rating of the disability of a person for purposes of this chapter, the Secretary shall provide an opportunity to review such determination to each representative of record of the person.[representative of record of the person]/[representative of the person designated by the person for purposes of this section].

"(b) Representatives.—For purposes of this section, a representative of a person is—

"(1) a representative of the person who is recognized under section 5902 of this title; or

"(2) an agent or attorney of the person who is recognized under section 5904 of this title."
“(c) NOTICE.—(1) For each determination that the Secretary is required under subsection (a) to provide an opportunity to a representative to review such determination, the Secretary shall notify such representative when such determination is ready to be reviewed under such subsection.

“(2) Notice regarding a determination shall be submitted under paragraph (1) not later than 48 hours before the Secretary finalizes the determination.

“(d) PERIOD FOR REVIEW.—Each opportunity to review a determination under subsection (a) for a representative of a person shall be for a period—

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

“(2) ending on the earlier of—

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

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

“(e) LIMITATION.—The Secretary may not finalize a determination that is subject to a period of review under
this section until after the period for review of such determination set forth under subsection (d).”.

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

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