

116TH CONGRESS
2D SESSION

S. 4412

To amend title 38, United States Code, to improve the ability of veterans to access and submit disability benefit questionnaire forms of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2020

Mr. TESTER (for himself and Mr. ROUNDS) 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 improve the ability of veterans to access and submit disability benefit questionnaire forms of the Department of Veterans Affairs, 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 Benefits
5 Fairness and Transparency Act of 2020”.

1 **SEC. 2. PUBLICATION AND ACCEPTANCE OF DISABILITY**
2 **BENEFIT QUESTIONNAIRE FORMS OF DE-**
3 **PARTMENT OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 5101 of title 38, United
5 States Code, is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection (d):

10 “(d)(1) The Secretary shall publish in a central loca-
11 tion on the internet website of the Department disability
12 benefit questionnaire forms, or such successor forms relat-
13 ing to non-Department medical providers submitting evi-
14 dence regarding a disability of a claimant.

15 “(2) Subject to section 6103 of this title, if the Sec-
16 retary updates a form described in paragraph (1), the Sec-
17 retary shall—

18 “(A) accept the previous version of the form
19 filed by a claimant if—

20 “(i) the claimant provided to the non-De-
21 partment medical provider the previous version
22 of the form before the date on which the up-
23 dated version of the form was made available;
24 and

25 “(ii) the claimant files the previous version
26 of the form during the one-year period following

1 the date the form was completed by the non-
2 Department medical provider;

3 “(B) request from the claimant any other infor-
4 mation that the updated version of the form re-
5 quires; and

6 “(C) apply the laws and regulations required to
7 adjudicate the claim as if the claimant filed the up-
8 dated version of the form.

9 “(3) The Secretary may waive any interagency ap-
10 proval process required to approve a modification to a dis-
11 ability benefit questionnaire form if such requirement only
12 applies by reason of the forms being made public under
13 paragraph (1).

14 “(4) Not less frequently than once each year through
15 2026, the Inspector General of the Department shall sub-
16 mit to Congress a report on the findings of the Inspector
17 General with respect to the use of the forms described in
18 paragraph (1).”.

19 (b) **RULE OF CONSTRUCTION.**—Nothing in section
20 5101 of title 38, United States Code, as added by sub-
21 section (a), may be construed to require the Secretary of
22 Veterans Affairs to develop any new information tech-
23 nology system or otherwise require the Secretary to make

- 1 any significant changes to the internet website of the De-
- 2 partment of Veterans Affairs.

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