

116TH CONGRESS  
2D SESSION

# H. R. 7795

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2020

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

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.

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 “Veterans Benefits  
3 Fairness and Transparency Act of 2020”.

4 **SEC. 2. PUBLICATION AND ACCEPTANCE OF DISABILITY**  
5 **BENEFIT QUESTIONNAIRE FORMS OF DE-**  
6 **PARTMENT OF VETERANS AFFAIRS.**

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

9 (1) by redesignating subsection (d) as sub-  
10 section (e); and

11 (2) by inserting after subsection (c) the fol-  
12 lowing new subsection (d):

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

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

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

23 “(i) the claimant provided to the non-De-  
24 partment medical provider the previous version  
25 of the form before the date on which the up-

1           dated version of the form was made available;  
2           and

3                   “(ii) the claimant files the previous version  
4           of the form during the one-year period following  
5           the date the form was completed by the non-  
6           Department medical provider;

7                   “(B) request from the claimant any other infor-  
8           mation that the updated version of the form re-  
9           quires; and

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

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

18                   “(4) Not less frequently than once each year through  
19           2026, the Inspector General of the Department shall sub-  
20           mit to Congress a report on the findings of the Inspector  
21           General with respect to the use of the forms described in  
22           paragraph (1).”.

23                   (b) **RULE OF CONSTRUCTION.**—Nothing in section  
24           5101 of title 38, United States Code, as added by sub-  
25           section (a), may be construed to require the Secretary of

1 Veterans Affairs to develop any new information tech-  
2 nology system or otherwise require the Secretary to make  
3 any significant changes to the internet website of the De-  
4 partment of Veterans Affairs.

Passed the House of Representatives September 22,  
2020.

Attest:

CHERYL L. JOHNSON,

*Clerk.*