

117TH CONGRESS
1ST SESSION

S. 458

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide the representative of record of a claimant for compensation or benefits administered by the Secretary an opportunity to review a proposed determination regarding that claim.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2021

Mr. TESTER (for himself, Mr. BOOZMAN, Ms. HIRONO, Mrs. SHAHEEN, Mr. MARKEY, Mr. KING, Mr. REED, Ms. WARREN, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. SINEMA, Ms. COLLINS, Mr. TILLIS, Mr. MANCHIN, Mr. COONS, Mr. BOOKER, Mr. ROUNDS, Ms. HASSAN, Mr. SANDERS, Mr. BROWN, Ms. KLOBUCHAR, Mr. PETERS, Ms. BALDWIN, and Mr. WHITEHOUSE) 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 the representative of record of a claimant for compensation or benefits administered by the Secretary an opportunity to review a proposed determination regarding that claim.

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 2021”.

1 **SEC. 2. OPPORTUNITY FOR REPRESENTATIVE OF RECORD**
 2 **TO REVIEW A PROPOSED DETERMINATION**
 3 **REGARDING A CLAIM FOR COMPENSATION**
 4 **OR BENEFITS ADMINISTERED BY THE SEC-**
 5 **RETARY OF VETERANS AFFAIRS.**

6 (a) IN GENERAL.—Chapter 59 of title 38, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing new section:

9 **“§ 5906. Opportunity for representative of record to**
 10 **review a proposed determination regard-**
 11 **ing a claim for compensation or benefits**

12 “(a) IN GENERAL.—For each claim for compensation
 13 or benefits under this title in which the claimant has des-
 14 ignated a representative of record, the Secretary shall pro-
 15 vide that representative of record an opportunity to review
 16 the proposed determination of the Secretary before it be-
 17 comes final.

18 “(b) REPRESENTATIVE OF RECORD.—For purposes
 19 of this section, a representative of record of a claimant
 20 may be—

21 “(1) a representative of the claimant recognized
 22 under section 5902 of this title; or

23 “(2) an agent or attorney of the claimant recog-
 24 nized under section 5904 of this title.

25 “(c) NOTICE.—The Secretary shall submit notifica-
 26 tion in writing to a representative of record that a pro-

1 posed determination is ready for review under subsection
2 (a).

3 “(d) PERIOD FOR REVIEW.—Each opportunity to re-
4 view a proposed determination under subsection (a) for
5 a representative of record of a claimant shall be for a pe-
6 riod—

7 “(1) beginning at the moment the representa-
8 tive receives notification under subsection (b); and

9 “(2) ending on the earlier of—

10 “(A) the moment that the claimant or the
11 representative of record indicates to the Sec-
12 retary that the claimant does not dispute the
13 proposed determination; or

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

16 “(e) LIMITATION.—The Secretary may not make a
17 proposed determination, subject to a period of review
18 under this section, final until after the period under sub-
19 section (d).”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 59 of such title is amended
22 by inserting after the item relating to section 5905 the
23 following new item:

“5906. Opportunity for representative of record to review a proposed determina-
tion regarding a claim for compensation or benefits.”.

