AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7188
OFFERED BY MR. NEHLS OF TEXAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Modernizing Department of Veterans Affairs Disability Benefit Questionnaires Act”.

5 SEC. 2. MODERNIZATION OF DEPARTMENT OF VETERANS AFFAIRS DISABILITY BENEFIT QUESTIONNAIRES.

(a) REQUIREMENT FOR TRANSMISSION OF CERTAIN INFORMATION IN MACHINE-READABLE FORMAT.—

(1) REQUIREMENT.—Not later than 180 days after enactment of this Act, the Secretary shall require all disability benefit questionnaire data collected in the course of medical disability examinations made by persons other than employees of the Department of Veterans Affairs under section 504 of the Veterans Benefits Improvement Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note) to be
transmitted to the Department in a machine-readable format.

(2) ISSUANCE OF STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall issue standards for the transmission of disability benefit questionnaire data in a machine-readable format as required under paragraph (1).

(3) UPDATES.—In making updates to disability benefit questionnaires after the date specified in paragraph (1), the Secretary shall—

(A) ensure that the updates are made in a manner that allows for the data collected under the questionnaires to be in a machine-readable format as of the date on which the update goes into effect; and

(B) not later than 60 days before an update goes into effect, notify the persons conducting medical disability examinations (or the entities employing such persons) described in such paragraph of such updates.

(b) PLAN FOR INFORMATION TECHNOLOGY SYSTEM MODIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and
House of Representatives a plan to modify the information technology systems and processes of the Department to enable a non-Department health care professional selected by a claimant to transmit to the Department, in a machine-readable format, disability benefit questionnaire data, including complete disability benefit questionnaires rather than partial questionnaires or individual elements of medical evidence.

(e) Public Availability of Information.—The Secretary shall make publicly available on the internet website of the Department referred to in section 5101(d) of title 38, United States Code—

(1) a description of the standards issued under subsection (a)(2); and

(2) the plan required under subsection (b).

(d) Definitions.—In this section:

(1) The term “claimant” has the meaning given such term in section 5100 of title 38, United States Code.

(2) The term “machine-readable” has the meaning given such term in section 3502(18) of title 44, United States Code.
SEC. 3. DEPARTMENT OF VETERANS AFFAIRS AUTOMATIC PROCESSING OF CERTAIN CLAIMS FOR TEMPORARY DISABILITY RATINGS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall modify the information technology systems of the Department of Veterans Affairs to provide for the automatic processing of claims for temporary disability ratings for veterans described in section 1156(a)(1)(C) of title 38, United States Code.

(b) ADDITIONAL REQUIREMENTS.—In providing for the automatic processing of claims as required under subsection (a), the Secretary shall ensure that—

(1) medical evidence is obtained from the corporate data warehouse of the Department;

(2) employees of the Department continue to determine whether a veteran is eligible for a temporary disability rating under section 1156(a)(1)(C) of title 38, United States Code; and

(3) claims may be processed manually if the evidence of record is not sufficient to decide the claim or if the medical evidence is provided in a format that is not compatible with the system developed under subsection (a).