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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend title 38, United States Code, to provide an individual with a claim for benefits under the laws administered by the Secretary of Veterans Affairs with more options to appeal a decision of the Secretary with respect to such claim to the Board of Veterans' Appeals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BOST introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 38, United States Code, to provide an individual with a claim for benefits under the laws administered by the Secretary of Veterans Affairs with more options to appeal a decision of the Secretary with respect to such claim to the Board of Veterans' Appeals, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Appeals Op-
3 tions Expansion Act of 2024”.

4 **SEC. 2. TREATMENT OF CERTAIN FORMS AS INTENT TO**
5 **FILE CLAIM FOR BENEFITS UNDER LAWS AD-**
6 **MINISTERED BY SECRETARY OF VETERANS**
7 **AFFAIRS; MODIFICATION OF CERTAIN POL-**
8 **ICY RELATING TO DOCKETS OF BOARD OF**
9 **VETERANS’ APPEALS; NOTICE OF UNTIMELY**
10 **EVIDENCE REQUIRED.**

11 (a) TREATMENT OF CERTAIN FORMS.—Subsection
12 (a) of section 5101 of title 38, United States Code, is
13 amended by adding at the end the following new para-
14 graph:

15 “(3) If an individual with a claim for benefits under
16 the laws administered by the Secretary submits to the Sec-
17 retary a form under paragraph (1) that is not the correct
18 form prescribed by the Secretary for such claim, the Sec-
19 retary shall treat such form as an intent to file a claim
20 under section 3.155 of title 38, Code of Federal Regula-
21 tions, or successor regulation.”.

22 (b) MODIFICATION OF CERTAIN POLICY; ASSIGN-
23 MENT OF CERTAIN CASES.—Section 7107 of title 38,
24 United States Code, is amended—

25 (1) in subsection (a), by adding at the end the
26 following new paragraph:

1 “(4) With respect to a case pertaining to a continu-
2 ously pursued claim for benefits under the laws adminis-
3 tered by the Secretary that was previously remanded by
4 the Board to the Secretary, and for which an appellant
5 has filed a subsequent notice of disagreement pursuant to
6 this chapter, the Chairman of the Board shall ensure, to
7 the maximum extent practicable, such case is—

8 “(A) treated as if such case was assigned to a
9 docket maintained under subsection (a) on the date
10 on which the initial notice of disagreement was filed;
11 and

12 “(B) assigned to the member of the Board who
13 held the most recent hearing relevant to such case.”;
14 and

15 (2) in subsection (e)—

16 (A) in the heading by inserting “AND
17 WITHDRAWING CASES” after “CHANGING
18 DOCKETS”;

19 (B) by striking “The Secretary” and in-
20 serting “(1) The Secretary”;

21 (C) by striking “an appellant” and all that
22 follows through the end of the subsection and
23 inserting the following: “an appellant, at any
24 time before the date on which the appellant’s
25 case is assigned to an individual employed by

1 the Department responsible for writing the de-
2 cision of the Board with respect to such case
3 to—

4 “(A) move such case from one docket to an-
5 other docket; and

6 “(B) withdraw a claim or issue within a claim
7 from consideration by the Board.”; and

8 (D) by adding at the end the following new
9 paragraph:

10 “(2) Under such policy, the Secretary may not permit
11 an appellant to move the appellant’s case from one to
12 docket to another docket after such date.”.

13 (c) NOTICE OF UNTIMELY EVIDENCE.—Section 7113
14 of such title is amended by adding at the end the following
15 new subsection:

16 “(d) NOTICE OF UNTIMELY EVIDENCE.—If an appel-
17 lant, or the representative of such appellant, submits to
18 the Secretary evidence in connection with a case before
19 the Board on a date that is not during a period during
20 which such evidence may be submitted under this section,
21 the Secretary shall promptly notify the appellant—

22 “(1) that such evidence—

23 “(A) is untimely; and

24 “(B) may not be considered as part of the
25 evidentiary record before the Board; and

1 “(2) of the right of the appellant to move such
2 case from one docket to another docket pursuant to
3 the policy required by section 7107(e) of this title.”.