

【~118H5559】

.....  
(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 38, United States Code, to clarify the jurisdiction and certain rules of evidence of the Board of Veterans' Appeals.

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**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 clarify the jurisdiction and certain rules of evidence of the Board of Veterans' Appeals.

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 “Protecting Veteran’s  
5       Claim Options Act”.

1 **SEC. 2. BOARD OF VETERANS' APPEALS: JURISDICTION;**  
2 **EVIDENCE IN CERTAIN CASES.**

3 (a) JURISDICTION OVER A SUPPLEMENTAL CLAIM.—

4 Section 7104 of title 38, United States Code, is amended,  
5 in subsection (a)—

6 (1) by inserting “(1)” before “All questions”;

7 and

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

10 “(2) In an appeal of a decision under section 5108  
11 of this title regarding a supplemental claim under section  
12 5104C(a)(1)(B) of this title, the Board may not deny re-  
13 lief (including by denying review of the merits of the  
14 claim) solely on the basis that the appellant did not  
15 present or secure new and relevant evidence with respect  
16 to such supplemental claim.”.

17 (b) EVIDENCE IN CASES REMANDED TO THE BOARD  
18 BY THE COURT OF APPEALS FOR VETERANS CLAIMS.—

19 Section 7113 of title 38, United States Code, is amended  
20 by adding at the end the following new subsection:

21 “(d) CASES REMANDED BY THE COURT OF APPEALS  
22 FOR VETERANS CLAIMS.—(1) Except as provided in para-  
23 graph (2), for cases remanded to the Board by the Court  
24 of Appeals for Veterans Claims, the evidentiary record be-  
25 fore the Board shall be limited to the evidence previously  
26 considered by the Board in such case.

1       “(2) The evidentiary record before the Board for  
2 cases described in paragraph (1) shall include evidence  
3 submitted by the appellant and his or her representative,  
4 if any, within 90 days following such remand, which the  
5 Board shall consider in the first instance.”.