

103D CONGRESS  
2D SESSION

---

---

**S. 1546**

**AN ACT**

To amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court of Veterans Appeals, and for other purposes.

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1546

---

## AN ACT

To amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court 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,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Court of Veterans Ap-  
5        peals Improvement Act of 1994”.

1 **SEC. 2. CONFIRMATION OF CHIEF JUDGE.**

2 Section 7253(b) of title 38, United States Code, is  
3 amended by striking out “The judges” and inserting in  
4 lieu thereof “The chief judge and the associate judges”.

5 **SEC. 3. MAILING OF NOTICES OF APPEAL TO THE COURT**  
6 **OF VETERANS APPEALS.**

7 (a) IN GENERAL.—Section 7266(a) of title 38, Unit-  
8 ed States Code, is amended to read as follows:

9 “(a)(1) In order to obtain review by the Court of Vet-  
10 erans Appeals of a final decision of the Board of Veterans’  
11 Appeals, a person adversely affected by such decision shall  
12 file a notice of appeal with the Court within 120 days after  
13 the date on which notice of the decision is mailed pursuant  
14 to section 7104(e) of this title.

15 “(2) An appellant shall file a notice of appeal under  
16 this section by delivering or mailing the notice to the  
17 Court.

18 “(3) A notice of appeal shall be deemed to be received  
19 by the Court as follows:

20 “(A) On the date of receipt by the Court, if the  
21 notice is delivered.

22 “(B) On the date of the United States Post  
23 Service postmark stamped on the cover in which the  
24 notice is posted, if the notice is mailed.

25 “(4) For a notice of appeal mailed to the Court to  
26 be deemed to be received under paragraph (3)(B) on a

1 particular date, the United States Postal Service postmark  
2 on the cover in which the notice is posted must be legible.  
3 The Court shall determine the legibility of any such post-  
4 mark and the Court's determination as to legibility shall  
5 be final and not subject to review by any other Court.".

6 (b) APPLICATION.—The amendment made by sub-  
7 section (a) shall take effect on the date of the enactment  
8 of this Act and shall apply to notices of appeal that are  
9 delivered or mailed to the United States Court of Veterans  
10 Appeals on or after that date.

11 **SEC. 4. CLARIFICATION OF PAYMENT OF ATTORNEY FEES**

12 **UNDER CONTINGENT FEE AGREEMENTS.**

13 Section 5904(d)(2)(A) of title 38, United States  
14 Code, is amended to read as follows:

15 "(A) A fee agreement referred to in paragraph (1)  
16 of this subsection is one under which the total amount  
17 of the fee payable to the attorney (i) is to be paid to the  
18 attorney by the Secretary directly from any past-due bene-  
19 fits awarded on the basis of the claim, and (ii) is contin-

- 1 gent on whether or not the matter is resolved in a manner
- 2 favorable to the claimant.”.

Passed the Senate March 25 (legislative day, February 22), 1994.

Attest:

*Secretary.*