

118TH CONGRESS  
1ST SESSION

# H. R. 5891

To amend title 38, United States Code, to improve decisions issued by the Board of Veterans' Appeals.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2023

Mr. LUTTRELL introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve decisions issued by 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 “Veteran Appeals Deci-  
5 sion Clarity Act”.

6 **SEC. 2. BOARD OF VETERANS' APPEALS: ELEMENTS OF DE-**  
7 **CISIONS.**

8 (a) IN GENERAL.—Subsection (d) of section 7104 of  
9 title 38, United States Code, is amended as follows:

1 (1) In paragraph (2)—

2 (A) in subparagraphs (A) and (B), by  
3 striking “; and” both places it appears and in-  
4 serting a semicolon;

5 (B) by redesignating subparagraph (B), as  
6 amended, as subparagraph (C); and

7 (C) by inserting, after subparagraph (A),  
8 the following new subparagraph (B):

9 “(B) if such evidence was not considered  
10 as described in subparagraph (A), identifying  
11 the time when such evidence was received and  
12 the provision of section 7113 of this title that  
13 establishes that such evidence may not be re-  
14 ceived at such time; and”.

15 (2) By redesignating paragraph (3) as para-  
16 graph (4).

17 (3) By inserting, after paragraph (2), the fol-  
18 lowing new paragraph (3):

19 “(3) the written determination of the Board  
20 whether the notice of disagreement was adequate  
21 and timely filed under section 7105 of this title;  
22 and”.

1       (b) CONFORMING AMENDMENT.—Section 7105 of  
2 such title is amended by striking subparagraph (C) of  
3 paragraph (1) of subsection (b).

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