

Union Calendar No. 554

118TH CONGRESS
2^D SESSION

H. R. 5890

[Report No. 118-658]

To amend title 38, United States Code, to limit the authority of the Secretary of Veterans Affairs to deny the claim of a veteran for benefits under the laws administered by such Secretary on the sole basis that such veteran failed to appear for a medical examination associated with such claim.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2023

Mr. LUTTRELL introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on Veterans' Affairs

SEPTEMBER 10, 2024

Additional sponsors: Ms. STEFANIK, Mr. POSEY, and Ms. WILD

SEPTEMBER 10, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 3, 2023]

A BILL

To amend title 38, United States Code, to limit the authority of the Secretary of Veterans Affairs to deny the claim of a veteran for benefits under the laws administered by such Secretary on the sole basis that such veteran failed to appear for a medical examination associated with such claim.

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 “Review Every Veterans*
5 *Claim Act of 2023”.*

6 **SEC. 2. PROHIBITION ON DENIAL OF CLAIMS FOR BENEFITS**

7 **UNDER LAWS ADMINISTERED BY SECRETARY**
8 **OF VETERANS AFFAIRS ON SOLE BASIS THAT**
9 **VETERAN FAILED TO APPEAR FOR CERTAIN**
10 **MEDICAL EXAMINATION.**

11 *Subsection (d) of section 5103A of title 38, United*
12 *States Code, is amended—*

13 *(1) in the heading, by striking “COMPENSATION*
14 *CLAIMS” and inserting “CLAIMS FOR BENEFITS”;*

15 *(2) in paragraph (2), by striking “treat an ex-*
16 *amination or opinion as being necessary to make a*
17 *decision on a claim for purposes of” and inserting*
18 *“provide for a medical examination or obtain a med-*
19 *ical opinion under”; and*

20 *(3) by adding at the end the following new para-*
21 *graph:*

22 *“(3) If a veteran fails to appear for a medical exam-*
23 *ination provided by the Secretary in conjunction with a*
24 *claim for a benefit under a law administered by the Sec-*
25 *retary, the Secretary may not deny such claim on the sole*

1 *basis that such veteran failed to appear for such medical*
2 *examination.”.*

3 **SEC. 3. BOARD OF VETERANS' APPEALS: JURISDICTION;**
4 **ELEMENTS OF DECISIONS.**

5 *(a) JURISDICTION.—Section 7104 of title 38, United*
6 *States Code, is amended, in subsection (a)—*

7 *(1) by inserting “(1)” before “All questions”; and*

8 *(2) by adding at the end the following new para-*
9 *graphs:*

10 *“(2) The Board shall determine, in the first instance,*
11 *whether the Board has jurisdiction regarding a matter.*

12 *“(3) If the Board, on its own initiative, raises a ques-*
13 *tion of a potential jurisdictional defect, the Board shall no-*
14 *tify the parties and allow the parties an opportunity to*
15 *respond.”.*

16 *(b) ELEMENTS OF DECISIONS.—Subsection (d) of such*
17 *section is amended as follows:*

18 *(1) In paragraph (2)—*

19 *(A) in subparagraphs (A) and (B), by strik-*
20 *ing “; and” both places it appears and inserting*
21 *a semicolon;*

22 *(B) by redesignating subparagraph (B), as*
23 *amended, as subparagraph (C); and*

24 *(C) by inserting, after subparagraph (A),*
25 *the following new subparagraph (B):*

1 “(2) *Each notice published under paragraph (1) shall*
2 *include a statement that an assignment described in such*
3 *paragraph does not require the Board to issue a decision*
4 *regarding the case during such week.*

5 “(3) *Paragraph (1) shall not apply to a case—*

6 “(A) *that has been advanced under subsection*
7 *(b); or*

8 “(B) *remanded by the United States Court of*
9 *Appeals for Veterans Claims.*”.

10 **SEC. 5. MODIFICATION OF CERTAIN HOUSING LOAN FEES.**

11 *The loan fee table in section 3729(b)(2) of title 38,*
12 *United States Code, is amended by striking “November 15,*
13 *2031” each place it appears and inserting “November 22,*
14 *2031”.*

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