

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5890
OFFERED BY MR. LUTTRELL OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Review Every Veterans
3 Claim Act of 2023”.

**4 SEC. 2. PROHIBITION ON DENIAL OF CLAIMS FOR BENE-
5 FITS UNDER LAWS ADMINISTERED BY SEC-
6 RETARY OF VETERANS AFFAIRS ON SOLE
7 BASIS THAT VETERAN FAILED TO APPEAR
8 FOR CERTAIN MEDICAL EXAMINATION.**

9 Subsection (d) of section 5103A of title 38, United
10 States Code, is amended—

11 (1) in the heading, by striking “COMPENSATION
12 CLAIMS” and inserting “CLAIMS FOR BENEFITS”;

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

1 (3) by adding at the end the following new
2 paragraph:

3 “(3) If a veteran fails to appear for a medical exam-
4 ination provided by the Secretary in conjunction with a
5 claim for a benefit under a law administered by the Sec-
6 retary, the Secretary may not deny such claim on the sole
7 basis that such veteran failed to appear for such medical
8 examination.”.

9 **SEC. 3. BOARD OF VETERANS’ APPEALS: JURISDICTION;**
10 **ELEMENTS OF DECISIONS.**

11 (a) JURISDICTION.—Section 7104 of title 38, United
12 States Code, is amended, in subsection (a)—

13 (1) by inserting “(1)” before “All questions”;
14 and

15 (2) by adding at the end the following new
16 paragraphs:

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

19 “(3) If the Board, on its own initiative, raises a ques-
20 tion of a potential jurisdictional defect, the Board shall
21 notify the parties and allow the parties an opportunity to
22 respond.”.

23 (b) ELEMENTS OF DECISIONS.—Subsection (d) of
24 such section is amended as follows:

25 (1) In paragraph (2)—

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

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

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

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

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

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

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

22 (c) CONFORMING AMENDMENT.—Section 7105 of
23 such title is amended by striking subparagraph (C) of
24 paragraph (1) of subsection (b).

1 **SEC. 4. BOARD OF VETERANS' APPEALS PUBLICATION OF**
2 **DATES OF DOCKET ACTIVITY.**

3 Section 7107 of title 38, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(f) PUBLICATION OF EXPECTED ACTIONS.—(1) On
7 a weekly basis, for each docket, the Board shall publish,
8 on a website of the Department, notice of the docket dates
9 of the cases assigned to a Board member for a decision
10 for that week.

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

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

16 “(A) that has been advanced under subsection
17 (b); or

18 “(B) remanded by the United States Court of
19 Appeals for Veterans Claims.”.

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

21 The loan fee table in section 3729(b)(2) of title 38,
22 United States Code, is amended by striking “November
23 15, 2031” each place it appears and inserting “November
24 22, 2031”.

