

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3834
OFFERED BY Mr. Bost

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Protecting Veteran’s
3 Claim Options Act”.

4 SEC. 2. BOARD OF VETERANS’ APPEALS: JURISDICTION;
5 EVIDENCE IN CERTAIN CASES.

6 (a) JURISDICTION OVER A SUPPLEMENTAL CLAIM.—
7 Section 7104 of title 38, United States Code, is amended,
8 in subsection (a)—

9 (1) by inserting “(1)” before “All questions”;
10 and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) In an appeal of a decision under section 5108
14 of this title regarding a supplemental claim under section
15 5104C(a)(1)(B) of this title, the Board may not deny re-
16 lief (including by denying review of the merits of the
17 claim) solely on the basis that the appellant did not

1 present or secure new and relevant evidence with respect
2 to such supplemental claim.”.

3 (b) EVIDENCE IN CASES REMANDED TO THE BOARD
4 BY THE COURT OF APPEALS FOR VETERANS CLAIMS.—
5 Section 7113 of title 38, United States Code, is amended
6 by adding at the end the following new subsection:

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

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

18 **SEC. 3. EXTENSION OF CERTAIN LIMITS ON PAYMENTS OF**
19 **PENSION.**

20 Section 5503(d)(7) of title 38, United States Code,
21 is amended by striking “November 30, 2031” and insert-
22 ing “January 30, 2035”.

