

108TH CONGRESS
1ST SESSION

S. 1360

To amend section 7105 of title 38, United States Code, to clarify the requirements for notices of disagreement for appellate review of Department of Veterans Affairs activities.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

Mr. GRAHAM of Florida introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend section 7105 of title 38, United States Code, to clarify the requirements for notices of disagreement for appellate review of Department of Veterans Affairs activities.

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. CLARIFICATION OF NOTICE OF DISAGREEMENT**
4 **FOR APPELLATE REVIEW OF DEPARTMENT**
5 **OF VETERANS AFFAIRS ACTIVITIES.**

6 (a) CLARIFICATION.—Section 7105(b) of title 38,
7 United States Code, is amended by adding at the end the
8 following new paragraph:

1 “(3) A document that meets the requirements of the
2 second sentence of paragraph (1) and the first sentence
3 of paragraph (2) shall be recognized as a notice of dis-
4 agreement for purposes of this section.”.

5 (b) EFFECTIVE DATE.—(1) Except as specifically
6 provided otherwise, paragraph (3) of section 7105(b) of
7 title 38, United States Code (as added by subsection (a)
8 of this section), shall apply to any document—

9 (A) filed under section 7105 of such title on or
10 after the date of the enactment of this Act; or

11 (B) filed under section 7105 of such title before
12 the date of the enactment of this Act and not re-
13 jected by the Secretary of Veterans Affairs as a no-
14 tice of disagreement pursuant to section 20.201 of
15 title 38, Code of Federal Regulations, as of that
16 date.

17 (2) In the case of a document described in paragraph
18 (3) of this subsection, the Secretary shall, upon the re-
19 quest of the claimant or the Secretary’s own motion, order
20 the document treated as a notice of disagreement under
21 section 7105 of such title as if the document had not been
22 rejected by the Secretary as a notice of disagreement pur-
23 suant to section 20.201 of title 38, Code of Federal Regu-
24 lations.

1 (3) A document described in this paragraph is a doc-
2 ument that—

3 (A) was filed as a notice of disagreement under
4 section 7105 of such title during the period begin-
5 ning on March 15, 2002, and ending on the date of
6 the enactment of this Act; and

7 (B) was rejected by the Secretary as a notice of
8 disagreement pursuant to section 20.201 of title 38,
9 Code of Federal Regulations.

10 (4) A document may not be treated as a notice of
11 disagreement under paragraph (2) unless a request for
12 such treatment is filed by the claimant, or a motion is
13 made by the Secretary, not later than one year after the
14 date of the enactment of this Act.

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