

105TH CONGRESS  
2D SESSION

# S. 1745

To amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers appeals.

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IN THE SENATE OF THE UNITED STATES

MARCH 11, 1998

Mr. SPECTER (by request) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers 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. EXCEPTION TO DOCKET ORDER CONSIDER-**  
4 **ATION.**

5 Section 7107(a) of title 38, United States Code, is  
6 amended—

7 (1) in paragraph (1), by striking “Except as  
8 provided in subsection (f)” and inserting “Except as  
9 provided in paragraph (2) and subsection (f)”;

1           (2) by redesignating paragraph (2) as para-  
2           graph (3); and

3           (3) by inserting the following:

4           “(2) The Board may consider and decide an ap-  
5           peal later than its place on the docket would nor-  
6           mally require if such delay is necessary to provide  
7           the appellant a hearing.”.

8   **SEC. 2. SCHEDULING OF FIELD HEARINGS.**

9           (a) Section 7107(d) of title 38, United States Code,  
10          is amended by striking paragraph (2) and inserting the  
11          following:

12           “(2) A hearing to be held within an area served  
13          by a regional office of the Department shall (except  
14          as provided in paragraph (3)) be scheduled to be  
15          held in accordance with the case’s place on the dock-  
16          et referred to in subsection (a) relative to the other  
17          cases for which a hearing is scheduled to be held in  
18          that area.”.

19          (b) The amendment made by subsection (a) applies  
20          to requests for a hearing received by the Department on  
21          or after the date of enactment.

22   **SEC. 3. ADVANCEMENT ON THE HEARING DOCKET.**

23          Section 7107(d) of title 38, United States Code, is  
24          amended by striking paragraph (3) and inserting the fol-  
25          lowing:

1           “(3) A hearing to be held within an area served  
2           by a regional office of the Department may, for  
3           cause shown, be advanced on motion for an earlier  
4           hearing. Any such motion shall set forth succinctly  
5           the grounds upon which it is based and may not be  
6           granted unless the case involves interpretation of law  
7           of general application affecting other claims or for  
8           other sufficient cause shown.”.

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