

110TH CONGRESS
1ST SESSION

H. R. 1318

To amend title 38, United States Code, to repeal the authority for agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2007

Mr. LEWIS of Kentucky introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to repeal the authority for agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs.

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 “Veterans’ Benefits
5 Protection Act”.

1 **SEC. 2. REPEAL OF AUTHORITY FOR AGENT OR ATTORNEY**
2 **REPRESENTATION IN VETERANS BENEFITS**
3 **CASES BEFORE THE DEPARTMENT OF VET-**
4 **ERANS AFFAIRS.**

5 (a) REPEAL.—Title 38, United States Code, is
6 amended—

7 (1) in section 5904—

8 (A) in subsection (a)—

9 (i) by striking “(1) Except as pro-
10 vided in paragraph (4), the Secretary” and
11 inserting “The Secretary”;

12 (ii) by striking paragraphs (2)
13 through (6); and

14 (iii) by inserting after the period at
15 the end the following new sentence: “The
16 Secretary may require that individuals, be-
17 fore being recognized under this section,
18 show that they are of good moral character
19 and in good repute, are qualified to render
20 claimants valuable service, and otherwise
21 are competent to assist claimants in pre-
22 senting claims.”; and

23 (B) in subsection (b)—

24 (i) by striking paragraphs (6) through
25 (9);

1 (ii) in paragraph (4), by inserting
2 “or” after the semicolon; and

3 (iii) in paragraph (5), by striking the
4 semicolon and inserting a period;

5 (2) in section 5902(b)—

6 (A) by striking “(1)”;
7

8 (B) by striking paragraph (2); and

9 (C) by redesignating subparagraphs (A)
and (B) as paragraphs (1) and (2), respectively;

10 and

11 (3) in section 5903—

12 (A) by striking subsection (b); and

13 (B) by striking “(a) IN GENERAL—”.

14 (b) REPEAL OF MODIFICATION OF DATE FOR COM-
15 MENCEMENT OF SERVICES.—

16 (1) IN GENERAL.—Effective as provided in
17 paragraph (2), subsection (c) of section 5904 of
18 such title is amended—

19 (A) by striking paragraph (3) and redesignig-
20 nating paragraph (4) as paragraph (3);

21 (B) in paragraph (1)—

22 (i) by striking “a notice of disagree-
23 ment is filed with respect to” and inserting
24 “the Board of Veterans’ Appeals first
25 makes a final decision in”;

1 (ii) by inserting after “in the case.”
2 the following new sentence: “Such a fee
3 may be charged, allowed, or paid in the
4 case of services provided after such date
5 only if an agent or attorney is retained
6 with respect to such case before the end of
7 the one-year period beginning on that
8 date.”;

9 (iii) in the last sentence, by striking
10 “fees charged, allowed, or paid for”; and

11 (iv) by striking “paragraph (4)” and
12 inserting “paragraph (3)”; and

13 (C) in paragraph (2)—

14 (i) by striking “after a notice of dis-
15 agreement is filed with respect to the case”
16 and inserting “after the Board first makes
17 a final decision in the case”;

18 (ii) by striking “with the Secretary
19 pursuant to regulations prescribed by the
20 Secretary” and inserting “with the Board
21 at such time as may be specified by the
22 Board”; and

23 (iii) by adding at the end the fol-
24 lowing new sentences: “The Board, upon
25 its own motion or the request of either

1 party, may review such a fee agreement
2 and may order a reduction in the fee called
3 for in the agreement if the Board finds
4 that the fee is excessive or unreasonable. A
5 finding or order of the Board under the
6 preceding sentence may be reviewed by the
7 United States Court of Appeals for Vet-
8 erans Claims under section 7263(d) of this
9 title.”

10 (c) REPEAL OF REPEAL OF PENALTY.—Section 5905
11 is amended by inserting after “Whoever” the following:
12 “(1) directly or indirectly solicits, contracts for, charges,
13 or receives, or attempts to solicit, contract for, charge, or
14 receive, any fee or compensation except as provided in sec-
15 tions 5904 or 1984 of this title, or (2)”.

16 (d) CONFORMING REPEALS.—Section 101 of the Vet-
17 erans Benefits, Health Care, and Information Technology
18 Act of 2006 (Public Law 109–461) is amended—

19 (1) in subsection (c), by striking paragraph (2);

20 and

21 (2) by striking subsections (h) and (i).

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