

108TH CONGRESS
1ST SESSION

H. R. 3492

To amend title 38, United States Code, to allow claimants for benefits under laws administered by the Secretary of Veterans Affairs to pay fees for attorney services during any stage of the Department of Veterans Affairs claims process.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2003

Mr. FRANKS of Arizona (for himself, Mr. KING of Iowa, Mr. HOEKSTRA, Mr. MANZULLO, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mrs. CHRISTENSEN, Mr. PETERSON of Pennsylvania, Mr. GARRETT of New Jersey, and Mrs. MYRICK) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to allow claimants for benefits under laws administered by the Secretary of Veterans Affairs to pay fees for attorney services during any stage of the Department of Veterans Affairs claims process.

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’ Right to an
5 Attorney Act of 2003”.

1 **SEC. 2. REPEAL OF PROHIBITION ON PAYING ATTORNEYS**
2 **DURING THE DEPARTMENT OF VETERANS AF-**
3 **FAIRS CLAIMS PROCESS.**

4 (a) REPEAL.—Section 5904(c) of title 38, United
5 States Code, is amended—

6 (1) by striking paragraphs (1) and (3);

7 (2) by striking “(c)” and all that follows
8 through “(2) A person” and inserting “(c) A per-
9 son”; and

10 (3) in the first sentence—

11 (A) by striking “in a case referred to in
12 paragraph (1) of this subsection” and inserting
13 “in connection with a proceeding with respect
14 to benefits under laws administered by the Sec-
15 retary”; and

16 (B) by striking “after the Board first
17 makes a final decision in the case”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 5905 of such title is amended—

20 (A) by striking “Whoever” and inserting
21 “(a) Whoever”;

22 (B) by striking “in sections 5904 or 1984
23 of this title” and inserting “in subsection (b) of
24 this section”; and

25 (C) by adding at the end the following new
26 subsection:

1 “(b) Subsection (a)(1) does not apply to a fee or com-
2 pensation for services as provided in section 1984 of this
3 title or in connection with a proceeding with respect to
4 benefits under laws administered by the Secretary, except
5 if in violation of an order of the Board made under the
6 second sentence of section 5904(c) of this title.”.

7 (2) Section 7263(d) of such title is amended by
8 striking “5904(c)(2)” and inserting “5904(c)”.

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