complex. Many of these claims are based on disabilities caused by environmental exposures, traumatic brain injuries, psychological trauma, severe combat wounds, and other highly complex medical conditions, which by their nature may entail complex questions of causality or intricate factual or legal analyses.

Despite the increasing complexity of many cases, all 24 million living veterans are prohibited from hiring a lawyer to help them navigate the VA system. It is only after a veteran has spent months and even years exhausting the extensive VA administrative process that the veteran then may retain counsel—a process that often takes 3 or more years to complete. As the National Organization of Veterans' Advocates (NOVA) testified before the Veterans' Affairs Committee last year, ''[t]his is too late in the process for counsel to be truly effective'' because by that time the evidentiary record ''is effectively closed.'' On the other hand, NOVA testified that, if attorneys were retained at an earlier stage of the process, they could be helpful in obtaining and presenting necessary evidence and in ensuring that VA timely and accurately processes claims.

So, with the potential for lawyers to help veterans successfully navigate this increasingly complex system, why does the government prohibit veterans from retaining counsel? This restriction, which dates back to the Civil War, was born out of concern that unscrupulous attorneys would improperly take large portions of veterans' disability benefits as compensation for their services. And some will argue that this concern is equally warranted today.

Although I understand this longstanding desire to protect veterans' disability compensation, I would ask my colleagues to consider a simple question posited in a recent editorial: ''If American soldiers are mature and responsible enough to choose to risk their lives for their country, shouldn't they be considered competent to hire a lawyer?'' I believe the obvious answer to that question is ''yes.''

Particularly for veterans of to day's All-Volunteer Force—which has been described as the ''best-trained, best-equipped, best-led fighting force in the history of the world''—this paternalistic restriction is simply outdated. These highly trained, highly skilled veterans have the ability—and should have the right—to decide whether or not to hire a lawyer.

This is a right that is not denied to individuals seeking other earned benefits from the government. In fact, if a veteran were to seek Social Security benefits for disabilities suffered during military service, the veteran would be permitted to hire an attorney—while the same veteran seeking benefits from VA for the same disabilities would be prohibited from hiring an attorney based on this remnant of an ancient policy.

The paternalistic restriction that prevents veterans from hiring counsel may have been advisable 150 years ago, but—as one veterans' organization recently testified before the Veterans' Affairs Committee—there is now no logic to it ''except history.'' It has endured for far too long and it is now time to embrace Justice Oliver Wendell Holmes' admonition that it is ''revolting'' for a law to persist ''in blind imitation of the past.'' It is time to repeal this archaic law and to allow our Nation's veterans the option of hiring counsel.

Having said all that, I want to be clear that I am not suggesting that attorneys should be considered necessary in order to obtain VA benefits. Above all, we must ensure that the system continues to serve veterans in a claimant-friendly, non-adversarial manner—regardless of the presence of an attorney or any other representative—and we must strive to reduce the complexities of this vast system. I hope that veterans' organizations across the country will join me in pursuing those goals.

I also want to be clear that, although I believe veterans should have the option to hire attorneys, they should not be discouraged in any way from utilizing the free services now provided by many dedicated representatives of veterans' service organizations. Those representatives are an important and valuable resource that veterans and their families will undoubtedly continue to rely on for many generations to come. The availability of this resource, however, is no reason to restrict veterans' access to other options. If a veteran would rather hire an attorney, we should not stand in the way.

At the same time, however, we should ensure that anyone who represents a veteran is held to the highest standards of professional and ethical conduct and that any fee charged to a veteran is patently reasonable. To that end, this legislation will allow veterans the right to hire an attorney at any time and it will heighten the expectations on all individuals who represent veterans.

Specifically, this legislation will allow VA to ensure that all attorneys who practice before VA have adequate training or experience in this specialized area of law to competently represent veterans and that they conform to specified standards of ethical and professional conduct. It would also allow VA to ensure that all veterans' representatives are honest, professional, and law abiding; that they avoid further delaying or complicating the system by presenting frivolous claims or arguments; and that they conduct themselves with due regard for the non-adversarial nature of the system.

For veterans who opt to hire an attorney, this legislation would provide the Secretary of Veterans Affairs with authority to reduce any attorney fee if it is excessive or unreasonable and with authority to set restrictions on the amount of fees that could be charged in any case before VA. Finally, in order to avoid any drain on existing VA resources, VA would have authority to impose on attorneys a registration fee to defray any costs associated with allowing them to practice before VA.

In sum, this legislation will take measures to ensure that the interests of veterans will be protected, while allowing them to decide for themselves whether they want to hire a lawyer. I ask my colleagues to support this groundbreaking legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Choice of Representation Act of 2006''.

SEC. 2. ATTORNEY REPRESENTATION IN VETERANS BENEFITS CLAIMS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 of title 38, United States Code, is amended—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking the second sentence; and

(C) by adding at the end the following new paragraphs:

''(2) The Secretary may prescribe in regulations qualifications and standards of conduct for individuals recognized under this section, including the following:

''(A) A requirement that, before being recognized, an individual—

''(i) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims; and

''(ii) has such level of experience and specialized training as the Secretary shall specify.

''(B) A requirement that the individual follow such standards of conduct as the Secretary shall specify.

''(3) The Secretary may prescribe in regulations restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department.

''(4)(A) The Secretary may, on a periodic basis, collect from individuals recognized as agents or attorneys under this section a registration fee.

''(B) The Secretary shall prescribe the amount and frequency of collection of such fees. The amount of such fees may include an amount, as specified by the Secretary, necessary to defray the costs of the Department in recognizing individuals under this section, in administering the collection of such fees, in administering the payment of fees under subsection (d), and in conducting oversight of agents or attorneys.

''(C) Amounts so collected shall be deposited in the account from which amounts for such costs were derived, merged with amounts in such account, and available for