

Paragraph for former section “(C)”

The 2004 Supporting Statement for OMB Control Number 2900-0085 included a section “(C)” entitled “Filing of Representatives’ Fee Agreements and Motions for Review of Such Agreements.” This section analyzed the cost burden associated with the filing of representatives’ fee agreements with the Board of Veterans’ Appeals (Board) and the Board’s review of the same to determine whether such fees are excessive or unreasonable. The Board previously had regulatory authority to collect representative fee agreements and review the same under 38 C.F.R. § 20.609. Effective June 23, 2008, VA amended its regulations to implement the Veterans Benefits, Health Care, and Information Technology Act of 2006. The revised regulations, particularly 38 C.F.R. § 14.636, command that fee agreements be filed with VA’s General Counsel who may review the same in the first instance to determine whether such fees are excessive or unreasonable. The Board will retain appellate jurisdiction in reasonableness determinations. *Id.* In light of this regulatory change, the collection of representatives’ fee agreements will no longer be covered by OMB Control Number 2900-0085 and will henceforth be covered by OMB Control Number 2900-0605. Former section “C” regarding the filing of representatives’ fee agreements has accordingly been deleted from the Supporting Statement.

Paragraph for former section “(D)”

The 2004 Supporting Statement for OMB Control Number 2900-0085 included a section “(D)” entitled “Motion for Review of Representative’s Charges for Expenses.” This section analyzed the cost burden associated with the filing of motions for the review of expenses charged by representatives. The Board previously had regulatory authority to collect such motions and review expense reimbursement charges from representatives under 38 C.F.R. § 20.610(d). Effective June 23, 2008, VA amended its regulations to implement the Veterans Benefits, Health Care, and Information Technology Act of 2006. The revised regulation, particularly 38 C.F.R. § 14.637(d), commands that motions for review of expenses charged by representatives be filed with VA’s General Counsel who will review the expenses in the first instance to determine whether such are excessive or unreasonable. The Board will retain appellate jurisdiction in reasonableness determinations. *Id.* In light of this regulatory change, the collection of motions for the review of expenses charged by representatives will no longer be covered by OMB Control Number 2900-0085 and will henceforth be covered by OMB Control Number 2900-0605. Former section “D” regarding the filing of motions for the review of expenses charged by representatives has accordingly been deleted from the Supporting Statement.