

118TH CONGRESS
1ST SESSION

H. R. 1139

To amend title 38, United States Code, to reinstate penalties for persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mr. PAPPAS (for himself, Mrs. RADEWAGEN, Mr. FITZPATRICK, Mr. VAN DREW, Mr. ALLRED, Ms. BROWNLEY, Mr. CICILLINE, Ms. DEAN of Pennsylvania, Mrs. DINGELL, Mr. FINSTAD, Mr. KEATING, Mr. KIM of New Jersey, Mr. PETERS, Ms. STRICKLAND, Ms. HOULAHAN, Mr. SABLAN, Mr. FOSTER, Ms. DELBENE, Ms. NORTON, Mr. COSTA, Ms. BARRAGÁN, Mr. VALADAO, Ms. STEFANIK, Mr. CARSON, Mr. COHEN, Mr. WITTMAN, Mr. LYNCH, Ms. BONAMICI, Mrs. MCBATH, Ms. PORTER, Ms. TOKUDA, Ms. WILD, Ms. TITUS, Ms. KELLY of Illinois, Ms. SCANLON, Ms. UNDERWOOD, Mr. GROTHMAN, Mr. LIEU, Mr. NEGUSE, Mr. VICENTE GONZALEZ of Texas, Ms. LEE of California, Mr. HERN, Mr. LAMALFA, Mr. KRISHNAMOORTHY, Mr. VEASEY, Mr. BOYLE of Pennsylvania, Mr. JOHNSON of Ohio, Mr. STANTON, Mr. GOTTHEIMER, Mr. MCGOVERN, Ms. SHERRILL, Mr. BACON, Mr. CASE, Mr. MOULTON, Ms. DAVIDS of Kansas, Mr. CASTEN, Mr. COURTNEY, Mr. GARBARINO, Mrs. FLETCHER, Mr. KELLY of Mississippi, Mr. CONNOLLY, Mr. PHILLIPS, Mr. CUELLAR, Ms. JACOBS, Ms. ROSS, Ms. PINGREE, Ms. LOFGREN, Mr. OBERNOLTE, Mr. WEBSTER of Florida, and Ms. BUDZINSKI) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to reinstate penalties

for persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

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 “Governing
 5 Unaccredited Representatives Defrauding VA Benefits
 6 Act” or the “GUARD VA Benefits Act”.

7 **SEC. 2. REINSTATEMENT OF PENALTIES FOR CHARGING**
 8 **VETERANS UNAUTHORIZED FEES RELATING**
 9 **TO CLAIMS FOR BENEFITS UNDER LAWS AD-**
 10 **MINISTERED BY THE SECRETARY OF VET-**
 11 **ERANS AFFAIRS.**

12 Section 5905 of title 38, United States Code, is
 13 amended—

14 (1) in the section heading, by striking “**Pen-**
 15 **alty**” and inserting “**Penalties**” (and conforming
 16 the table of sections at the beginning of chapter 59
 17 of such title accordingly);

18 (2) by inserting “(a) WITHHOLDING OF BENE-
 19 FITS.—” before “Whoever”; and

20 (3) by adding at the end the following new sub-
 21 section:

1 “(b) CHARGING OF UNAUTHORIZED FEES.—Except
2 as provided in sections 5904 or 1984 of this title, whoever
3 solicits, contracts for, charges, or receives, or attempts to
4 solicit, contract for, charge, or receive, any fee or com-
5 pensation with respect to the preparation, presentation, or
6 prosecution of any claim for benefits under the laws ad-
7 ministered by the Secretary shall be fined as provided in
8 title 18.”.

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