

118TH CONGRESS
1ST SESSION

S. 740

To amend title 38, United States Code, to reinstate criminal 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 SENATE OF THE UNITED STATES

MARCH 9, 2023

Mr. BOOZMAN (for himself, Mr. BLUMENTHAL, Mr. TESTER, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to reinstate criminal 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 of 2023” or the “GUARD VA Benefits Act of 2023”.

1 **SEC. 2. REINSTATEMENT OF PENALTIES FOR CHARGING**
 2 **VETERANS UNAUTHORIZED FEES RELATING**
 3 **TO CLAIMS FOR BENEFITS UNDER LAWS AD-**
 4 **MINISTERED BY THE SECRETARY OF VET-**
 5 **ERANS AFFAIRS.**

6 Section 5905 of title 38, United States Code, is
 7 amended—

8 (1) in the section heading, by striking “**Pen-**
 9 **alty**” and inserting “**Penalties**” (and conforming
 10 the table of sections at the beginning of chapter 59
 11 of such title accordingly);

12 (2) by striking “Whoever” and inserting the fol-
 13 lowing:

14 “(a) WITHHOLDING OF BENEFITS.—Whoever”; and

15 (3) by adding at the end the following new sub-
 16 section:

17 “(b) CHARGING OF UNAUTHORIZED FEES.—Except
 18 as provided in sections 5904 or 1984 of this title, whoever
 19 directly or indirectly solicits, contracts for, charges, or re-
 20 ceives, or attempts to solicit, contract for, charge, or re-
 21 ceive, any fee or compensation with respect to the prepara-
 22 tion, presentation, or prosecution of any claim for benefits
 23 under the laws administered by the Secretary shall be
 24 fined as provided in title 18, or imprisoned not more than
 25 one year, or both.”.