

117TH CONGRESS  
2D SESSION

# S. 5089

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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2022

Mr. BOOZMAN (for himself, Mr. BLUMENTHAL, Mr. GRAHAM, Ms. MURKOWSKI, Mr. KING, Ms. ROSEN, Mr. SANDERS, Mr. BROWN, Mr. KELLY, Mr. WYDEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. HASSAN, Mr. TESTER, Mr. BENNET, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## 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” or the “GUARD VA Benefits Act”.

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 inserting “(a) WITHHOLDING OF BENE-  
13 FITS.—” before “Whoever”; and

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

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

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