

112TH CONGRESS
1ST SESSION

S. 1847

To amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2011

Mr. RUBIO (for himself, Mr. BLUNT, and Mr. NELSON of Florida) 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, 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 “Protect Our Disabled
5 Heroes Act of 2011”.

6 **SEC. 2. REINSTATEMENT OF PENALTIES FOR CHARGING**
7 **VETERANS UNAUTHORIZED FEES.**

8 (a) IN GENERAL.—Section 5905 of title 38, United
9 States Code, is amended to read as follows:

1 **“§ 5905. Penalty for certain acts**

2 “Except as provided in section 5904 or 1984 of this
3 title, whoever—

4 “(1) in connection with a proceeding before the
5 Department, knowingly solicits, contracts for,
6 charges, or receives any fee or compensation in con-
7 nection for—

8 “(A) the provision of advice on how to file
9 a claim for benefits under the laws adminis-
10 tered by the Secretary; or

11 “(B) the preparation, presentation, or
12 prosecution of such a claim before the date on
13 which a notice of disagreement is filed in a pro-
14 ceeding on the claim;

15 “(2) attempts to solicit, contract, charge, or re-
16 ceive as described in paragraph (1);

17 “(3) unlawfully withholds from any claimant or
18 beneficiary any part of a benefit or claim under the
19 laws administered by the Secretary that is allowed
20 and due to the claimant or beneficiary, or attempts
21 to do so;

22 “(4) commits an offense punishable by this
23 chapter, or aids, abets, counsels, commands, or pro-
24 cures the commission of such an act; or

25 “(5) causes an act to be done, which if directly
26 performed would be punishable by this chapter,

1 shall be fined as provided in title 18, or imprisoned for
2 not more than one year, or both.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply with respect to acts committed
5 after the date of the enactment of this Act.

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