

117TH CONGRESS
1ST SESSION

S. 2678

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

AUGUST 9, 2021

Mr. RUBIO (for himself, Mr. SCOTT of Florida, Mr. BLUNT, and Mr. YOUNG) 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 2021”.

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 “(a) IN GENERAL.—Except as provided in section
3 5904 or 1984 of this title, whoever commits any of the
4 following acts shall be fined as provided in title 18, or im-
5 prisoned for not more than one year, or both:

6 “(1) In connection with a proceeding before the
7 Department, knowingly solicits, contracts for,
8 charges, or receives any fee or compensation for—

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

12 “(B) the preparation, presentation, or
13 prosecution of such a claim.

14 “(2) In connection with a proceeding before the
15 Department, attempts to solicit, contract for, charge,
16 or receive any fee or compensation as described in
17 paragraph (1).

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

23 “(4) Commits an offense punishable by this sec-
24 tion, or aids, abets, counsels, commands, or procures
25 the commission of such an act.

1 “(5) Causes an act to be done, which if directly
2 performed would be punishable under this chapter.

3 “(b) RULE OF CONSTRUCTION.—Except as otherwise
4 provided in this title, paragraphs (1) and (2) of subsection
5 (a) shall not be construed to prohibit someone from pro-
6 viding the services described in subparagraphs (A) and
7 (B) of paragraph (1) of such subsection on a complimen-
8 tary or gratuitous basis.”.

9 (b) LIMITATIONS ON FOR-PROFIT BUSINESS TRANS-
10 ACTIONS.—Section 5904 of title 38, United States Code
11 is amended by adding the following new subsection:

12 “(e) LIMITATIONS ON FOR-PROFIT BUSINESS
13 TRANSACTIONS.—The Secretary may prescribe, by rule,
14 such limitations and restrictions as the Secretary con-
15 siderers reasonable on—

16 “(1) the types of for-profit business trans-
17 actions which may be entered into with a claimant
18 by an agent or attorney who is recognized under this
19 section and is preparing, presenting, or prosecuting
20 for that claimant a claim under a law administered
21 by the Secretary; and

22 “(2) when an agent or attorney recognized
23 under this section may agree to prepare, present, or
24 prosecute a claim under a law administered by the
25 Secretary for a claimant with whom that agent or

1 attorney already has a business relationship other
2 than for the preparation, presentation, or prosecu-
3 tion of a claim under a law administered by the Sec-
4 retary.”.

5 (c) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to acts committed
7 after the date of the enactment of this Act.

○