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Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. A, title V, § 548(a)(2), Jan. 1, 2021, 134 Stat. 3618, added item 5906.

1991—Pub. L. 102-40, title IV, § 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3401 to 3405 as 5901 to 5905, respectively.

§ 5901. Prohibition against acting as claims agent or attorney

(a) IN GENERAL.—Except as provided by section 500 of title 5, no individual may act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the Secretary unless such individual has been recognized for such purposes by the Secretary.

(b) WARNINGS ABOUT POTENTIAL PREDATORY PRACTICES.—(1) The Secretary shall ensure that, each time a claimant under a law administered by the Secretary logs in to a website or online tool of the Department, such website or online tool issues to the claimant, in plain language—

(A) a warning about individuals who seek to act in violation of this chapter;

(B) a link to an online tool of the Department through which the claimant may report such an individual;

(C) a link to an online tool of the Department through which the claimant may search for a recognized agent, attorney, or other entity recognized by the Secretary for the preparation, presentation, or prosecution of any claim under laws administered by the Secretary; and

(D) a link to a website or an online tool of the Department providing final decisions on discipline of agents, attorneys, and entities, described in subparagraph (C), by the Secretary for violations of this chapter.

(2) The Secretary shall provide all information under paragraph (1) in the following languages:

(A) English.

(B) Spanish.

(C) Tagalog.

(D) The seven other languages most commonly spoken in the United States.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1238, § 3401; Pub. L. 91-24, § 12(a), June 11, 1969, 83 Stat. 34; Pub. L. 99-576, title VII, § 701(79), Oct. 28, 1986, 100 Stat. 3298; renumbered § 5901, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, § 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405; Pub. L. 118-21, § 3(a), Nov. 13, 2023, 137 Stat. 110.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-21 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1991—Pub. L. 102-40 renumbered section 3401 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

1986—Pub. L. 99-576 substituted “such individual” for “he”.

1969—Pub. L. 91-24 substituted “Except as provided by section 500 of title 5, no individual may act” for “No individual may act”.

Statutory Notes and Related Subsidiaries

IMPLEMENTATION

Pub. L. 118-21, § 3(b), Nov. 13, 2023, 137 Stat. 110, provided that: “The Secretary of Veterans Affairs shall carry out subsection (b) of such section, as added by subsection (a) of this section—

“(1) after consulting with stakeholders (including veterans service organizations recognized under section 5902 of such title) regarding the wording of the warning under such subsection; and

“(2) not later than one year after the date of the enactment of this Act [Nov. 13, 2023].”

§ 5902. Recognition of representatives of organizations

(a)(1) The Secretary may recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans, the United Spanish War Veterans, the Veterans of Foreign Wars, and such other organizations as the Secretary may approve, in the preparation, presentation, and prosecution of claims under laws administered by the Secretary.

(2) The Secretary may, in the discretion of the Secretary, furnish, if available, space and office facilities for the use of paid full-time representatives of national organizations so recognized.

(b)(1) No individual shall be recognized under this section—

(A) unless the individual has certified to the Secretary that no fee or compensation of any nature will be charged any individual for services rendered in connection with any claim; and

(B) unless, with respect to each claim, such individual has filed with the Secretary a power of attorney, executed in such manner and form as the Secretary may prescribe.

(2) An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.

(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant’s representative as an appointment of the entire organization as the claimant’s representative.

(2) Whenever the Secretary is required or permitted to notify a claimant’s representative, and the claimant has named in a power of attorney an organization listed in or approved under