

# GUARD VA Benefits Act: Protect Veterans From Claim Sharks

## THE ISSUE

Federal law requires VA accreditation for attorneys, claims agents, and veterans service organizations (VSOs) to assist veterans with VA disability claims. These accreditation requirements protect veterans from fraud, excessive fees, and unqualified representation.

However, Congress removed criminal penalties in 2006 for unaccredited individuals who illegally charge veterans for claims assistance, creating an enforcement gap that predatory companies have been exploiting for nearly 20 years.

## THE ACTION

Passing the Governing Unaccredited Representatives Defrauding (GUARD) VA Benefits Act (H.R. 1732) would restore the enforcement authority Congress originally intended by reinstating criminal penalties for unaccredited individuals who charge unauthorized fees for VA claims assistance, protecting veterans and survivors from predatory claims practices.

## KEY FACTS

- **Free, Qualified Help Already Exists:** Accredited VSOs provide professional VA claims assistance to veterans and survivors at no cost. Predatory companies thrive not because veterans lack options, but because enforcement authority was significantly weakened.
- **Fee Structures Must Be Approved by the VA:** Accredited agents and attorneys who enter into agreements for paid assistance are required to have fee agreements reviewed and approved by the VA's Office of General Counsel. Charging a fee to assist with initial VA disability claims is never allowed, even by accredited agents, attorneys, and VSOs.
- **The 2006 Repeal of Criminal Penalties Created Today's Problem:** When Congress eliminated penalties for unaccredited agents, it left the VA with only cease and desist letters as its primary enforcement tool, a remedy that has proved ineffective at stopping



repeat offenders. The VA has issued more than 40 such letters to unaccredited claims companies, yet most continue operating, advertising, and charging veterans unauthorized fees.

- **Veterans Face Significant Financial Harm:** A veteran awarded a 100% disability rating can be charged nearly \$20,000 for claims assistance that is legally available for free through accredited VSOs.
- **Claims Volume and Complexity Increases Risk:** VA disability claims can be slow and complex. Expanded eligibility under laws such as the PACT Act has increased claims volume, creating opportunities for predatory companies to target veterans during periods of stress or uncertainty.
- **State Enforcement Is Not Enough:** Ten states have enacted legislation to curb predatory VA claims agents, and more than a dozen states have introduced similar efforts. However, protecting veterans' federally provided VA benefits should not be contingent on a patchwork of state actions.

## WHY IT MATTERS

Veterans deserve trusted, ethical, and accountable support when filing disability claims — support that protects their privacy, respects their service, and preserves their earned compensation. The GUARD VA Benefits Act will not limit veterans' ability to seek help but will help guarantee that when they do, the assistance comes from accredited professionals bound by high ethical and professional standards, and that they will not be forced to surrender a portion of the benefits they earned in service to our nation.



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