

[DISCUSSION DRAFT]

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 38, United States Code, to allow for certain fee agreements for services rendered in the preparation, presentation, and prosecution of initial claims and supplemental claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To amend title 38, United States Code, to allow for certain fee agreements for services rendered in the preparation, presentation, and prosecution of initial claims and supplemental claims for benefits under 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 [\_\_\_\_\_].

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Promotion of availability of assistance from individuals recognized by Secretary of Veterans Affairs for the preparation, presentation, or prosecution of certain claims for benefits under laws administered by the Secretary.
- Sec. 3. Agents and attorneys in certain claims under laws administered by Secretary of Veterans Affairs: applications for recognition; grounds for suspension; fees allowable.
- Sec. 4. Penalties for certain acts during the preparation, presentation, or prosecution of claims for benefits under laws administered by the Secretary of Veterans Affairs.
- Sec. 5. Comptroller General review of process for recognition of agents and attorneys for preparation, presentation, and prosecution of certain claims under laws administered by the Secretary.
- Sec. 6. Publication of information with respect to recognition as agent or attorney for preparation, presentation, and prosecution of certain claims under laws administered by the Secretary; biennial review.
- Sec. 7. Federal preemption.

3 **SEC. 2. PROMOTION OF AVAILABILITY OF ASSISTANCE**  
4 **FROM INDIVIDUALS RECOGNIZED BY SEC-**  
5 **RETARY OF VETERANS AFFAIRS FOR PREPA-**  
6 **RATION, PRESENTATION, AND PROSECUTION**  
7 **OF CERTAIN CLAIMS FOR BENEFITS UNDER**  
8 **LAWS ADMINISTERED BY THE SECRETARY.**

9 (a) NOTICE OF AVAILABILITY OF ASSISTANCE FROM  
10 ACCREDITED PERSONS.—Section 5103A of title 38,  
11 United States Code, is amended—

12 (1) by redesignating subsections (g) through (i)  
13 as subsections (h) through (j), respectively;

14 (2) by inserting after subsection (f) the fol-  
15 lowing new subsections:

1       “(g) NOTICE OF AVAILABILITY OF REPRESENTA-  
2 TION.—(1) Upon receipt of a claim, or supplemental  
3 claim, by a claimant not represented by an accredited per-  
4 son, the Secretary shall provide notice to the claimant  
5 that—

6           “(A) an accredited person may be available to  
7 the claimant for the preparation, presentation, or  
8 prosecution of such claim or supplemental claim;

9           “(B) an organization recognized under section  
10 5902 of this title is available to the claimant for the  
11 preparation, presentation, or prosecution of such  
12 claim or supplemental claim at no cost to the claim-  
13 ant; and

14           “(C) includes the web addresses of the Depart-  
15 ment websites described in paragraph (2).

16           “(2)(A) The Secretary shall maintain, on a  
17 publicly available website of the Department—

18           “(i) a list of accredited persons available to  
19 the claimant for the preparation, presentation,  
20 or prosecution of an initial claim or supple-  
21 mental claim; and

22           “(ii) a system through which a claimant  
23 may report—

24           “(I) a person, who is not an accred-  
25 ited person, who prepared, presented, or

1 prosecuted a claim or supplemental claim  
2 on behalf of the claimant; and

3 “(II) any fee charged by such person  
4 associated with such preparation, presen-  
5 tation, or prosecution.

6 “(B) With respect to the list described in para-  
7 graph (1)(A), the Secretary shall—

8 “(i) update the such list not less than  
9 quarterly; and

10 “(ii) ensure such list is easily accessible to  
11 a claimant.

12 “(3) In this subsection, the term ‘accredited  
13 person’ means—

14 “(A) an organization recognized under sec-  
15 tion 5902 of this title; or

16 “(B) an attorney, agent, or other person  
17 recognized under section 5904 of this title.”.

18 (b) ONLINE WARNINGS OF FEES FOR CERTAIN REP-  
19 RESENTATION.—The Secretary of Veterans Affairs shall  
20 include, in each web portal of the Department of Veterans  
21 Affairs through which an individual may file a claim for  
22 a benefit under the laws administered by the Secretary,  
23 a warning with respect to fees an agent or attorney recog-  
24 nized under section 5904 of such title may charge such  
25 individual associated with the preparation, presentation,

1 or prosecution of such claim. Such warning shall include  
2 the web addresses of the Department websites maintained  
3 pursuant to subsection (g) of section 5103A of such title,  
4 as added by subsection (a).

5 (c) REPORT.—Not later than 180 days after the date  
6 of the enactment of this Act, the Secretary shall—

7 (1) complete a review the regulations, processes,  
8 and procedures of the Department of Veterans Af-  
9 fairs that with respect to the recognition of agents  
10 and attorneys under section 5904 of such title;

11 (2) develop recommendations for legislative or  
12 administrative action to improve such regulations,  
13 processes, and procedures; and

14 (3) submit to the Committees on Veterans' Af-  
15 fairs of the House of Representatives and the Senate  
16 a report that includes—

17 (A) the findings of the review under para-  
18 graph (1); and

19 (B) the recommendations developed under  
20 paragraph (2).

1 **SEC. 3. AGENTS AND ATTORNEYS IN CERTAIN CLAIMS**  
2 **UNDER LAWS ADMINISTERED BY SECRETARY**  
3 **OF VETERANS AFFAIRS: APPLICATIONS FOR**  
4 **RECOGNITION; GROUNDS FOR SUSPENSION;**  
5 **FEEES ALLOWABLE.**

6 (a) IN GENERAL.—Section 5904 of title 38, United  
7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by inserting “(A)” before “Ex-  
11 cept”; and

12 (ii) by adding at the end the following  
13 new subparagraphs:

14 “(B)(i) An individual desiring recognition under this  
15 section shall submit to the Secretary an application in  
16 such form, at such time, and containing such information  
17 and assurances as the Secretary has determined appro-  
18 priate to recognize such individual under this section.

19 “(ii) If the Secretary cannot verify whether the indi-  
20 vidual satisfies the qualifications and standards prescribed  
21 under paragraph (2) before the end of the 180-day period  
22 beginning after the date on which the Secretary receives  
23 an application under clause (i), the Secretary shall recog-  
24 nize the individual on a conditional and temporary basis  
25 for a one-year period.

1       “(iii) At the end of such one-year period, the Sec-  
2 retary shall recognize the individual on a conditional and  
3 temporary basis for such additional 180-day periods until  
4 the date on which the Secretary can verify whether the  
5 individual satisfies such qualifications and standards.

6       “(C)(i) The Secretary may not refuse to recognize  
7 under this section an individual as an agent or attorney  
8 solely on the basis that such individual—

9               “(I) before the date of the enactment of this  
10 subparagraph—

11                       “(aa) charged a claimant a fee for services  
12 rendered in the preparation, presentation, or  
13 prosecution of an initial claim; or

14                       “(bb) charged a claimant a fee for such  
15 services while such individual was not recog-  
16 nized under this section; or

17               “(II) is an employee of a nonprofit organization  
18 and seeks recognition under this section in the offi-  
19 cial capacity of such individual.

20       “(ii) In this subparagraph, the term ‘nonprofit orga-  
21 nization’ means an organization described in section  
22 501(c)(3) of the Internal Revenue Code of 1986 and ex-  
23 empt from taxation under section 501(a) of such Code.”;  
24 and

1 (B) by adding at the end the following new  
2 paragraphs:

3 “(7)(A) The Secretary shall prescribe regulations to  
4 recognize an individual as an agent or attorney to render  
5 services in the preparation, presentation, and prosecution  
6 of initial claims, or a supplemental claim presented after  
7 a final decision with respect to that claim.

8 “(B) The Secretary may charge and collect an assess-  
9 ment from an individual who—

10 “(i) seeks recognition under this section as an  
11 agent or attorney for the preparation, presentation,  
12 and prosecution of an initial claim under the laws  
13 administered by the Secretary or a supplemental  
14 claim presented after a final decision with respect to  
15 that claim; and

16 “(ii) charges or collects fees from a claimant for  
17 services rendered in such preparation, presentation,  
18 and prosecution.

19 “(C) An assessment described in subparagraph (B)  
20 shall be in such amount as the Secretary prescribes in reg-  
21 ulations and determines appropriate.

22 “(D) Amounts collected under this paragraph shall  
23 be deposited in a revolving fund in the Treasury of the  
24 United States. Such amounts shall be available to the Sec-  
25 retary for the administration of this section.



1       “(8)(A) An individual recognized as agent or attorney  
2 under this section for the preparation, presentation, or  
3 prosecution of an initial claim, or a supplemental claim  
4 presented after a final decision with respect to that claim,  
5 may not—

6           “(i) charge any fee for services rendered in such  
7 preparation, presentation, or prosecution if—

8           “(I) the Secretary determines the disability  
9 associated with such initial claim or supple-  
10 mental claim is presumed to be service-con-  
11 nected; or

12           “(II) such initial claim or supplemental  
13 claim is filed while the claimant is a member of  
14 the Armed Forces, including any reserve com-  
15 ponent thereof;

16           “(ii) prohibit a claimant from terminating the  
17 representation agreement between the claimant and  
18 the agent or attorney prior to the date on which the  
19 agency of jurisdiction renders a decision on such ini-  
20 tial claim or supplemental claim;

21           “(iii) charge or collect any fee for services ren-  
22 dered in such preparation, presentation, and pros-  
23 ecution prior to such date;

24           “(iv) charge or collect any fee for such services  
25 if either the agent or attorney, or the claimant, ter-

1 minates the fee agreement between the claimant and  
2 the agent or attorney prior to such date;

3 “(v) charge any fee for services rendered in the  
4 preparation, presentation, and prosecution of such a  
5 supplemental claim that could have been filed in  
6 continuous pursuit of a claim within one year of the  
7 previous decision on that claim, but was filed after  
8 such previous decision became final due to delay on  
9 the part of the agent or attorney; or

10 “(vi) charge any fee for services rendered in the  
11 preparation, presentation, or prosecution of a sup-  
12 plemental claim, a request for higher-level review by  
13 the agency of original jurisdiction under section  
14 5104B of this title, or notice of disagreement pursu-  
15 ant to section 5104C(a), where another individual  
16 employed by the same organization as the agent or  
17 attorney, or employed by a subsidiary of the such or-  
18 ganization, previously charged the claimant a fee for  
19 such services with respect to the same supplemental  
20 claim, request for higher-level review, or notice of  
21 disagreement.

22 “(B) The Office of General Counsel of the Depart-  
23 ment may audit agents or attorneys recognized under this  
24 the preparation, presentation, or prosecution of an initial  
25 claim, or a supplemental claim presented after a final deci-

1 sion with respect to that claim, to ensure compliance with  
2 the requirements of this paragraph.”;

3 (2) in subsection (b)—

4 (A) by redesignating paragraphs (1)  
5 through (9) as subparagraphs (A) through (I),  
6 respectively;

7 (B) by inserting “(1)” before “The Sec-  
8 retary, after notice”;

9 (C) in paragraph (1), as designated by  
10 subparagraph (B)—

11 (i) in subparagraph (H), as so redesi-  
12 gnated, by striking “subsection (c)(3)(A);  
13 or” and inserting “subsection (c)(2)(A)”;

14 (ii) in subparagraph (I), as so redesi-  
15 gnated, by striking the period at the end  
16 and inserting a semicolon; and

17 (iii) by adding at the end the fol-  
18 lowing new subparagraphs:

19 “(J) has failed to keep client data and per-  
20 sonally identifiable information in accordance  
21 with applicable provisions of the Health Insur-  
22 ance Portability and Accountability Act of 1996  
23 (42 U.S.C. 1301 et seq.), including the data se-  
24 curity requirements and implementing regula-  
25 tions of that Act;

1           “(K) has sold, or otherwise received con-  
2 sideration for the referral of, any personally  
3 identifiable information or other data and infor-  
4 mation relating to an individual for whom the  
5 agent or attorney provided services with respect  
6 to the preparation, presentation, or prosecution  
7 of a claim under a law administered by the Sec-  
8 retary;

9           “(L) has entered into a fee agreement with  
10 a claimant, or otherwise received consideration  
11 from a claimant, for the preparation, presen-  
12 tation, or prosecution of an initial claim under  
13 the laws administered by the Secretary, or a  
14 supplemental claim presented after a final deci-  
15 sion with respect to that claim, and referred  
16 such claimant to a private medical profes-  
17 sional—

18           “(i) with whom the agent or attorney  
19 has a business relationship; and

20           “(ii) who would receive any fee or  
21 other consideration for the provision of any  
22 service related to such initial claim or sup-  
23 plemental claim; or

24           “(M) has used an overseas call center to  
25 assist with marketing, initiation, or assistance

1 with, the preparation, presentation, or prosecu-  
2 tion of a claim under a law administered by the  
3 Secretary.”; and

4 (D) by adding at the end the following new  
5 paragraph:

6 “(2) Not later than one year after the date of  
7 the enactment of the **[short title]** Act of 2025 and  
8 annually thereafter, the Secretary shall submit to  
9 the Committees on Veterans’ Affairs of the Senate  
10 and House of Representatives a report that includes  
11 with respect to the period covered by the report—

12 “(A) the number of individuals denied rec-  
13 ognition under subsection (a);

14 “(B) for each individual denied recognition  
15 under such subsection, a statement of the rea-  
16 sons for such denial;

17 “(C) the number of individuals suspended  
18 or excluded from further practice pursuant to  
19 this subsection;

20 “(D) for each individual so suspended or  
21 excluded, a statement of the reasons for such  
22 suspension or exclusion;

23 “(E) the number of individuals granted  
24 temporary and conditional recognition pursuant  
25 to clause (ii) or (iii) of subsection (a)(1)(B) pe-

1           nalized under subsection (c) of section 5905 of  
2           this title; and

3           “(F) for each individual so penalized, a  
4           statement of the reasons for such penalty.”;

5           (3) in subsection (c)—

6           (A) by inserting “FLAT FEE AGREE-  
7           MENTS.—” after “(c)”;

8           (B) by striking paragraph (1) and insert-  
9           ing the following:

10          “(1)(A) In connection with a proceeding before the  
11          Department with respect to benefits under laws adminis-  
12          tered by the Secretary, a fee agreement between a claim-  
13          ant and an agent or attorney for the preparation, presen-  
14          tation, or prosecution of an initial claim for such benefits  
15          or a supplemental claim presented after a final decision  
16          with respect to such claim shall be a fee agreement de-  
17          scribed in subparagraph (B).

18          “(B)(i) A fee agreement described in this subpara-  
19          graph is a fee agreement—

20                 “(I) that does not require payment from a  
21                 claimant to the agent or attorney before the date on  
22                 which the claimant is provided notice of the decision  
23                 of the agency of original jurisdiction under—

24                         “(aa) under section 5104 of this title with  
25                         respect to the initial claim; or

1           “(bb) under section 5108 of this title with  
2           respect to the supplemental claim;

3           “(II) under which the total amount payable by  
4           the claimant to the agent or attorney with respect  
5           to the initial claim or supplemental claim—

6           “(aa) is contingent on whether the initial  
7           claim or supplemental claim presented after a  
8           final decision with respect to such claim is re-  
9           solved in a manner favorable to the claimant;

10          “(bb) does not exceed the lesser of—

11           “(AA) \$10,000 (as adjusted from  
12           time to time under subparagraph (C)); or

13           “(BB) the amount equal to the prod-  
14           uct of five and the amount of the monthly  
15           increase of benefits awarded to the claim-  
16           ant pursuant to the claim; and

17          “(III) that contains an attestation by the claim-  
18          ant that the agent or attorney provided to the claim-  
19          ant the standard form under clause (iii).

20          “(ii) For purposes of this subparagraph, an initial  
21          claim or supplemental claim presented after a final deci-  
22          sion with respect to such claim shall be considered to have  
23          been resolved in a manner favorable to the claimant if all  
24          or any part of the relief sought pursuant to the claim is  
25          granted.

1           “(iii) For use in fee agreements described in this sub-  
2 paragraph, the Secretary shall develop a standard form  
3 that includes the a notice to the claimant that organiza-  
4 tions recognized under section 5902 of this title furnish  
5 services with respect to initial claims under laws adminis-  
6 tered by the Secretary and supplemental claims for such  
7 benefits at no cost to claimants.

8           “(C) Effective on October 1 of each year (beginning  
9 in the first fiscal year after the date of the enactment of  
10 the Preserving Lawful Utilization of Services for Veterans  
11 Act of 2025), the Secretary shall increase the dollar  
12 amount in effect under clause (i) of subparagraph (B) by  
13 a percentage equal to the percentage by which the Con-  
14 sumer Price Index for all urban consumers (U.S. city aver-  
15 age) increased during the 12-month period ending with  
16 the last month for which Consumer Price Index data is  
17 available. In the event that such Consumer Price Index  
18 does not increase during such period, the Secretary shall  
19 maintain the dollar amount in effect under such clause  
20 during the previous fiscal year.”; and

21                           (C) in paragraph (2)—

22                                   (i) by striking “in a case referred to  
23 in paragraph (1) of this subsection”; and

24                                   (ii) by inserting “in a case” after  
25 “represents a person”;



1 (D) in paragraph (3)(A), by striking  
2 “paragraph (2)” and inserting “paragraph (1)  
3 or (2)”.

4 (b) REGULATIONS.—Not later than 180 days after  
5 the date of the enactment of this Act, the Secretary shall  
6 prescribe regulations to carry out the amendments made  
7 by this section.

8 **SEC. 4. PENALTIES FOR CERTAIN ACTS DURING THE PREP-**  
9 **ARATION, PRESENTATION, OR PROSECUTION**  
10 **OF CLAIMS FOR BENEFITS UNDER LAWS AD-**  
11 **MINISTERED BY THE SECRETARY OF VET-**  
12 **ERANS AFFAIRS.**

13 (a) PENALTIES FOR UNAUTHORIZED FEES.—

14 (1) IN GENERAL.—Section 5905 of title 38,  
15 United States Code, is amended—

16 (A) in the section heading, by striking  
17 “**Penalty**” and inserting “**Penalties**” (and  
18 conforming the table of sections at the begin-  
19 ning of chapter 59 of such title accordingly);

20 (B) by striking “Whoever” and inserting  
21 the following:

22 “(a) WITHHOLDING OF BENEFITS.—Whoever”; and

23 (C) by adding at the end the following new  
24 subsections:

1           “(b) CHARGING OF UNAUTHORIZED FEES.—(1) Ex-  
2 cept as provided in sections 5904 or 1984 of this title,  
3 whoever solicits, contracts for, charges, or receives, or at-  
4 tempts to solicit, contract for, charge, or receive, any fee  
5 or any other consideration with respect to the preparation,  
6 presentation, or prosecution of any claim for benefits  
7 under the laws administered by the Secretary shall be  
8 fined as provided in title 18, or imprisoned not more than  
9 one year, or both.

10           “(2) Paragraph (1) shall not apply to the provision  
11 of a medical opinion by a third party that does not have  
12 a business relationship with an individual recognized  
13 under section 5904 of this title for the preparation, pres-  
14 entation, or prosecution of a claim for benefits under laws  
15 administered by the Secretary.

16           “(c) VIOLATIONS DURING CONDITIONAL AND TEM-  
17 PORARY RECOGNITION.—If an individual recognized as an  
18 agent or attorney on a conditional and temporary basis  
19 pursuant to clause (ii) or (iii) of section 5904(a)(1)(B)  
20 violates any law or regulation administered by the Sec-  
21 retary under this chapter—

22                   “(1) the Secretary shall revoke the conditional  
23 and temporary recognition of the individual; and

24                   “(2) such individual shall—

25                           “(A) be fined \$50,000; and

1           “(B) shall be barred from recognition  
2           under section 5904 of this title—

3                   “(i) for a period of one year beginning  
4                   on the date of the first violation; and

5                   “(ii) for a period of 10 years begin-  
6                   ning on the date of each subsequent viola-  
7                   tion.

8           “(d) DEPOSIT OF FINES.—Any amount received by  
9           the Federal Government from a fine imposed under sub-  
10          section (b) or subsection (c) shall be deposited in the fund  
11          established by section 5904(a)(7)(D) of this title.”.

12           (2) CLERICAL AMENDMENT.—The table of sec-  
13          tions at the beginning of chapter 59 of such title is  
14          amended by striking the item relating to section  
15          5905 and inserting the following new item:

“5905. Penalties for certain acts.”.

16          (b) APPLICABILITY OF PENALTIES.—The penalties  
17          under subsections (b) and (c) of such section, as added  
18          by subsection (a), shall apply with respect to actions oc-  
19          curring on or after the date on which the Secretary of  
20          Veterans Affairs promulgates final rules to carry out such  
21          subsections.

22          (c) REGULATIONS.—Not later than 90 days after the  
23          date of the enactment of this Act, the Secretary, acting  
24          through the General Counsel of the Department of Vet-  
25          erans Affairs, shall prescribe regulations to define the

1 phrase “preparation, presentation , or prosecution” for  
2 purposes of subsection (b) of section 5095 of title 38,  
3 United States Code, as added by subsection (a).

4 **SEC. 5. COMPTROLLER GENERAL REVIEW OF PROCESS FOR**  
5 **RECOGNITION OF AGENTS AND ATTORNEYS**  
6 **FOR PREPARATION, PRESENTATION, AND**  
7 **PROSECUTION OF CERTAIN CLAIMS UNDER**  
8 **LAWS ADMINISTERED BY THE SECRETARY.**

9 Not later than one year after the date of the enact-  
10 ment of this Act, the Comptroller General of the United  
11 States shall—

12 (1) complete a review of the process by which  
13 the Secretary of Veterans Affairs, under section  
14 5904 of title 38, United States Code, as amended by  
15 this Act, recognizes agents and attorneys for the  
16 preparation, presentation, and prosecution of claims  
17 for benefits under laws administered by the Sec-  
18 retary; and

19 (2) submit to the Committees on Veterans’ Af-  
20 fairs of the House of Representatives and the Senate  
21 a report that includes—

22 (A) an identification of deficiencies in the  
23 administration of such section, as amended by  
24 this Act; and

1 (B) recommendations of the Comptroller  
2 General with respect to legislative or adminis-  
3 trative action to improve the administration of  
4 such section, as amended by this Act.

5 **SEC. 6. PUBLICATION OF INFORMATION WITH RESPECT TO**  
6 **RECOGNITION AS AGENT OR ATTORNEY FOR**  
7 **PREPARATION, PRESENTATION, AND PROS-**  
8 **ECUTION OF CERTAIN CLAIMS UNDER LAWS**  
9 **ADMINISTERED BY THE SECRETARY; BIEN-**  
10 **NIAL REVIEW.**

11 (a) **KNOWLEDGE TEST.**—Not later than 180 days  
12 after the date of the enactment of this Act, the Secretary  
13 of Veterans Affairs shall publish, on a publicly-available  
14 website of the Department of Veterans Affairs, and on an  
15 on-demand basis, the necessary knowledge test to satisfy  
16 the requirements for recognition under section 5904 of  
17 title 38, United States Code, as amended by this Act.

18 (b) **CONTINUING LEGAL EDUCATION REQUIRE-**  
19 **MENTS.**—

20 (1) **IN GENERAL.**—Not later than one year  
21 after the date of the enactment of this Act, the Sec-  
22 retary shall issue regulations that—

23 (A) update the continuing legal education  
24 requirements for continued recognition as an

1 agent or attorney under section 5904 of such  
2 title, as amended by this Act; and

3 (B) increase the amount of continuing  
4 legal education required for such recognition to  
5 an amount that is greater than the amount of  
6 such continuing legal education required for  
7 such recognition as of the date of the enact-  
8 ment of this Act.

9 (2) BIENNIAL REVIEWS.—Not later than two  
10 years after the date on which the Secretary issues  
11 the regulations required under paragraph (1), and  
12 on a basis not less frequent than biennially there-  
13 after, the Secretary shall conduct a review of the  
14 continuing legal education requirements for contin-  
15 ued recognition as an agent or attorney under such  
16 section, as amended by this Act.

17 **SEC. 7. FEDERAL PREEMPTION.**

18 This Act, and the amendments made by this Act, su-  
19 percede any State law that is inconsistent with the rights  
20 established by this Act, or the amendments made by this  
21 Act, and preclude the implementation of such a law,  
22 whether statutory, common law, or otherwise, and whether  
23 adopted before or after the date of enactment of this Act.