

**STATEMENT OF
DEPARTMENT OF VETERANS AFFAIRS (VA)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
ON
VARIOUS LEGISLATIVE HEARING BILLS**

March 5, 2025

Chairman Luttrell, Ranking Member McGarvey, and other Members of the Subcommittee, thank you for allowing VA to provide testimony on three draft bills that would affect VA programs and services.

H.R. XXX, Governing Unaccredited Representatives Defrauding VA Benefits Act (GUARD): This draft bill would amend 38 U.S.C. § 5905 to reinstate a penalty for soliciting; contracting for; charging; or receiving or attempting to solicit, contract for, charge, or receive any fee or compensation with respect to the preparation, presentation, or prosecution of claims for VA benefits except as provided in 38 U.S.C. §§ 5904 and 1984.

The Department is still examining the bill and is unable to provide comprehensive views at this time.

H.R. XXX Preserving Lawful Utilization of Services for Veterans Act of 2025 (PLUS for Veterans Act of 2025) (PLUS): Section 2 of PLUS would amend 38 U.S.C. § 5901 to exclude from preparation, presentation, or prosecution of a claim which requires recognition by VA for an individual to act as a claimant's agent or attorney, "the administration of a medical examination, or the completion of a report with respect to such medical examination, as described in [38 U.S.C. § 5125]."

Section 3 would amend 38 U.S.C. § 5904(a)(1) to require VA to determine whether to recognize an individual as an agent or attorney not later than 90 days after VA received the individual's application for recognition. If VA were unable to do so, VA would be required to recognize the applicant on a conditional and temporary basis for a 1-year period. Then, VA must continue to recognize the applicant for another year if at the end of the 1-year period VA still has not decided on the applicant's character and fitness.

Section 3 would prohibit VA from taking adverse action, including suspending or excluding from further practice; fining under 38 U.S.C. § 5905 (which would be amended by PLUS); or refusing to recognize an individual as an agent or attorney, on the basis that before enactment of PLUS, the applicant charged a claimant a fee for services rendered in the preparation, presentation, or prosecution of an initial claim or charged a claimant a fee for such services while such individual was not recognized by VA as an attorney or agent.

Section 3 would allow VA to charge and collect an assessment from an individual who: 1) seeks recognition as an agent or attorney for the preparation, presentation, and prosecution of an initial benefits claim; and 2) charges or collects fees from a claimant for services rendered in such preparation, presentation, and prosecution. VA would determine the appropriate amount – not to exceed \$500 – of the assessment and prescribe such amount in regulations. The amounts collected would be deposited in a revolving fund in the Treasury of the United States and would be available to VA for the administration of 38 U.S.C. § 5904.

Section 3 would permit the Secretary to, after notice and opportunity for a hearing, suspend or exclude from further practice before VA any agent or attorney, recognized under section 5904, if the Secretary finds that the agent or attorney has failed to keep client data and personally identifiable information in accordance with the applicable provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P.L. 104-191; 42 U.S.C. §§ 1301 et seq.), including the data security requirements and implementing regulations of that Act.

Section 3 would require VA to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, within 1 year after the date of enactment of PLUS, and annually thereafter, regarding the number of individuals suspended or excluded for no longer meeting the requirements for VA recognition and those suspended or excluded for cause; the number of and reason why applicants were denied recognition; and whether the individuals were or were not applying to be representatives of VA-recognized Veterans Service Organizations (VSO) representatives, agents, or attorneys.

Most significantly, section 3 would amend 38 U.S.C. § 5904(c) to remove the prohibition in 38 U.S.C. § 5904(c)(1) on attorneys and agents charging fees for services provided before VA issues an initial decision on a claim. In place of the prohibition, PLUS would create a new 38 U.S.C. § 5904(c)(1) which would provide parameters for fee agreements between a claimant and an agent or attorney – in connection with a proceeding before VA for benefits – for the preparation, presentation, or prosecution of an initial claim for benefits. The fee agreement could not require payment from the claimant to the agent or attorney before the date on which the claimant is provided the notice of the decision of the agency of original jurisdiction under 38 U.S.C. § 5104 with respect to the initial claim. Under the fee agreement, the total fee amount payable by the claimant to the agent or attorney with respect to the initial claim may not exceed the lesser of five times the amount of the monthly increase of benefits awarded to the claimant pursuant to the claim or \$12,500 (a figure that VA must increase annually each fiscal year in direct correlation with any increase in the Consumer Price Index for all urban consumers (U.S. city average)) and must be contingent on whether the claim is resolved in a manner favorable to the claimant, meaning that all or any part of the relief sought pursuant to the claim is granted. The fee agreement must contain an attestation by the claimant that the agent or attorney provided to the claimant a standard form (which VA must develop for use in such fee agreements) that includes a notice to the

claimant that: 1) VA-recognized VSOs furnish services with respect to initial VA benefits claims at no cost to claimants; 2) the claimant may select a private physician for a medical examination described in 38 U.S.C. § 5125 regarding the initial claim; and 3) the agent or attorney with whom the claimant is entering the fee agreement may not refer the claimant to a private physician described in section 5125 with whom the agent or attorney has a business relationship.

Relatedly, section 3 would amend 38 U.S.C. § 5904(c)(2) to specify that an agent or attorney would only need to file with VA a copy of a fee agreement with a claimant if the agent or attorney represents the claimant after VA has provided notice to the claimant of VA's initial decision with respect to the case. Section 3 would amend 38 U.S.C. § 5904(c)(3)(A) so that VA would be able to review filed fee agreements on its own motion or at the request of the claimant and order a reduction in the fee called for in the fee agreement if the fee were found to be excessive or unreasonable.

Finally, section 3 would require VA to prescribe regulations to carry out the amendments made by section 3 within 180 days after the date of enactment of PLUS.

Section 4 would amend 38 U.S.C. § 5905 to add penalties – fine, imprisonment, or both – under title 18 of the United States Code for anyone who, apart from 38 U.S.C. §§ 1984 or 5904, solicits; contracts for; charges; or receives, or attempts to solicit, contract for, charge, or receive any fee or compensation with respect to the preparation, presentation, or prosecution of any claim for VA benefits. Section 4 would add different penalties for violations of laws and regulations administered by VA under 38 U.S.C. Ch. 59 (currently 38 U.S.C. §§ 590 – 5906) committed by individuals who have been conditionally and temporarily recognized as an agent or attorney under section 5904. The penalties would be revocation by VA, after notice, of conditional and temporary recognition; after notice and opportunity for a hearing a fine of \$50,000 and a bar on recognition under section 5904 – 1 year for a first violation and 10 years for each subsequent violation (the period of the bar beginning on the date of the respective violations). The amounts of any of the newly created fines received as penalties would be deposited in the fund established by section 5904 (and, as explained above, available to VA for the administration of section 5904). Section 4's amendments would take effect 90 days after that date VA prescribes regulations to carry out the amendments made by Section 3.

Section 5 would provide that (if enacted) PLUS and the amendments made by it supersede any state law that is inconsistent with the statutory rights established by PLUS, or the amendments made by PLUS; and preclude the implementation of such a law, whether statutory, common law, or otherwise, and whether adopted before or after the date of enactment of PLUS.

In short, PLUS includes similar provisions as in GUARD that would add criminal penalties for charging fees for unauthorized claims assistance. However, PLUS would also greatly expand when fees could be charged and who could become accredited by VA.

The Department is still examining the bill and is unable to provide comprehensive views at this time.

Discussion Draft: 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 (DD):

Section 2 of DD would amend 38 U.S.C. § 5103A to require VA to provide notice to unrepresented claimants upon receipt of a claim or supplemental claim that an accredited person may be available to the claimant for the preparation, presentation, or prosecution of such claim or supplemental claim, and that a VA-recognized VSO is available to the claimant for the preparation, presentation, or prosecution of such claim or supplemental claim at no cost to the claimant. The notice must include the web addresses of publicly available VA websites that contain the following: 1) a list of accredited persons (meaning a VA-recognized VSO, an attorney, agent, or other person recognized under 38 U.S.C. § 5904) available to the claimant for the preparation, presentation, or prosecution of an initial claim or supplemental claim; and 2) a website linking to a system through which a claimant may report an unaccredited person who prepared, presented, or prosecuted a claim or supplemental claim on behalf of the claimant; and any fee charged by the person associated with such preparation, presentation, or prosecution. VA must update the list of accredited persons not less than quarterly and ensure that the list is easily accessible to a claimant.

Section 2 would require VA to include, in all VA web portals through which an individual may file a claim for benefits, a warning with respect to fees associated with the preparation, presentation, or prosecution of such claim that an agent or attorney recognized under 38 U.S.C. § 5904 may charge such individual. The warning would be required to include the web addresses of the aforementioned VA websites.

Section 2 would require VA to complete, within 180 days after the date of enactment of the bill, a review of VA regulations, processes, and procedures with respect to the recognition of agents and attorneys under 38 U.S.C. § 5904; develop recommendations for legislative or administrative action to improve such regulations, processes, and procedures; and submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives that includes the findings of the review and the recommendations developed.

Section 3 would amend 38 U.S.C. § 5904(a) by requiring that an individual desiring recognition under 38 U.S.C. § 5904 must submit to VA an application in such form, at such time, and containing such information and assurances as the Secretary has determined appropriate to recognize the individual under section 5904. VA would then be required to determine whether to recognize an individual as an agent or attorney not later than 180 days after VA received the individual's application for recognition. If VA were unable to verify whether the individual met the qualifications and standards prescribed within that time limit, VA would be required to recognize the applicant as an

agent or attorney on a conditional and temporary basis for a 1-year period. At the end of the 1-year period, VA must continue to recognize the applicant on a conditional and temporary 180-day basis if VA still had not made a decision on the applicant's character and fitness.

Section 3 would prohibit VA from refusing to recognize an individual under section 5904 as an agent or attorney solely on the basis that: 1) the individual is an employee of a nonprofit organization (meaning an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (IRC) and exempt from taxation under IRC section 501(a)) and seeks recognition under section 5904 in the official capacity of such individual; or 2) that the individual, before the date of enactment, either charged a claimant a fee for services rendered in the preparation, presentation, or prosecution of an initial claim or charged a claimant a fee for such services while such individual was not recognized under section 5904.

Section 3 would require VA to prescribe regulations to recognize an individual as an agent or attorney to render services in the preparation, presentation, and prosecution of initial claims, or a supplemental claim presented after a final decision with respect to that claim. VA would be permitted to charge and collect an assessment from an individual who: 1) seeks recognition as an agent or attorney for the preparation, presentation, and prosecution of an initial claim or a supplemental claim presented after a final decision with respect to that claim; and 2) charges or collects fees from a claimant for services rendered in such preparation, presentation, and prosecution. VA would determine the appropriate amount of the assessment and prescribe such amount in regulations. The amounts collected would be deposited in a revolving fund in the Treasury of the United States and would be available to VA for the administration of 38 U.S.C. § 5904.

Section 3 would prohibit an individual recognized as agent or attorney under 38 U.S.C. § 5904 for the preparation, presentation, or prosecution of an initial claim or a supplemental claim presented after a final decision with respect to that claim from the following: 1) charging any fee for services rendered in such preparation, presentation, or prosecution if VA determined the disability associated with such initial claim or supplemental claim is presumed to be service-connected; 2) charging any fee for services rendered in such preparation, presentation, or prosecution if the initial claim or supplemental claim is filed while the claimant is a member of the Armed Forces, including any reserve component thereof; 3) prohibiting a claimant from terminating the representation agreement between the claimant and the agent or attorney prior to the date on which the agency of jurisdiction renders a decision on such initial claim or supplemental claim; 4) charging or collecting any fee for services rendered in such preparation, presentation, and prosecution prior to the date on which the agency of jurisdiction renders a decision on such initial claim or supplemental claim; 5) charging or collecting any fee for such services if either the agent or attorney or the claimant terminates the fee agreement between the claimant and the agent or attorney prior to the date on which the agency of jurisdiction renders a decision on such initial claim or supplemental claim; 6) charging any fee for services rendered in the preparation,

presentation, and prosecution of a supplemental claim that could have been filed in continuous pursuit of a claim within 1 year of the previous decision on that claim but was filed after such previous decision became final due to delay on the part of the agent or attorney; or 7) charging any fee for services rendered in the preparation, presentation, or prosecution of a supplemental claim, a request for higher-level review by the agency of original jurisdiction under 38 U.S.C. § 5104B, or a notice of disagreement pursuant to 38 U.S.C. § 5104C(a), where another individual employed by the same organization as the agent or attorney, or employed by a subsidiary of the such organization, previously charged the claimant a fee for such services with respect to the same supplemental claim, request for higher-level review, or notice of disagreement. VA's OGC would be permitted to audit agents or attorneys recognized for the preparation, presentation, or prosecution of an initial claim, or a supplemental claim presented after a final decision with respect to that claim, to ensure compliance with the new requirements.

Section 3 would amend 38 U.S.C. § 5904(b) to permit the Secretary to, after notice and opportunity for a hearing, suspend or exclude from further practice before VA any agent or attorney recognized under section 5904 if the Secretary finds that the agent or attorney has: 1) failed to keep client data and personally identifiable information in accordance with applicable provisions of HIPAA, including the data security requirements and implementing regulations of that Act; 2) sold, or otherwise received consideration for the referral of, any personally identifiable information or other data and information relating to an individual for whom the agent or attorney provided services with respect to the preparation, presentation, or prosecution of a VA claim; 3) entered into a fee agreement with a claimant, or otherwise received consideration from a claimant, for the preparation, presentation, or prosecution of an initial VA claim, or a supplemental claim presented after a final decision with respect to that claim, and referred such claimant to a private medical professional who would receive any fee or other consideration for the provision of any service related to such initial claim or supplemental claim and with whom the agent or attorney has a business relationship; 4) has used an overseas call center to assist with marketing, initiation, or assistance with, the preparation, presentation, or prosecution of a VA claim.

Section 3 would require VA to submit, within 1 year after the date of enactment of DD and annually thereafter, a report to the Committees on Veterans' Affairs of the Senate and House of Representatives that includes, with respect to the period covered by the report: 1) the number of individuals denied recognition under 38 U.S.C. § 5904(a); 2) for each individual denied recognition, a statement of the reasons for such denial; 3) the number of individuals suspended or excluded from further practice pursuant to 38 U.S.C. § 5904(b); 4) for each individual so suspended or excluded, a statement of the reasons for such suspension or exclusion; 5) the number of individuals who were granted temporary and conditional recognition pursuant to 38 U.S.C. § 5904(a)(1)(B)(ii) or (iii) and penalized under 38 U.S.C. § 5905; and 6) for each individual so penalized, a statement of the reasons for such penalty.

Most significantly, as with PLUS, section 3 of DD would amend 38 U.S.C. § 5904(c) to remove the prohibition in 38 U.S.C. § 5904(c)(1) on attorneys and agents charging fees for services provided before VA issues an initial decision on a claim. In place of the prohibition, DD would create a new 38 U.S.C. § 5904(c)(1), which would provide parameters for fee agreements between a claimant and an agent or attorney—in connection with a proceeding before VA for VA benefits—for the preparation, presentation, or prosecution of an initial claim for such benefits or a supplemental claim presented after a final decision. The fee agreement could not require payment from the claimant to the agent or attorney before the date on which the claimant is provided notice of the decision of the agency of original jurisdiction with respect to the initial claim or the supplemental claim, respectively. Under the fee agreement, the total fee amount payable by the claimant to the agent or attorney with respect to the initial claim or supplemental claim may not exceed the lesser of five times the amount of the monthly increase of benefits awarded to the claimant pursuant to the claim or \$10,000 (a figure that VA must increase annually each fiscal year in direct correlation with any increase in the Consumer Price Index for all urban consumers (U.S. city average)) and must be contingent on whether the claim is resolved in a manner favorable to the claimant, meaning that all or any part of the relief sought pursuant to the claim is granted. The fee agreement must contain an attestation by the claimant that the agent or attorney provided to the claimant a standard form (which VA must develop for use in such fee agreements) that includes a notice to the claimant that a VA-recognized VSO furnish services with respect to initial claims under laws administered by the Secretary and supplemental claims for such benefits at no cost to claimants. Section 3 would also amend section 5904(c) so that VA would be able to review these fee agreements, if filed with VA, on its own motion or at the request of the claimant and order a reduction in the fee called for in the fee agreement if the fee were found to be excessive or unreasonable. Relatedly, section 3 would amend section 5904(c) to specify that an agent or attorney would only need to file with VA a copy of a fee agreement with a claimant if the agent or attorney represents the claimant after VA has provided notice to the claimant of VA's initial decision with respect to the case.

Finally, as with PLUS, section 3 would require VA to prescribe regulations to carry out the amendments made by section 3 within 180 days after the date of enactment of DD.

Section 4 would amend 38 U.S.C. § 5905 to add penalties that are nearly identical to those in PLUS. The only significant differences are that section 4 of DD would: 1) provide that the penalties under title 18, United States Code, would not apply to the provision of a medical opinion by a third party that does not have a business relationship with an individual recognized under section 5904 for the preparation, presentation, or prosecution of a claim for VA benefits; 2) provide that the new section 5905 penalties would apply to actions taken after VA promulgates final rules to carry out the new subsections; and 3) require VA, acting through VA's OGC, to prescribe regulations to define the phrase "preparation, presentation, or prosecution" for purposes of 38 U.S.C. § 5905(b) within 90 days after the date of enactment of DD.

Section 5 would require, no later than 1 year after the date of the enactment of DD, the Comptroller General of the United States to: 1) complete a review of the process by which VA, under 38 U.S.C. § 5904, as amended by DD, recognizes agents and attorneys for the preparation, presentation, and prosecution of VA benefits claims; and 2) submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report that includes an identification of deficiencies in the administration of section 5904 and the Comptroller General's recommendations for legislative or administrative action to improve the administration of section 5904.

Section 6 would require VA to, within 180 days after the date of enactment of DD, publish, on a publicly-available VA website and on an on-demand basis, the necessary knowledge test to satisfy the requirements for recognition under 38 U.S.C. § 5904 as amended by DD. Section 6 would also require VA to, within 1 year after the date of enactment of DD, issue regulations that: 1) update the continuing legal education (CLE) requirements for continued recognition as an agent or attorney under 38 U.S.C. § 5904 as amended by DD; and 2) increase the amount of required CLE to an amount that is greater than required on the date of enactment. VA would be required to conduct a review of the CLE requirements within 2 years after the date the regulations are issued and not less frequently than biennially thereafter.

Section 7 would provide a Federal preemption provision that is substantively identical to section 5 of PLUS.

The Department is still examining the bill and is unable to provide comprehensive views at this time.

VA's Accreditation, Discipline, and Fees Program

The Accreditation, Discipline, and Fees Program oversees individuals who prepare, present, and prosecute claims for Veterans' benefits before VA. Such representation is provided by VA-accredited representatives of VSOs, attorneys, and agents. OGC administers the program, to ensure responsible, qualified representation for claimants in the preparation, presentation, and prosecution of claims for VA benefits. The functions of the Accreditation, Discipline, and Fees Program are similar to those of a Federal or state bar association or licensing authority and include making determinations on initial accreditation applications; monitoring the conduct of VA-accredited individuals; reviewing complaints; deciding fee dispute matters (only for agents and attorneys); and removing accreditation, when necessary. These primary functions pertain in large part to individuals who, once accredited as attorneys or agents, are lawfully permitted to charge certain fees for legal assistance on Veterans' benefits claims.

The Accreditation Application Process

VSO representatives, attorneys, and agents may not lawfully represent claimants without completing and maintaining compliance with accreditation requirements. To become accredited, an applicant must demonstrate his or her good character and reputation as well as competence to represent Veterans. For VSO representative applicants, the VSO itself must first be recognized by VA. VA recognizes organizations as VSOs for the limited purpose of ensuring competent preparation, presentation, and prosecution of Veterans in claims for benefits administered by VA. An organization must, among other requirements, demonstrate that it has a primary purpose of serving Veterans; a substantial service commitment to Veterans; the financial funding to perform Veterans claims services; the capability to providing complete claims service to each claimant requesting representation before VA; and the ability to provide training and supervise representatives. See 38 C.F.R. § 14.628(d). In addition, the organization must certify that no fees will be charged to VA claimants for their services.

OGC generally processes applications for VSO representatives and attorneys within 60 days of their receipt. VA is able to maintain relatively swift processing times for these types of applications because VA relies on OGC, with their robust training and certification programs, to certify that character and fitness criteria are met for VSO representative applicants and presumes the character and fitness criteria are met for attorney applicants based on their admittance to practice as an attorney and being in good standing with a state bar. In fiscal year (FY) 2024, VA accredited 1,814 VSO representatives and 731 attorneys.

For agents, VA receives approximately 70 to 100 new applications each month and has approximately 2,000 applications that are pending review at various stages of the process. For claims agents, the review of applications for accreditation requires a greater amount of time and resources than the other types of accreditation because OGC must be its own investigative body, conducting its own investigation into the applicant's character and fitness. OGC conducts basic background checks on all claims agent applicants; ask follow-up questions; and contacts character references provided by the applicants.

OGC also administers an online examination to claims agent applicants for purposes of determining competency. The current claims agent knowledge test is offered online three times per year and consists of both prior questions from past examinations and entirely new questions on a 3 to 1 ratio, respectively. The mix of questions is necessary because prior tests have been compromised. These examinations are proctored by OGC staff to ensure that the applicants are demonstrating their own knowledge and not the knowledge of others. Claims agent applicants who pass the examination; whose character references are satisfactory; who have established their good character and reputation; and who, otherwise, demonstrate that they are competent to prepare, present, and prosecute VA claims are issued a letter notifying them that they are authorized to represent claimants. In FY 2024,

OGC approved 126 claims agent applicants to sit for the examination and accredited 42 applicants as claims agents.

There are currently 95 VA-recognized VSOs and 8,220 accredited VSO representatives who collectively hold 18,001 VA accreditations, 5,105 accredited attorneys, and 554 accredited claims agents.

Monitoring Qualifications

Accredited attorneys and agents must annually recertify to OGC that they are in good standing in every court, bar, or Federal or state agency to which they are admitted to practice or otherwise authorized to appear. Additionally, attorneys and agents must certify that during the first 12-month period following initial accreditation, and every 2 years thereafter, they completed 3 hours of state bar-approved CLE training covering Veterans benefits law and procedure. Such certifications must include the title of the CLE; date and time of the CLE; and identification of the CLE provider. OGC uses a system (govdelivery) to notify attorneys and claims agents through email when their annual certifications and CLEs are about to become due. In conjunction with this, OGC conducts compliance reviews of attorneys and claims agents who are delinquent in CLE requirements. OGC notifies them of their delinquency; provides them an opportunity to make it right; and, if not, suspends their accreditation. In FY 2024, OGC sent claims agents and attorneys a total of 2,162 intent-to-suspend letters and removed the accreditation of approximately 1,511 individuals.

Similarly, VA-recognized VSOs are required to recertify their representatives every 5 years. Each year, OGC reaches out to the VSO-certifying officials to ensure that the certifications for the VSO representatives are up-to-date. For instance, at the beginning of FY 2024, OGC recertified 1,849 accreditations for representatives and cancelled 2,571 accreditations.

Processing Complaints and Fee Reasonableness Challenges

The OGC disciplinary process is a safeguard designed to address complaints about VA-accredited individuals. If VA determines that an accredited attorney, agent, or VSO representative has engaged in misconduct, demonstrated incompetence, or improperly charged a fee for preparing, presenting, or prosecuting a claim prior to the issuance of an initial VA decision, VA may suspend or cancel the individual's accreditation. Disciplinary proceedings to suspend or cancel an individual's accreditation follow the procedures set out in VA regulations. When OGC receives credible written information from any source indicating improper conduct or incompetence, OGC will open an informal inquiry by informing the accredited individual of the allegations and the source of the complaint and providing the individual with an opportunity to respond. OGC may subsequently initiate a formal inquiry and provide the individual with an opportunity to request a hearing. A decision by the General Counsel is a final decision by VA and may be appealed to the Board of Veterans' Appeals. If the individual's accreditation is cancelled through this disciplinary process, in addition to

providing the appropriate VA-internal notifications, OGC also notifies all agencies, courts, and bars to which the individual is admitted to practice. In FY 2024, OGC initiated 45 complaints for VA-accredited individuals. VA provided two disciplinary hearings to VA-accredited individuals.

Another important safeguard tied to accreditation is the opportunity for claimants to request, or for OGC to initiate, review of a fee agreement. Generally, this involves reviewing the agreement to determine whether the fee being charged in the particular case is reasonable. VA is statutorily authorized to order reduction of an unreasonable fee charged by an accredited individual. In fact, in FY 2024, OGC processed 268 waivers and settlements and issued 139 fee reasonableness decisions. Through these action, OGC directed the return of nearly 1.7 million dollars in benefit payments initially withheld for the payment of fees back to Veterans.

In the case of unaccredited individuals or organizations that may be charging improper fees for the preparation, presentation, or prosecution of VA benefits claims, VA notifies them to cease their unlawful practices. Sometimes, a letter explaining how their practices are likely in violation of the law is sufficient to convince them to cease their unlawful conduct. But, more often than not, we receive no response to our letter, or a response indicating that they do not intend to cease their practices. In these instances, VA often reports the matter to VA's Office of Inspector General or Federal and state agencies that enforce laws against unauthorized legal practices, unfair business practices, or consumer fraud. For the past several years, the Accreditation, Discipline, and Fees Program has directed those complaints alleging pension poaching and misconduct of unaccredited persons and entities be submitted directly to the Federal Trade Commission's Consumer Sentinel (Sentinel) database through a link on the OGC webpage. This is because complaints submitted into the Consumer Sentinel database are accessible not only by OGC but also by other Federal and state law enforcement authorities. VA received 41 complaints against unaccredited companies and individuals in FY 2024.

Education and Outreach

We are pleased to report that VA has already expended, and continues to expend, considerable resources ensuring Veterans are informed that only VA-accredited individuals may assist them with their claims; of the risks involved when they use someone who is not accredited; and when fees may be charged to them. For disability compensation claims, information regarding representation and a link to VA's online tool allowing claimants to search a list of accredited representatives is already provided to Veterans on the VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, and on VA Form 20-0995, Decision Review Request: Supplemental Claim. A "Find a Rep" feature was launched in March 2024 on VA.gov. Importantly, the information for the "Find a Rep" tool pulls from the same data system as the longstanding web search tool on OGC's webpage. The database supporting VA's current search tools is continuously updated based on requests for changes in accreditation information and through annual compliance

checks relating to accreditation. Currently, based on changes in the data, OGC's search tool is updated every 72 hours, and the "Find a Rep" tool is updated weekly. System improvements scheduled for FY 2025 include the online digital submission of both forms that claimants use to appoint representation. The link for the OGC website is included on both forms. VA's webpage on accredited representatives currently provides information for claimants on how to challenge a fee; how to file a complaint if a claimant believes their VA-accredited representative acted unethically or violated the law; and a note indicating that claimants may file a complaint regarding individuals not accredited by VA who try to help prepare, present, or prosecute a VA benefits claim.

Conclusion

We thank you for your interest in protecting Veterans and ensuring they have assistance with their claims for VA benefits. We look forward to a continued partnership to achieve these goals and welcome any questions you have.