

112TH CONGRESS  
1ST SESSION

# S. 1847

To amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2011

Mr. RUBIO (for himself, Mr. BLUNT, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## 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 2011”.

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 “Except as provided in section 5904 or 1984 of this  
3 title, whoever—

4 “(1) in connection with a proceeding before the  
5 Department, knowingly solicits, contracts for,  
6 charges, or receives any fee or compensation in con-  
7 nection for—

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

11 “(B) the preparation, presentation, or  
12 prosecution of such a claim before the date on  
13 which a notice of disagreement is filed in a pro-  
14 ceeding on the claim;

15 “(2) attempts to solicit, contract, charge, or re-  
16 ceive as described in paragraph (1);

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

22 “(4) commits an offense punishable by this  
23 chapter, or aids, abets, counsels, commands, or pro-  
24 cures the commission of such an act; or

25 “(5) causes an act to be done, which if directly  
26 performed would be punishable by this chapter,

1 shall be fined as provided in title 18, or imprisoned for  
2 not more than one year, or both.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 subsection (a) shall apply with respect to acts committed  
5 after the date of the enactment of this Act.

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