

**ONE HUNDRED AND FIRST NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Indianapolis, Indiana
August 27, 28, 29, 2019**

**Resolution No. 58: Department Of Veterans Affairs Accreditation Of Individual Claims Agents
Origin: Convention Committee on Veterans Affairs & Rehabilitation
Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

WHEREAS, Title 38 United States Code 5901 stipulates that no individual may act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the secretary of veterans affairs unless such individual has been recognized for such purposes by the secretary; and

WHEREAS, 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, as set forth in 38 C.F.R. 5902 (a) (1); and

WHEREAS, Subsection (b)(1)(A) of 38 C.F.R. 5902 stipulates no representative of a recognized organization shall be recognized under this section 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

WHEREAS, The secretary may suspend or exclude from further practice before the department any agent or attorney who has failed to comply with any other condition specified in regulations prescribed by the secretary under subsection (b) 38 C.F.R. 5904; and

WHEREAS, The Office of General Counsel (OGC) reports that in 2018, a claims agent was almost 30 times more likely than an attorney and almost 20 times more likely than a veterans service organization representative to be the subject of a complaint received by the Department of Veterans Affairs (VA) and that the high number of complaints against claims agents demonstrates that veterans are significantly less satisfied with the representational services provided by claims agents than by any other type of representative; and

WHEREAS, The VA OGC opined that it appears that over half of all accredited agents are not using their accreditation to provide representation before VA, which is the purpose of VA accreditation, but instead are using the accreditation to promote a separate business interest; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Indianapolis, Indiana, August 27, 28, 29, 2019, That Congress enact legislation to amend Title 38, to remove authority to accredit individuals as Department of Veterans Affairs (VA) recognized claims agents for the purpose of preparing, representing or prosecuting any VA claims on behalf of veterans.