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ONE HUNDRED SEVENTEENTH CONGRESS

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MARIA TRIPPLAAR
REPUBLICAN STAFF DIRECTOR

November 17, 2022

The Honorable Denis McDonough
Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave., NW
Washington, DC 20420

Dear Mr. Secretary:

The last several years have seen a significant increase in benefit opportunities for our nation's veterans. From the extension of Agent Orange-related disability benefits via passage of the Blue Water Navy Vietnam Veterans Act, to an even larger expansion of toxic exposure-related assistance provided by the Honoring our PACT Act, the demand for support from the Department of Veterans Affairs (VA) is set to rise. However, with this exciting increase in VA services, some bad actors are already positioning themselves to untowardly profit off the warranted benefits of those who served.

In order to better prevent such conduct, we write today to recommend potential best practices for strengthening VA's Accreditation, Discipline, and Fees Program. The following are recommendations to reinforce VA oversight and better protect veterans as they seek to attain benefits:

Better Administer Accreditation Test/Continuing Legal Education (CLE)

- Frequently review content to ensure accreditation test and CLE courses strongly cover all relevant facts, practices, procedures, regulations, and statutes to be confronted by accredited claims agents and/or attorneys and periodically confirm that such representatives are meeting CLE requirements.

Better Manage Accreditation List

- Mandate an annual update of VA's accredited representative list to ensure accuracy, reduce confusion, and provide for veteran safety by removing outdated, duplicative, and/or bad actor information.
- Pro-actively publicize accreditation list in easy-to-find locations within all relevant VA electronic and direct mail communications.

Better Review Fee Agreements

- Proactively review fee agreements to garner better insight into payment practices.

Better Handle Incoming Complaints

- Increase staffing to review and address complaints, and/or to refer to the proper authorities.
- Increase cooperation with the VA Office of Inspector General, the Department of Justice, and the Federal Trade Commission to strengthen a whole-of-government approach to the prevention of accredited and/or non-accredited predatory behavior towards veterans.

In addition to the stated recommendations above, we respectfully request that VA identify and describe all actions currently being taken within these areas of concern. Further, please provide the Department's definitive definitions of "preparation", "presentation" and "prosecution" – as the terms pertain to claims assistance – including any plans to define such terms in regulation by **Friday, December 9, 2022**.

As always, thank you for administering our nation's assistance to those who shall have borne the battle. With Congress and VA working together and underlining our commitment to vigilantly monitor the claims assistance environment, we will continue enhancing the veteran experience – a mission we all devotedly accept.

Should you have additional questions, please contact Gary Woodward, Majority Staff Director for the Subcommittee on Disability Assistance and Memorial Affairs, at Gary.Woodward@mail.house.gov and Katherine Smith, Minority Staff Director for the Subcommittee on Disability Assistance and Memorial Affairs, at Katherine.Smith@mail.house.gov.

Sincerely,



Elaine Luria

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Subcommittee on Disability Assistance and
Memorial Affairs



Troy E. Nehls

Ranking Member

Subcommittee on Disability Assistance and
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Chairman

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Subcommittee on Oversight and Investigations

CC:

The Honorable Michael J. Missal

Inspector General

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