

processing, maintenance, use, sharing, dissemination, or disposition of information, whether automated or manual.

(14) INTEGRITY.—The term “integrity” means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity.

(15) NATIONAL SECURITY SYSTEM.—The term “national security system” means an information system that is protected at all times by policies and procedures established for the processing, maintenance, use, sharing, dissemination or disposition of information that has been specifically authorized under criteria established by statute or Executive Order to be kept classified in the interest of national defense or foreign policy.

(16) PLAN OF ACTION AND MILESTONES.—The term “plan of action and milestones”, means a plan used as a basis for the quarterly reporting requirements of the Office of Management and Budget that includes the following information:

- (A) A description of the security weakness.
- (B) The identity of the office or organization responsible for resolving the weakness.
- (C) An estimate of resources required to resolve the weakness by fiscal year.
- (D) The scheduled completion date.
- (E) Key milestones with estimated completion dates.
- (F) Any changes to the original key milestone date.
- (G) The source that identified the weakness.
- (H) The status of efforts to correct the weakness.

(17) PRINCIPAL CREDIT REPORTING AGENCY.—The term “principal credit reporting agency” means a consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(18) SECURITY INCIDENT.—The term “security incident” means an event that has, or could have, resulted in loss or damage to Department assets, or sensitive information, or an action that breaches Department security procedures.

(19) SENSITIVE PERSONAL INFORMATION.—The term “sensitive personal information”, with respect to an individual, means any information about the individual maintained by an agency, including the following:

- (A) Education, financial transactions, medical history, and criminal or employment history.
- (B) Information that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records.

(20) SUBORDINATE PLAN.—The term “subordinate plan”, also referred to as a “system security plan”, means a plan that defines the security controls that are either planned or implemented for networks, facilities, systems, or groups of systems, as appropriate, within a specific accreditation boundary.

(21) TRAINING.—The term “training” means a learning experience in which an individual is

taught to execute a specific information security procedure or understand the information security common body of knowledge.

(22) VA NATIONAL RULES OF BEHAVIOR.—The term “VA National Rules of Behavior” means a set of Department rules that describes the responsibilities and expected behavior of personnel with regard to information system usage.

(23) VA SENSITIVE DATA.—The term “VA sensitive data” means all Department data, on any storage media or in any form or format, which requires protection due to the risk of harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information and includes information whose improper use or disclosure could adversely affect the ability of an agency to accomplish its mission, proprietary information, and records about individuals requiring protection under applicable confidentiality provisions.

(Added Pub. L. 109-461, title IX, §902(a), Dec. 22, 2006, 120 Stat. 3457; amended Pub. L. 111-275, title X, §1001(m)(2), Oct. 13, 2010, 124 Stat. 2897.)

Editorial Notes

AMENDMENTS

2010—Par. (20). Pub. L. 111-275 substituted “plan that defines” for “subordinate plan defines”.

§ 5728. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each fiscal year.

(Added Pub. L. 109-461, title IX, §902(a), Dec. 22, 2006, 120 Stat. 3460.)

CHAPTER 59—AGENTS AND ATTORNEYS

Sec.	
5901.	Prohibition against acting as claims agent or attorney.
5902.	Recognition of representatives of organizations.
5903.	Recognition with respect to particular claims.
5904.	Recognition of agents and attorneys generally.
5905.	Penalty for certain acts.
5906.	Availability of legal assistance at Department facilities.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. A, title V, §548(a)(2), Jan. 1, 2021, 134 Stat. 3618, added item 5906.

1991—Pub. L. 102-40, title IV, §402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3401 to 3405 as 5901 to 5905, respectively.

§ 5901. Prohibition against acting as claims agent or attorney

(a) IN GENERAL.—Except as provided by section 500 of title 5, no individual may act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the Secretary unless such individual has been recognized for such purposes by the Secretary.

(b) WARNINGS ABOUT POTENTIAL PREDATORY PRACTICES.—(1) The Secretary shall ensure that, each time a claimant under a law administered by the Secretary logs in to a website or online tool of the Department, such website or online tool issues to the claimant, in plain language—

(A) a warning about individuals who seek to act in violation of this chapter;

(B) a link to an online tool of the Department through which the claimant may report such an individual;

(C) a link to an online tool of the Department through which the claimant may search for a recognized agent, attorney, or other entity recognized by the Secretary for the preparation, presentation, or prosecution of any claim under laws administered by the Secretary; and

(D) a link to a website or an online tool of the Department providing final decisions on discipline of agents, attorneys, and entities, described in subparagraph (C), by the Secretary for violations of this chapter.

(2) The Secretary shall provide all information under paragraph (1) in the following languages:

(A) English.

(B) Spanish.

(C) Tagalog.

(D) The seven other languages most commonly spoken in the United States.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1238, §3401; Pub. L. 91–24, §12(a), June 11, 1969, 83 Stat. 34; Pub. L. 99–576, title VII, §701(79), Oct. 28, 1986, 100 Stat. 3298; renumbered §5901, Pub. L. 102–40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, §4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405; Pub. L. 118–21, §3(a), Nov. 13, 2023, 137 Stat. 110.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–21 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1991—Pub. L. 102–40 renumbered section 3401 of this title as this section.

Pub. L. 102–83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102–83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

1986—Pub. L. 99–576 substituted “such individual” for “he”.

1969—Pub. L. 91–24 substituted “Except as provided by section 500 of title 5, no individual may act” for “No individual may act”.

Statutory Notes and Related Subsidiaries

IMPLEMENTATION

Pub. L. 118–21, §3(b), Nov. 13, 2023, 137 Stat. 110, provided that: “The Secretary of Veterans Affairs shall carry out subsection (b) of such section, as added by subsection (a) of this section—

“(1) after consulting with stakeholders (including veterans service organizations recognized under section 5902 of such title) regarding the wording of the warning under such subsection; and

“(2) not later than one year after the date of the enactment of this Act [Nov. 13, 2023].”

§ 5902. Recognition of representatives of organizations

(a)(1) 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.

(2) The Secretary may, in the discretion of the Secretary, furnish, if available, space and office facilities for the use of paid full-time representatives of national organizations so recognized.

(b)(1) No individual shall be recognized under this section—

(A) 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

(B) unless, with respect to each claim, such individual has filed with the Secretary a power of attorney, executed in such manner and form as the Secretary may prescribe.

(2) An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.

(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant’s representative as an appointment of the entire organization as the claimant’s representative.

(2) Whenever the Secretary is required or permitted to notify a claimant’s representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.

(d) Service rendered in connection with any such claim, while not on active duty, by any retired officer, warrant officer, or enlisted member of the Armed Forces recognized under this section shall not be a violation of sections 203, 205, 206, or 207 of title 18.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1238, §3402; Pub. L. 91–24, §12(b), June 11, 1969, 83 Stat. 34; Pub. L. 98–160, title VII, §703(5), Nov. 21, 1983, 97 Stat. 1010; renumbered §5902, Pub. L. 102–40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, §4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405; Pub. L. 104–275, title V, §508(a), Oct. 9, 1996, 110 Stat. 3343; Pub. L. 109–461, title I, §101(a)(2), Dec. 22, 2006, 120 Stat. 3406.)

Editorial Notes

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–461 designated existing provisions as par. (1), redesignated former pars. (1) and