

## Safeguarding American Veteran Empowerment (SAVE Act) – Supporting Commonsense Veteran Protections in the States

Veteran-owned-and-operated ethical, expert, and transparent companies, the National Association for Veteran Rights (NAVR), and dozens of public policy groups, non-profits, VSOs, and Labor Unions, are working to reform the federal US VA accreditation process (HR 3132, Certified Help Options in Claims Expertise for Veterans Act of 2025, the CHOICE for Veterans Act) led by three-star General Rep. Bergman (R-MI) and House Veterans Affairs Committee Chair Rep. Bost (R-IL). However, those reforms are currently stalled, which is why we need common-sense consumer protections for Veterans in the states, which is exactly what the Safeguarding American Veteran Empowerment Act (SAVE Act) will do.

While Congress is deliberating larger reforms, on the state-level this industry is self-regulating to protect veterans from truly bad practices and pass the SAVE Act, which will: protect veterans from bad actors; ensure any fees are contingent on a successful outcome: fees are a one-time only fee that is reasonable; mandates disclosure of free services to veterans; eliminates the following – overseas call centers, having doctors on payroll, directly soliciting the veteran, and advertising a guaranteed increase.

- **Alabama, Florida, Idaho, Mississippi, North Carolina, Oklahoma, South Dakota, Tennessee, Virginia: SAVE ACT IS LAW**
- **Arizona, Georgia, Hawaii, Illinois, Indiana, Louisiana, Michigan, Missouri, North Dakota: the SAVE ACT PASSED AT LEAST ONE CHAMBER OR MAJOR COMMITTEE.**

### Why the SAVE Act?

- This is a simple, straight-forward, no nonsense bill that installs consumer protections in the states for veterans while politicians in Washington, DC are failing to act.
- Currently veterans can try to get their VA disability just like people file their taxes – they can do it themselves, they can use a free service, or they can hire experts to help them.
- The VA system is hard, adversarial, and broken – even the best state systems are over-worked.
- Despite the free options here from Veteran Service Organizations (VSOs) and state-run taxpayer-funded veteran service support, thousands of veterans still choose to seek private paid expert help for their disability rating. That is their choice that should be preserved and protected, and most of the private companies, if not all, are veteran-owned-and-operated.
- However, like all industries, there are good and bad actors. And the answer isn't to just shut down this entire sector – that would be denying veterans freedom and choice to pursue their claim how they wish.
- The answer is to put into place common sense guidelines these businesses must follow. That is exactly what the state SAVE Act does.

This bill implements the following protections for veterans in the states:

- Prohibits initial up-front fees.
- Mandates all fees are contingent on a successful outcome.
- Implements a fee cap supported by the industry trade association.
- Prohibits direct solicitation of the veteran, promising or guaranteeing an increase, using overseas call centers, and from having access to the veteran's personal private financial information.
- Mandates you must disclose to the veteran there are free options available and get their consent in writing.
- Mandates HIPAA compliant servers.
- Prohibits taking on a veteran in their first 365-days of discharge.
- Adds civil and criminal penalties to anyone who violates these rules.

The SAVE Act protects veteran choice while at the same time providing non-controversial common-sense guardrails to prevent companies from taking advantage of veterans. If anyone is opposed to veteran protections, you must ask why?

This bill is supported by everyone from Grover Norquist to the Teamsters and dozens of other organizations – list attached.

### GUARD Act-style Bills in the States – denies veteran's rights, eliminates the free market, limits options

The opponents of the free market are pushing bills in the states that mirror the failed federal GUARD Act, by Rep. Pappas (D-NJ), which has not received so much as a mark-up in 5+ years, to keep veterans trapped in a broken appeals system where attorneys are able to collect up to 33.3% of the **entire back-pay** going back multiple years resulting in the veteran waiting and the attorneys collecting tens if not hundreds of thousands of dollars.

- Everywhere they have tried to limit veteran options in 2024 they have failed to move GUARD style bills forward except in Maine who is now being sued by veterans in Maine and Veterans Guardian because denying a veteran the right to choose how they pursue their claim is a violation of their first Amendment right to petition their government for an address of grievance and their freedom of speech.
- These bills have been **DEFEATED, TABLED, OR HELD IN COMMITTEE in 20 STATES.**

The state GUARD Act does the following to deny veteran choice, limit options, and eliminate the free market:

- It makes it illegal for a veteran to hire an expert to help them with their initial claim, limits their options, keeps them trapped in a broken system, and is unconstitutional.
- Forces the veteran to only use a free accredited representative on the initial claim or a paid attorney on the appeal who will take up to 33.3% of their entire backpay!
- Meddles in federal accreditation matters by hiding behind a false narrative of “if private companies get accredited by the VA then they will allowed.” False – private companies who charge a contingent only fee for the success of an initial claim CAN NOT BECOME FEDERALLY ACCREDITED under current rules. We are working to change that in Congress with the federal PLUS Act – until then, the state SAVE Act is needed.
- Congress is stalled, so opponents have taken to states to try and deny veterans rights and make it illegal for them to hire expert help for the initial claim.
- It is un-American, and un-Constitutional and insulting to the veterans, and other states aren’t buying their false narrative either as evident in the list above.

Common questions and responses below:

### **These companies can or should be accredited.**

I agree. They agree. But right now, they cannot become accredited on the federal level. Accredited individuals must do the initial claim for free – like the VSOs. The problem is, they don’t always get it right. And when they fail, the veteran can only then hire an expert, an attorney, who will take years and years on the appeal, and then collect up to 33.3% of the entire backpay the veteran gets. That is not right. They need to have the choice, with safeguards, to hire expert help on the front end.

That is why they are working with the federal Congress and others to reform the federal accreditation process which will allow the to become accredited. But until that happens, we need to protect veterans from bad actors – this bill does just that.

### **I read these companies are operating illegally / already violating federal law?**

That is 100% false. Federal law, 38 USC Sec. 5901 specifically says “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” (U.S. Code Title 38 PART IV CHAPTER 59 § 5901 – verbatim). These companies do not complete a VA Form 22-21 to become their official agent of record, they do not present before the VA or prosecute before the VA. They also never become their power of attorney or have attorneys on staff or offer legal advice. The federal court in the Middle District of NC recently dismissed the false claim that Veterans Guardian is acting as attorneys.

They also cannot be accredited currently (see above). They help a veteran prepare their claim. There is nothing remotely illegal about hiring someone to help you prepare to navigate the complicated federal government and to prohibit this, as the GUARD Act does, is un-Constitutional.

### **What about the GUARD-style bills are bad?**

This bill has zero protections for veterans. All it does is shut down the whole private expert claims help industry. Denies veterans choice – forces them to only use the free services OR PAY for appeals attorneys. This is modeled after a bill by federal House member Chris Pappas from New Hampshire that was voted down by the full House Veterans Affairs Committee in May 2025. In a recent ruling in New Jersey on a GUARD Act-style law, the Third Circuit said it “seriously doubts” a prohibition on fees for advice on initial claims is constitutional, the services provided to Veterans is considered speech, and the GUARD Act burdens speech. The GUARD Act is a bad bill for veterans, and likely unconstitutional in the eyes of the Third Circuit.

### **Why should veterans ever have to pay for these services when the VFW does it for free?**

Free doesn’t equal better. But make no mistake, no veteran ever **HAS** to pay...this is just a choice, an option. Why should a veteran pay for H&R Block to help with their taxes? Because they choose to.