

§ 5509. Authority to require fiduciary to receive payments at regional offices of the Department when failing to provide required accounting

(a) **REQUIRED REPORTS AND ACCOUNTINGS.**—The Secretary may require a fiduciary to file a report or accounting pursuant to regulations prescribed by the Secretary.

(b) **ACTIONS UPON FAILURE TO FILE.**—In any case in which a fiduciary fails to submit a report or accounting required by the Secretary under subsection (a), the Secretary may, after furnishing notice to such fiduciary and the beneficiary entitled to such payment of benefits, require that such fiduciary appear in person at a regional office of the Department serving the area in which the beneficiary resides in order to receive such payments.

(Added Pub. L. 108-454, title V, §504(a)(1), Dec. 10, 2004, 118 Stat. 3621.)

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 5510. Annual report

The Secretary shall include in the Annual Benefits Report of the Veterans Benefits Administration or the Secretary's Annual Performance and Accountability Report information concerning fiduciaries who have been appointed to receive payments for beneficiaries of the Department. As part of such information, the Secretary shall separately set forth the following:

- (1) The number of beneficiaries in each category (veteran, surviving spouse, child, adult disabled child, or parent).
- (2) The types of benefit being paid (compensation, pension, dependency and indemnity compensation, death pension or benefits payable to a disabled child under chapter 18 of this title).
- (3) The total annual amounts and average annual amounts of benefits paid to fiduciaries for each category and type of benefit.
- (4) The number of fiduciaries who are the spouse, parent, legal custodian, court-appointed fiduciary, institutional fiduciary, custodian in fact, and supervised direct payees.
- (5) The number of cases in which the fiduciary was changed by the Secretary because of a finding that benefits had been misused.
- (6) How such cases of misuse of benefits were addressed by the Secretary.
- (7) The final disposition of such cases of misuse of benefits, including the number and dollar amount of any benefits reissued to beneficiaries.
- (8) The number of fiduciary cases referred to the Office of the Inspector General and the nature of the actions taken by the Inspector General.
- (9) The total amount of money recovered by the Government in cases arising from the misuse of benefits by a fiduciary.
- (10) Such other information as the Secretary considers appropriate.

(Added Pub. L. 108-454, title V, §505(a), Dec. 10, 2004, 118 Stat. 3621; amended Pub. L. 111-275, title X, §1001(l), Oct. 13, 2010, 124 Stat. 2897.)

AMENDMENTS

2010—Pub. L. 111-275, §1001(l)(1), substituted “following:” for “following: —” in introductory provisions.

Par. (9), Pub. L. 111-275, §1001(l)(2), substituted “Government” for “government”.

EFFECTIVE DATE

Section effective Dec. 10, 2004, see section 507(b)(1) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

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AMENDMENTS

2006—Pub. L. 109-461, title IX, §902(b), Dec. 22, 2006, 120 Stat. 3460, added item for subchapter III and items 5721 to 5728.

1991—Pub. L. 102-54, §14(d)(5)(B), (6)(C), June 13, 1991, 105 Stat. 286, amended table of sections at beginning of chapter as in effect immediately before the enactment of Pub. L. 102-40 by substituting “subpoenas” for “subpenas” in item 3311 and “subpoena” for “subpena” in item 3313.

Pub. L. 102-40, title IV, §402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3301 to 3313 as 5701 to 5713, respectively.

1980—Pub. L. 96-385, title V, §505(b), Oct. 7, 1980, 94 Stat. 1537, added item 3305.

SUBCHAPTER I—RECORDS

§ 5701. Confidential nature of claims

(a) All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Secretary and the names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of the Department shall be confidential and privileged, and no disclosure thereof shall be made except as provided in this section.

(b) The Secretary shall make disclosure of such files, records, reports, and other papers and documents as are described in subsection (a) of this section as follows:

- (1) To a claimant or duly authorized agent or representative of a claimant as to matters