

(1) Needs-based pension benefits provided under chapter 15 of this title or under any other law administered by the Secretary.

(2) Parents' dependency and indemnity compensation provided under section 1315 of this title.

(3) Health-care services furnished under subsections (a)(2)(G), (a)(3), and (b) of section 1710 of this title.

(4) Compensation paid under chapter 11 of this title at the 100 percent rate based solely on unemployability and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

(d) In the case of compensation described in subsection (c)(4) of this section, the Secretary may independently verify or otherwise act upon wage or self-employment information referred to in subsection (b) of this section only if the Secretary finds that the amount and duration of the earnings reported in that information clearly indicate that the individual may no longer be qualified for a rating of total disability.

(e) The Secretary shall inform the individual of the findings made by the Secretary on the basis of verified information under subsection (b) of this section, and shall give the individual an opportunity to contest such findings, in the same manner as applies to other information and findings relating to eligibility for the benefit or service involved.

(f) The Secretary shall pay the expenses of carrying out this section from amounts available to the Department for the payment of compensation and pension.

(g) The authority of the Secretary to obtain information from the Secretary of the Treasury or the Commissioner of Social Security under section 6103(l)(7)(D)(viii) of the Internal Revenue Code of 1986 expires on September 30, 2016.

(Added Pub. L. 101-508, title VIII, §8051(b)(1), Nov. 5, 1990, 104 Stat. 1388-350, §3117; renumbered §5317, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; amended Pub. L. 102-83, §5(c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title VI, §602(a), Oct. 29, 1992, 106 Stat. 4342; Pub. L. 103-66, title XII, §12004, Aug. 10, 1993, 107 Stat. 414; Pub. L. 104-262, title I, §101(e)(3), Oct. 9, 1996, 110 Stat. 3181; Pub. L. 105-33, title VIII, §8014, Aug. 5, 1997, 111 Stat. 664; Pub. L. 106-419, title IV, §402(d), Nov. 1, 2000, 114 Stat. 1863; Pub. L. 108-183, title VII, §708(c)(3), Dec. 16, 2003, 117 Stat. 2674; Pub. L. 110-389, title VIII, §802, Oct. 10, 2008, 122 Stat. 4185; Pub. L. 112-37, §16, Oct. 5, 2011, 125 Stat. 398; Pub. L. 112-56, title II, §264, Nov. 21, 2011, 125 Stat. 732.)

REFERENCES IN TEXT

Section 6103(l)(7)(D)(viii) of the Internal Revenue Code, referred to in subsecs. (a), (b), and (g), is classified to section 6103(l)(7)(D)(viii) of Title 26, Internal Revenue Code.

AMENDMENTS

2011—Subsec. (g). Pub. L. 112-56, which directed substitution of “September 30, 2016” for “September 30, 2011”, was executed by making the substitution for “November 18, 2011” to reflect the probable intent of Congress and the amendment by Pub. L. 112-37. See below.

Pub. L. 112-37 substituted “November 18, 2011” for “September 30, 2011”.

2008—Subsec. (g). Pub. L. 110-389 substituted “September 30, 2011” for “September 30, 2008”.

2003—Subsecs. (a), (b), (g). Pub. L. 108-183 substituted “Commissioner of Social Security” for “Secretary of Health and Human Services”.

2000—Subsec. (g). Pub. L. 106-419 substituted “September 30, 2008” for “September 30, 2002”.

1997—Subsec. (g). Pub. L. 105-33 substituted “September 30, 2002” for “September 30, 1998”.

1996—Subsec. (c)(3). Pub. L. 104-262 substituted “subsections (a)(2)(G), (a)(3), and (b) of section 1710” for “sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)”.

1993—Subsec. (g). Pub. L. 103-66 substituted “1998” for “1997”.

1992—Subsec. (g). Pub. L. 102-568 substituted “1997” for “1992”.

1991—Pub. L. 102-40 renumbered section 3117 of this title as this section.

Subsec. (c)(2). Pub. L. 102-83 substituted “1315” for “415”.

Subsec. (c)(3). Pub. L. 102-83 substituted “1710(a)(1)(I)”, “1710(a)(2)”, “1710(b)”, and “1712(a)(2)(B)” for “610(a)(1)(I)”, “610(a)(2)”, “610(b)”, and “612(a)(2)(B)”, respectively.

NOTIFICATION PRIOR TO USE OF INCOME INFORMATION FROM OTHER FEDERAL AGENCIES

Pub. L. 101-508, title VIII, §8051(c), Nov. 5, 1990, 104 Stat. 1388-351, provided that:

“(1) The Secretary of Veterans Affairs shall notify individuals who (as of the date of the enactment of this Act [Nov. 5, 1990]) are applicants for or recipients of the benefits described in subsection (c) (other than paragraph (3)) of section 3117 [now 5317] of title 38, United States Code (as added by subsection (b)), that income information furnished to the Secretary by such applicants and recipients may be compared with information obtained by the Secretary from the Secretary of Health and Human Services or the Secretary of the Treasury under clause (viii) of section 6103(l)(7)(D) of the Internal Revenue Code of 1986 [26 U.S.C. 6103(l)(7)(D)] (as added by subsection (a)).

“(2) Notification under paragraph (1) shall be made not later than 90 days after the date of the enactment of this Act.

“(3) The Secretary of Veterans Affairs may not obtain information from the Secretary of Health and Human Services or the Secretary of the Treasury under section 6103(l)(7)(D)(viii) of the Internal Revenue Code of 1986 (as added by subsection (a)) until notification under paragraph (1) is made.”

STUDY BY COMPTROLLER GENERAL ON EFFECTIVENESS OF AMENDMENTS BY PUB. L. 101-508

Pub. L. 101-508, title VIII, §8051(d), Nov. 5, 1990, 104 Stat. 1388-351, provided that: “The Comptroller General of the United States shall conduct a study of the effectiveness of the amendments made by this section [enacting this section] and shall submit a report on such study to the Committees on Veterans' Affairs and Ways and Means of the House of Representatives and the Committees on Veterans' Affairs and Finance of the Senate not later than January 1, 1992.”

§5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services

(a) INDEPENDENT VERIFICATION REQUIRED.—The Secretary may terminate, deny, suspend, or reduce any benefit or service specified in section 5317(c), with respect to an individual under age 65 who is an applicant for or recipient of such a benefit or service, by reason of information obtained from the Secretary of Health and Human

Services under section 453(j)(11) of the Social Security Act, only if the Secretary takes appropriate steps to verify independently information relating to the individual's employment and income from employment.

(b) OPPORTUNITY TO CONTEST FINDINGS.—The Secretary shall inform each individual for whom the Secretary terminates, denies, suspends, or reduces any benefit or service under subsection (a) of the findings made by the Secretary under such subsection on the basis of verified information and shall provide to the individual an opportunity to contest such findings in the same manner as applies to other information and findings relating to eligibility for the benefit or service involved.

(c) SOURCE OF FUNDS FOR REIMBURSEMENT TO SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary shall pay the expense of reimbursing the Secretary of Health and Human Services in accordance with section 453(j)(11)(E) of the Social Security Act, for the cost incurred by the Secretary of Health and Human Services in furnishing information requested by the Secretary under section 453(j)(11) of such Act, from amounts available to the Department for the payment of compensation and pensions.

(d) EXPIRATION OF AUTHORITY.—The authority under this section shall expire on November 18, 2011.

(Added Pub. L. 110-157, title III, §301(b)(1), Dec. 26, 2007, 121 Stat. 1835; amended Pub. L. 112-37, §17(a), Oct. 5, 2011, 125 Stat. 398.)

REFERENCES IN TEXT

Section 453 of the Social Security Act, referred to in subsecs. (a) and (c), is classified to section 653 of Title 42, The Public Health and Welfare.

AMENDMENTS

2011—Subsec. (d). Pub. L. 112-37 substituted “November 18, 2011” for “September 30, 2011”.

§ 5318. Review of Social Security Administration death information

(a) The Secretary shall periodically compare Department of Veterans Affairs information regarding persons to or for whom compensation or pension is being paid with information in the records of the Social Security Administration relating to persons who have died for the purposes of—

(1) determining whether any such persons to whom compensation and pension is being paid are deceased;

(2) ensuring that such payments to or for any such persons who are deceased are terminated in a timely manner; and

(3) ensuring that collection of overpayments of such benefits resulting from payments after the death of such persons is initiated in a timely manner.

(b) The Social Security Administration death information referred to in subsection (a) of this section is death information available to the Secretary from or through the Commissioner of Social Security, including death information available to the Commissioner from a State, pursuant to a memorandum of understanding entered into by the Secretary and the Commis-

sioner. Any such memorandum of understanding shall include safeguards to assure that information made available under it is not used for unauthorized purposes or improperly disclosed.

(Added Pub. L. 101-508, title VIII, §8053(b)(1), Nov. 5, 1990, 104 Stat. 1388-352, §3118; renumbered §5318, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 108-183, title VII, §708(c)(4)(A), (B)(i), Dec. 16, 2003, 117 Stat. 2674.)

AMENDMENTS

2003—Pub. L. 108-183, §708(c)(4)(B)(i), substituted “Social Security Administration” for “Department of Health and Human Services” in section catchline.

Subsec. (a). Pub. L. 108-183, §708(c)(4)(A)(i), substituted “Social Security Administration” for “Department of Health and Human Services” in introductory provisions.

Subsec. (b). Pub. L. 108-183, §708(c)(4)(A)(ii), substituted “Social Security Administration” for “Department of Health and Human Services”, “Commissioner of Social Security” for “Secretary of Health and Human Services” after “through the”, “Commissioner” for “Secretary of Health and Human Services” after “available to the”, and “the Secretary and the Commissioner” for “such Secretaries”.

1991—Pub. L. 102-40 renumbered section 3118 of this title as this section.

§ 5319. Limitations on access to financial records

(a) The Secretary may make a request referred to in section 1113(p) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(p)) only if the Secretary determines that the requested information—

(1) is necessary in order for the Secretary to administer the provisions of law referred to in that section; and

(2) cannot be secured by a reasonable search of records and information of the Department.

(b) The Secretary shall include a certification of the determinations referred to in subsection (a) in each request presented to a financial institution.

(c) Information disclosed pursuant to a request referred to in subsection (a) may be used solely for the purpose of the administration of benefits programs under laws administered by the Secretary if, except for the exemption in subsection (a), the disclosure of that information would otherwise be prohibited by any provision of the Right to Financial Privacy Act of 1978.

(Added Pub. L. 102-568, title VI, §603(b)(1), Oct. 29, 1992, 106 Stat. 4342.)

REFERENCES IN TEXT

The Right to Financial Privacy Act of 1978, referred to in subsec. (c), is title XI of Pub. L. 95-630, Nov. 10, 1978, 92 Stat. 3697, as amended, which is classified generally to chapter 35 (§3401 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of Title 12 and Tables.

CHAPTER 55—MINORS, INCOMPETENTS, AND OTHER WARDS

Sec. 5501.	Commitment actions.
5502.	Payments to and supervision of fiduciaries.
5503.	Hospitalized veterans and estates of incompetent institutionalized veterans.