

§ 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.
5501A.	Beneficiaries' rights in mental competence determinations.
5502.	Payments to and supervision of fiduciaries.
5503.	Hospitalized veterans and estates of incompetent institutionalized veterans.
5504.	Administration of trust funds.
[5505.	Repealed.]
5506.	Definition of “fiduciary”.
5507.	Inquiry, investigations, and qualification of fiduciaries.

Sec.	
5508.	Periodic onsite reviews of institutional fiduciaries.
5509.	Authority to require fiduciary to receive payments at regional offices of the Department when failing to provide required accounting.
5510.	Annual report.

AMENDMENTS

Pub. L. 115-407, title VII, § 702(a)(1), Dec. 31, 2018, 132 Stat. 5381, inserted period at end of item 5501A.

2016—Pub. L. 114-255, div. B, title XIV, § 14017(b), Dec. 13, 2016, 130 Stat. 1307, added item 5501A.

2004—Pub. L. 108-454, title V, §§ 501(a)(2), 502(b), 504(a)(2), 505(b), Dec. 10, 2004, 118 Stat. 3617, 3619, 3621, 3622, added items 5506 to 5510.

1994—Pub. L. 103-446, title XII, § 1201(g)(4)(B), Nov. 2, 1994, 108 Stat. 4687, struck out item 5505 “Limitation on compensation payments for certain incompetent veterans”.

1991—Pub. L. 102-40, title IV, § 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3201 to 3205 as 5501 to 5505, respectively.

1990—Pub. L. 101-508, title VIII, § 8001(a)(2), Nov. 5, 1990, 104 Stat. 1388-342, added item 3205.

1984—Pub. L. 98-223, title II, § 207(b)(2), Mar. 2, 1984, 98 Stat. 43, substituted “fiduciaries” for “guardians” in item 3202.

§ 5501. Commitment actions

The Secretary may incur necessary court costs and other expenses incident to proceedings for the commitment of mentally incompetent veterans to a Department hospital or domiciliary when necessary for treatment or domiciliary purposes.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1232, § 3201; renumbered § 5501, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; amended Pub. L. 102-83, § 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3201 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)(3), (4), substituted “Department” for “Veterans' Administration”.

§ 5501A. Beneficiaries' rights in mental competence determinations

The Secretary may not make an adverse determination concerning the mental capacity of a beneficiary to manage monetary benefits paid to or for the beneficiary by the Secretary under this title unless such beneficiary has been provided all of the following, subject to the procedures and timelines prescribed by the Secretary for determinations of incompetency:

(1) Notice of the proposed adverse determination and the supporting evidence.

(2) An opportunity to request a hearing.

(3) An opportunity to present evidence, including an opinion from a medical professional or other person, on the capacity of the beneficiary to manage monetary benefits paid to or for the beneficiary by the Secretary under this title.

(4) An opportunity to be represented at no expense to the Government (including by counsel) at any such hearing and to bring a medical professional or other person to provide relevant testimony at any such hearing.