

PRIOR PROVISIONS

Prior sections 5201 to 5228 were renumbered sections 8501 to 8528 of this title, respectively.

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3023 of this title as this section.

Pub. L. 102-83 substituted “1521, 1541, or 1542” for “521, 541, or 542”.

EFFECTIVE DATE

Section 403(b) of Pub. L. 97-253, as amended by Pub. L. 98-21, title I, §111(e), Apr. 20, 1983, 97 Stat. 73; Pub. L. 98-369, div. B, title VI, §2662(j), July 18, 1984, 98 Stat. 1160, provided that:

“(1) Except as provided in paragraph (2), the amendment made by subsection (a)(1) [enacting this section] shall apply with respect to amounts payable for periods beginning after May 31, 1983.

“(2) In the cases of individuals to whom pension is payable under sections 521, 541, and 542 [now 1521, 1541, and 1542] of title 38, United States Code, the amendment made by subsection (a)(1) shall take effect on the first day after May 31, 1983, that an increase is made in maximum annual rates of pension pursuant to section 3112 [now 5312] of title 38, United States Code.”

§ 5124. Acceptance of claimant's statement as proof of relationship

(a) For purposes of benefits under laws administered by the Secretary, the Secretary may accept the written statement of a claimant as proof of the existence of any relationship specified in subsection (b) for the purpose of acting on such individual's claim for benefits.

(b) Subsection (a) applies to proof of the existence of any of the following relationships between a claimant and another person:

- (1) Marriage.
- (2) Dissolution of a marriage.
- (3) Birth of a child.
- (4) Death of any family member.

(c) The Secretary may require the submission of documentation in support of the claimant's statement if—

- (1) the claimant does not reside within a State;
- (2) the statement on its face raises a question as to its validity;
- (3) there is conflicting information of record; or
- (4) there is reasonable indication, in the statement or otherwise, of fraud or misrepresentation.

(Added Pub. L. 103-446, title III, §301(a), Nov. 2, 1994, 108 Stat. 4657.)

§ 5125. Acceptance of reports of private physician examinations

For purposes of establishing any claim for benefits under chapter 11 or 15 of this title, a report of a medical examination administered by a private physician that is provided by a claimant in support of a claim for benefits under that chapter may be accepted without a requirement for confirmation by an examination by a physician employed by the Veterans Health Administration if the report is sufficiently complete to be adequate for the purpose of adjudicating such claim.

(Added Pub. L. 103-446, title III, §301(b), Nov. 2, 1994, 108 Stat. 4658.)

§ 5126. Benefits not to be denied based on lack of mailing address

Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.

(Added Pub. L. 106-475, §3(b), Nov. 9, 2000, 114 Stat. 2098.)

CHAPTER 53—SPECIAL PROVISIONS RELATING TO BENEFITS

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| <p>Sec.
5301.
5302.
5302A.

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5303A.
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5313A.
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5317A.

5318.
5319.</p> | <p>Nonassignability and exempt status of benefits.
Waiver of recovery of claims by the United States.
Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.

Certain bars to benefits.
Minimum active-duty service requirement.
Character of service determinations.
Prohibition against duplication of benefits.
Waiver of retired pay.
Renunciation of right to benefits.
Apportionment of benefits.
Withholding benefits of persons in territory of the enemy.
Payment of certain withheld benefits.
Payment of benefits for month of death.
Prohibition of certain benefit payments.
Annual adjustment of certain benefit rates.
Limitation on payment of compensation and dependency and indemnity compensation to persons incarcerated for conviction of a felony.
Limitation on payment of clothing allowance to incarcerated veterans.
Prohibition on providing certain benefits with respect to persons who are fugitive felons.

Indebtedness offsets.
Interest and administrative cost charges on delinquent payments of certain amounts due the United States.

Authority to sue to collect certain debts.
Use of income information from other agencies: notice and verification.
Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services.
Review of Social Security Administration death information.
Limitations on access to financial records.</p> |
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AMENDMENTS

2018—Pub. L. 115-141, div. J, title II, §259(b), Mar. 23, 2018, 132 Stat. 829, added item 5303B.

2008—Pub. L. 110-252, title I, §1303(a)(2), June 30, 2008, 122 Stat. 2327, added item 5302A.

2007—Pub. L. 110-157, title III, §301(b)(2), Dec. 26, 2007, 121 Stat. 1836, added item 5317A.

2003—Pub. L. 108-183, title VII, §708(c)(4)(B)(ii), Dec. 16, 2003, 117 Stat. 2675, substituted “Social Security Administration” for “Department of Health and Human Services” in item 5318.

2001—Pub. L. 107-103, title V, §505(a)(2), Dec. 27, 2001, 115 Stat. 996, added item 5313B.

1996—Pub. L. 104-275, title V, §502(b), Oct. 9, 1996, 110 Stat. 3341, added item 5313A.

1992—Pub. L. 102-568, title VI, §603(b)(2), Oct. 29, 1992, 106 Stat. 4343, added item 5319.

1991—Pub. L. 102-40, title IV, §402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3101 to 3118 as 5301 to 5318, respectively.

1990—Pub. L. 101-508, title VIII, §§ 8051(b)(2), 8053(b)(2), Nov. 5, 1990, 104 Stat. 1388-351, 1388-353, added items 3117 and 3118.

1981—Pub. L. 97-66, title VI, § 604(a)(2), Oct. 17, 1981, 95 Stat. 1036, added item 3103A.

1980—Pub. L. 96-466, title VI, § 605(a)(2), Oct. 17, 1980, 94 Stat. 2211, added items 3114, 3115, and 3116.

Pub. L. 96-385, title V, § 504(b), Oct. 7, 1980, 94 Stat. 1535, added item 3113.

1978—Pub. L. 95-588, title III, § 305(b), Nov. 4, 1978, 92 Stat. 2508, added item 3112.

1972—Pub. L. 92-328, title II, § 203, June 30, 1972, 86 Stat. 397, substituted "claims by the United States" for "overpayments" in item 3102.

1970—Pub. L. 91-376, § 8(c), Aug. 12, 1970, 84 Stat. 790, added item 3111.

1962—Pub. L. 87-825, § 4(b), Oct. 15, 1962, 76 Stat. 950, added item 3110.

DEPARTMENT OF VETERANS AFFAIRS NOTICE RELATING TO DEBT COLLECTION ACTIVITIES

Pub. L. 115-407, title V, § 504(a)-(c), Dec. 31, 2018, 132 Stat. 5378, provided that:

"(a) DEBT NOTIFICATION LETTER FORMATS.—The Secretary of Veterans Affairs shall collaborate with veterans service organizations to develop a standard format for any letter provided to an individual who the Secretary determines is indebted to the United States by virtue of such individual's participation in a benefits program administered by the Secretary. Such letter shall be written in plain language and shall include a notice of the debt and a clear explanation of—

"(1) why the individual is indebted to the United States by virtue of such person's participation in a benefits program administered by the Secretary; and

"(2) the options available to the individual.

"(b) DELIVERY OF DEBT NOTICES BY STANDARD MAIL AND ELECTRONIC MEANS.—The Secretary shall develop a method by which individuals may elect to receive notice of debt by electronic means and shall ensure, to the extent practicable, that the letter developed under subsection (a) is delivered—

"(1) by both standard mail and by electronic means to intended recipients who have made such an election; and

"(2) only by standard mail to intended recipients who have not made such an election.

"(c) NOTICE TO CONGRESS.—

"(1) NOTICES OF COMPLETION.—Upon completion of the development of the standard letter format required under subsection (a) and upon completion of development of the method by which individuals may elect to receive notice of debt by electronic means under subsection (b), the Secretary shall submit to Congress notice of the completion of the respective development.

"(2) PROGRESS REPORTS.—If the Secretary has not submitted each notice required by paragraph (1) by the date that is 90 days after the date of the enactment of this Act [Dec. 31, 2018], the Secretary shall—

"(A) submit to Congress a report describing the progress of the Secretary toward implementing subsections (a) and (b) and an explanation for why the respective development has not been completed; and

"(B) every 30 days thereafter until all of the notices required by paragraph (1) have been submitted, submit to Congress an update to the report under subparagraph (A) that includes an additional explanation for the failure to complete the respective development."

§ 5301. Nonassignability and exempt status of benefits

(a)(1) Payments of benefits due or to become due under any law administered by the Secretary shall not be assignable except to the extent specifically authorized by law, and such

payments made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claim of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to claims of the United States arising under such laws nor shall the exemption therein contained as to taxation extend to any property purchased in part or wholly out of such payments. The provisions of this section shall not be construed to prohibit the assignment of insurance otherwise authorized under chapter 19 of this title, or of servicemen's indemnity.

(2) For the purposes of this subsection, in any case where a payee of an educational assistance allowance has designated the address of an attorney-in-fact as the payee's address for the purpose of receiving a benefit check and has also executed a power of attorney giving the attorney-in-fact authority to negotiate such benefit check, such action shall be deemed to be an assignment and is prohibited.

(3)(A) This paragraph is intended to clarify that, in any case where a beneficiary entitled to compensation, pension, or dependency and indemnity compensation enters into an agreement with another person under which agreement such other person acquires for consideration the right to receive such benefit by payment of such compensation, pension, or dependency and indemnity compensation, as the case may be, except as provided in subparagraph (B), and including deposit into a joint account from which such other person may make withdrawals, or otherwise, such agreement shall be deemed to be an assignment and is prohibited.

(B) Notwithstanding subparagraph (A), nothing in this paragraph is intended to prohibit a loan involving a beneficiary under the terms of which the beneficiary may use the benefit to repay such other person as long as each of the periodic payments made to repay such other person is separately and voluntarily executed by the beneficiary or is made by preauthorized electronic funds transfer pursuant to the Electronic Funds Transfers Act (15 U.S.C. 1693 et seq.).

(C) Any agreement or arrangement for collateral for security for an agreement that is prohibited under subparagraph (A) is also prohibited and is void from its inception.

(b) This section shall prohibit the collection by setoff or otherwise out of any benefits payable pursuant to any law administered by the Secretary and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (1) any person other than the indebted beneficiary or the beneficiary's estate; or (2) any beneficiary or the beneficiary's estate except amounts due the United States by such beneficiary or the beneficiary's estate by reason of overpayments or illegal payments made under such laws to such beneficiary or the beneficiary's estate or to the beneficiary's dependents as such. If the benefits referred to in the preceding sentence are insurance payable by reason of yearly renewable term insurance, United States Government life insurance, or National Service Life Insurance issued by the United States, the exemption pro-