

1991—Pub. L. 102-40 renumbered section 5101 of this title as this section.

Pub. L. 102-86 inserted at end “The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary’s ability to provide services or benefits.”

Pub. L. 102-83 substituted “Secretary” for “Administrator”.

1986—Pub. L. 99-576 substituted “the” for “his” before “intention” in two places.

§ 8302. Legal proceedings

For the purpose of acquiring title to and possession of any property which the Secretary is by this chapter authorized to accept, the Secretary may initiate and appear in any appropriate legal proceedings, and take such steps therein or in connection therewith as in the Secretary’s discretion may be desirable and appropriate to reduce said property to possession. The Secretary may incur such expenses incident to such proceedings as the Secretary deems necessary or appropriate, which shall be paid as are other administrative expenses of the Department. All funds received by devise, bequest, gift, or otherwise, for the purposes contemplated in this chapter, including net proceeds of sales authorized by this chapter, shall be deposited with the Treasurer of the United States to the credit of the General Post Fund.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1254, §5102; Pub. L. 99-576, title VII, §701(90), Oct. 28, 1986, 100 Stat. 3299; renumbered §8302, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5102 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing, “Secretary’s” for “Administrator’s”, and “Department” for “Veterans’ Administration”.

1986—Pub. L. 99-576 substituted “the Administrator” for “he” in two places, “the Administrator’s” for “his”, and “The Administrator” for “He”.

§ 8303. Restricted gifts

Disbursements from the General Post Fund shall be made on orders by and within the discretion of the Secretary and in the manner prescribed in section 8523 of this title; except that (1) if the testator or donor has directed or shall direct that the devise, bequest, or gift be devoted to a particular use authorized by this chapter, the same, less expenses incurred, or the net proceeds thereof, shall be used or disbursed as directed, except that a precatory direction shall be fulfilled only insofar as may be proper or practicable; and (2) if the testator or donor shall have indicated the desire that the devise, bequest, or gift shall be for the benefit of persons in hospitals or homes, or other institutions operated by the United States but under the jurisdiction of an official other than the Secretary, the same, less expenses incurred, or the net proceeds thereof which may come into possession of the Secretary, shall be disbursed by

transfer to the governing authorities of such institution, or otherwise, in such manner as the Secretary may determine, for the benefit of the persons in the institution indicated by the testator or donor, for proper purposes, as nearly as practicable in conformity with such desire of the testator or donor.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1255, §5103; Pub. L. 99-576, title VII, §701(91), Oct. 28, 1986, 100 Stat. 3299; renumbered §8303 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40, §402(b)(1), renumbered section 5103 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102-40, §402(d)(1), substituted “8523” for “5223”.

1986—Pub. L. 99-576 substituted “the” for “his” in three places.

§ 8304. Disposition of property

If the Secretary receives any property other than moneys as contemplated by this chapter, the Secretary is authorized in the Secretary’s discretion to sell, assign, transfer, and convey the same, or any interest therein claimed by virtue of such devise, bequest, or gift, for such price and upon such terms as the Secretary deems advantageous (including consent to partition of realty and compromise of contested claim of title) and the Secretary’s assignment, deed, or other conveyance of any such property, executed in the name and on behalf of the United States, shall be valid to pass to the purchaser thereof such title to said property as the United States, beneficially or as trustee of the General Post Fund, may have by virtue of any such devise, bequest, or gift, and the proceedings incident thereto, subject to the conditions, limitations, and provisions of the instruments so executed by the Secretary.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1255, §5104; Pub. L. 99-576, title VII, §701(92), Oct. 28, 1986, 100 Stat. 3299; renumbered §8304, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5104 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator” and “Secretary’s” for “Administrator’s” wherever appearing.

1986—Pub. L. 99-576 substituted “the Administrator” for “he” in two places, and “the Administrator’s” for “his” in two places.

§ 8305. Savings provision

(a) Nothing contained in this chapter shall be construed to repeal or modify any law authorizing the acceptance of devises, bequests, or gifts to the United States for their own use and

benefit or for any particular purpose specified by the donors or testators.

(b) Whenever the United States receives property and it appears that it is, or shall have been, the intention of the testator or donor that such devise, bequest, or gift be for the benefit of those persons described in section 8301 of this title, or any particular hospital or other institution operated primarily for their benefit, such property or the proceeds thereof shall be credited to the General Post Fund, and shall be used or disbursed in accordance with the provisions of this chapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1255, §5105; renumbered §8305 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40, §402(b)(1), renumbered section 5105 of this title as this section.

Subsec. (b). Pub. L. 102-40, §402(d)(1), substituted “8301” for “5101”.

CHAPTER 85—DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I—PROPERTY LEFT ON DEPARTMENT FACILITY

Sec.

- 8501. Vesting of property left by decedents.
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- 8521. Presumption of contract for disposition of personalty.
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Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404, substituted “DEPARTMENT” for “VETERANS' ADMINISTRATION” in headings for subchapters I and II.

Pub. L. 102-40, title III, §305(b)(2), title IV, §402(c)(1), May 7, 1991, 105 Stat. 210, 239, renumbered items 5201 to 5228 as 8501 to 8528, respectively, and substituted “PATIENT” for “INMATE” in heading for subchapter II.

SUBCHAPTER I—PROPERTY LEFT ON DEPARTMENT FACILITY

AMENDMENTS

Editorial Notes

1991—Pub. L. 102-83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404, substituted “DEPARTMENT” for “VETERANS' ADMINISTRATION”.

§ 8501. Vesting of property left by decedents

(a) Personal property left by any decedent upon premises used as a Department facility, which premises are subject to the exclusive legislative jurisdiction of the United States and are within the exterior boundaries of any State or dependency of the United States, shall vest and be disposed of as provided in this subchapter, except that—

(1) if such person died leaving a last will and testament probated under the laws of the place of such person's domicile or under the laws of the State or dependency of the United States within the exterior boundaries of which such premises or a part thereof may be, the personal property of such decedent situated upon such premises shall vest in the person or persons entitled thereto under the provisions of such last will and testament; and

(2) if such person died leaving any such property not disposed of by a last will and testament probated in accord with the provisions of paragraph (1) such property shall vest in the persons entitled to take such property by inheritance under and upon the conditions provided by the law of the decedent's domicile. This paragraph shall not apply to property to which the United States is entitled except where such title is divested out of the United States.

(b) Any officer or employee of the United States in possession of any such property may deliver same to the executor (or the administrator with will annexed) who shall have qualified in either jurisdiction as provided in subsection (a)(1); or if none such then to the domiciliary administrator or to any other qualified administrator who shall demand such property. When delivery shall have been made to any such executor or administrator in accordance with this subsection, neither the United States nor any officer or employee thereof shall be liable therefor.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1256, §5201; Pub. L. 99-576, title VII, §701(93), Oct. 28, 1986, 100 Stat. 3299; renumbered §8501, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5201 of this title as this section.

Subsec. (a). Pub. L. 102-83 substituted “Department” for “Veterans' Administration” in introductory provisions.

1986—Subsec. (a)(1). Pub. L. 99-576 substituted “such person's” for “his”.

§ 8502. Disposition of unclaimed personal property

(a) Notwithstanding the provisions of section 8501 of this title, the Secretary may dispose of the personal property of such decedent left or found upon such premises as hereafter provided in this subchapter.

(b) If any veteran (admitted as a veteran), or a dependent or survivor of a veteran receiving care under the penultimate sentence of section