

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1258, §5204; Pub. L. 99-576, title VII, §701(96), Oct. 28, 1986, 100 Stat. 3300; renumbered §8504, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5204 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator" and "Department" for "Veterans' Administration".

1986—Pub. L. 99-576 substituted "such person's" for "his" in three places.

§ 8505. Sale or other disposition of property

Any unclaimed personal property as described in section 8502 of this title of veterans who have heretofore died or who may hereafter die while maintained as such in a Department facility, and also any unclaimed property heretofore or hereafter found or situated in such facility, may be sold, used, destroyed, or otherwise disposed of in accordance with this subchapter, and subject to regulations promulgated by the Secretary pursuant hereto; and the net proceeds of sale thereof shall be credited and be subject to disbursement as provided in this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1258, §5205; renumbered §8505 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(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5205 of this title as this section and substituted "8502" for "5202".

Pub. L. 102-83 substituted "Secretary" for "Administrator" and "Department" for "Veterans' Administration".

§ 8506. Notice of sale

At least ninety days before any sale pursuant to this subchapter, written or printed notice thereof describing the property to be sold shall be mailed to the owner of the property or, if deceased, to the owner's executor or administrator, or to the nearest kin, if any such appear by the records of the Department. If none such appears from said records, similar notice shall be posted at the facility where the death occurred or property shall have been found (if in existence) and at the place where such property is situated at the time of such notice, and also at the place where probate notices are posted in the county wherein the sale is to be had. The person posting such notice shall make an affidavit setting forth the time and place of such posting and attaching thereto a copy of such notice, and such affidavit shall be prima facie evidence of such posting and admissible in evidence as proof of the same.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1258, §5206; Pub. L. 99-576, title VII, §701(97), Oct. 28, 1986, 100 Stat. 3300; renumbered §8506, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5206 of this title as this section.

Pub. L. 102-83 substituted "Department" for "Veterans' Administration".

1986—Pub. L. 99-576 substituted "the owner's" for "his" before "executor".

§ 8507. Payment of small shipping charges

Upon receipt of a proper claim for such property under the provisions of this subchapter the Secretary is hereby authorized, in the Secretary's discretion and in accordance with regulations prescribed by the Secretary, to pay mailing or shipping charges not to exceed \$25 in the case of each deceased veteran as hereinabove defined.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1259, §5207; Pub. L. 99-576, title VII, §701(98), Oct. 28, 1986, 100 Stat. 3300; renumbered §8507, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5207 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator" in two places and "Secretary's" for "Administrator's".

1986—Pub. L. 99-576 substituted "the Administrator's" for "his" and "prescribed by the Administrator" for "by him promulgated".

§ 8508. Relinquishment of Federal jurisdiction

Subject to the provisions of this subchapter and to the extent necessary to effectuate the purposes of this subchapter, there is hereby relinquished to the respective State or dependency of the United States such jurisdiction pertaining to the administration of estates of decedents as may have been ceded to the United States by said State or dependency of the United States respecting the Federal reservation on which is situated any Department facility while such facility is operated by the Department; such jurisdiction with respect to any such property on any such reservation to be to the same extent as if such premises had not been ceded to the United States. Nothing in this section shall be construed to deprive any State or dependency of the United States of any jurisdiction which it now has nor to give any State, possession, or dependency of the United States authority over any Federal official as such on such premises or otherwise.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1259, §5208; renumbered §8508, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5208 of this title as this section.

Pub. L. 102-83 substituted "Department" for "Veterans' Administration" in two places.

§ 8509. Definitions

The term "facility" or "Department facility" as used in this subchapter means those facilities over which the Department has direct and exclusive administrative jurisdiction, including hospitals or other facilities on property owned or leased by the United States while operated by the Department.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1259, §5209; renumbered §8509, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5209 of this title as this section.

Pub. L. 102-83 substituted “Department” for “Veterans’ Administration” wherever appearing.

§ 8510. Finality of decisions

Decisions by the Secretary under this subchapter shall not be reviewable administratively by any other officer of the United States.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1259, §5210; renumbered §8510, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5210 of this title as this section.

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

SUBCHAPTER II—DEATH WHILE PATIENT OF DEPARTMENT FACILITY

AMENDMENTS

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

Pub. L. 102-40, title III, §305(b)(1), May 7, 1991, 105 Stat. 210, substituted “PATIENT” for “INMATE”.

§ 8520. Vesting of property left by decedents

(a) Whenever any veteran (admitted as a veteran), or a dependent or survivor of a veteran receiving care under the penultimate sentence of section 1781(b) of this title, shall die while a member or patient in any facility, or any hospital while being furnished care or treatment therein by the Department, and shall not leave any surviving spouse, next of kin, or heirs entitled, under the laws of the decedent’s domicile, to the decedent’s personal property as to which such person dies intestate, all such property, including money and choses in action, owned by such person at the time of death and not disposed of by will or otherwise, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund (hereinafter in this subchapter referred to as the “Fund”), a trust fund prescribed by section 1321(a)(45) of title 31.

(b) The provisions of subsection (a) are conditions precedent to the initial, and also to the further furnishing of care or treatment by the Department in a facility or hospital. The acceptance and the continued acceptance of care or treatment by any veteran (admitted as a veteran to a Department facility or hospital) shall constitute an acceptance of the provisions and conditions of this subchapter and have the effect of an assignment, effective at such person’s death, of such assets in accordance with and subject to the provisions of this subchapter and regulations issued in accordance with this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1259, §5220; Pub. L. 94-581, title II, §208(b), Oct. 21, 1976, 90

Stat. 2860; Pub. L. 97-258, §3(k)(9), Sept. 13, 1982, 96 Stat. 1066; Pub. L. 99-576, title VII, §701(99), Oct. 28, 1986, 100 Stat. 3300; renumbered §8520, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §§4(a)(3), (4), 5(c)(1), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 107-14, §8(a)(16), June 5, 2001, 115 Stat. 35; Pub. L. 107-135, title II, §208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-135 substituted “the penultimate sentence of section 1781(b)” for “the last sentence of section 1713(b)”.

2001—Subsec. (a). Pub. L. 107-14 substituted “hereinafter” for “hereafter”.

1991—Pub. L. 102-40 renumbered section 5220 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1713(b)” for “613(b)”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in two places.

1986—Subsec. (a). Pub. L. 99-576, §701(99)(A), substituted “any surviving” for “surviving him any”, “the decedent’s” for “his” in two places, “such person” for “he”, and “owned by such person” for “owned by him”.

Subsec. (b). Pub. L. 99-576, §701(99)(B), substituted “such person’s” for “his”.

1982—Subsec. (a). Pub. L. 97-258 substituted “section 1321(a)(45) of title 31” for “section 725s(a)(45) of title 31”.

1976—Subsec. (a). Pub. L. 94-581 inserted “, or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title,” after “(admitted as a veteran)”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 8521. Presumption of contract for disposition of personalty

The fact of death of a veteran (admitted as such), or a dependent or survivor of a veteran receiving care under the penultimate sentence of section 1781(b) of this title, in a facility or hospital, while being furnished care or treatment therein by the Department, leaving no spouse, next of kin, or heirs, shall give rise to a conclusive presumption of a valid contract for the disposition in accordance with this subchapter, but subject to its conditions, of all property described in section 8520 of this title owned by said decedent at death and as to which such person dies intestate.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1260, §5221; Pub. L. 94-581, title II, §208(c), Oct. 21, 1976, 90 Stat. 2860; Pub. L. 99-576, title VII, §701(100), Oct. 28, 1986, 100 Stat. 3300; renumbered §8521 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(a)(3), (4), 5(c)(1), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 107-135, title II, §208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

AMENDMENTS

2002—Pub. L. 107-135 substituted “the penultimate sentence of section 1781(b)” for “the last sentence of section 1713(b)”.

1991—Pub. L. 102-40 renumbered section 5221 of this title as this section and substituted “8520” for “5220”.