

In addition to the purposes for which such fund may be used under the existing law, disbursements may be made therefrom as authorized by the Secretary by regulation or otherwise for the purpose of satisfying any legal liability incurred by any employee in administering the provisions of this subchapter, including any expense incurred in connection therewith. Legal liability shall not exist when delivery or sale shall have been made in accordance with this subchapter.

(e) If, notwithstanding such sale, a claim is filed with the Secretary within five years after notice of sale as herein required, by or on behalf of any person or persons who if known would have been entitled to the property under section 8501 of this title or to possession thereof under this section, the Secretary shall determine the person or persons entitled under the provisions of this subchapter and may pay to such person or persons so entitled the proceeds of sale of such property, less expenses. Such payment shall be made out of the said trust fund, and in accord with the provisions of this section or section 8501 of this title. Persons under legal disability to sue in their own name may make claim for the proceeds of sale of such property at any time within five years after termination of such legal disability.

(f) Any such property, the sale of which is authorized under this subchapter and which remains unsold, may be used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Secretary.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1257, § 5202; Pub. L. 94-581, title II, § 208(a), 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(94), Oct. 28, 1986, 100 Stat. 3299; renumbered § 8502 and amended Pub. L. 102-40, title IV, § 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-54, § 14(f)(11), June 13, 1991, 105 Stat. 288; Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 103-446, title XII, § 1201(i)(11), Nov. 2, 1994, 108 Stat. 4689; Pub. L. 107-135, title II, § 208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

AMENDMENTS

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

1994—Subsec. (d). Pub. L. 103-446 substituted “Department of Veterans Affairs,” for “Department,”.

1991—Pub. L. 102-40, § 402(b)(1), renumbered section 5202 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-40, § 402(d)(1), substituted “8501” for “5201”.

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

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

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

Pub. L. 102-54 amended subsec. (b) as in effect immediately before the enactment of Pub. L. 102-40 by inserting a comma in second sentence before “namely,”.

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

Subsec. (d). 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”.

Subsec. (e). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-40, § 402(d)(1), substituted “8501” for “5201” in two places.

Subsec. (f). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1986—Subsec. (b). Pub. L. 99-576, § 701(94)(A), in first sentence substituted “such person’s last” for “his last” in two places, inserted “has personal property situated on such facility and” before “shall have designated”, substituted “to receive such property when such veteran, dependent or survivor dies,” for “to whom he desires his personal property situated upon such facility to be delivered, upon the death of such veteran”, and substituted “the Administrator” for “him” after “authorized by”.

Pub. L. 99-576, § 701(94)(B)(i)-(iv), in second sentence substituted “by such veteran, dependent, or survivor” for “by the veteran”, struck out “if he has” before “failed to request”, and substituted “the Administrator’s” for “his” and “in writing delivered to the Veterans’ Administration” for “as provided in this subchapter,”.

Pub. L. 99-576, § 701(94)(B)(v), which directed that second sentence of subsec. (b) be amended by substituting “children, grandchildren, parents, grandparents, siblings” for “child, grandchild, mother, father, grandmother, grandfather, brother or sister”, was executed by substituting the new provisions for “child, grandchild, mother, father, grandmother, grandfather, brother, or sister”, to reflect the probable intent of Congress and the fact that a comma appears after “brother” in the former provisions.

Pub. L. 99-576, § 701(94)(C), struck out third sentence which read as follows: “In case two or more of those named above request the property, only one shall be entitled to possession thereof and in the order hereinbefore set forth, unless they otherwise agree in writing delivered to the Veterans’ Administration.”

Pub. L. 99-576, § 701(94)(D), in fourth sentence substituted “the Administrator’s designee may in such case deliver the property either jointly or separately in equal values, to those equally entitled thereto” for “his designee may in such case select the one to receive such possession,” and “in the discretion of the Administrator or the Administrator’s designee” for “in his discretion”.

Subsec. (c). Pub. L. 99-576, § 701(94)(E), substituted “the Administrator’s” for “his”.

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

1976—Subsec. (b). 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.

§ 8503. Notice of provisions of this subchapter

All persons having or bringing personal property on the premises of a Department facility shall be given reasonable notice of the provisions of this subchapter. In case of a mentally incompetent person, notice hereof shall be given the guardian or other person having custody or control of such person or, if none, to such person’s nearest relative if known. The admission to or continued maintenance in such facility after reasonable notice of the provisions of this subchapter shall constitute consent to the provisions hereof. The death of any person on any

such facility or the leaving of property thereon shall be prima facie evidence of a valid agreement for the disposition of such property in accordance with the provisions of this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1258, §5203; Pub. L. 99-576, title VII, §701(95), Oct. 28, 1986, 100 Stat. 3300; renumbered §8503, 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 5203 of this title as this section.

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

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

§ 8504. Disposition of other unclaimed property

Any other unclaimed property found on the premises under the control of the Department shall be stored by the officer in charge of such premises and may be sold, used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Secretary if the owner thereof fails to claim same within ninety days. If undisposed of, the same may be reclaimed by the owner, such person's personal representative or next of kin, upon payment of reasonable storage charges prescribed by regulations. If sold, the net proceeds thereof shall be credited to said post fund to be expended as other assets of such fund. The person who was entitled to such property, or such person's legal representative, or assignee, shall be paid the proceeds of sale thereof, less expenses if claim therefor be made within five years from the date of finding. If the owner shall have died intestate without creditors or next of kin surviving, such proceeds shall not be paid to such person's legal representative.

(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".