

Executive Documents

TRANSFER OF FUNCTIONS

Division of Disbursements of Treasury Department consolidated into Fiscal Service of Treasury Department by section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees. See section 306 of Title 31, Money and Finance.

§ 8523. Disbursements from the Fund

Disbursements from the Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discretion of the Secretary for the benefit of members and patients while being supplied care or treatment by the Department in any facility or hospital. The authority contained in the preceding sentence is not limited to facilities or hospitals under direct administrative control of the Department. There shall be paid out of the assets of the decedent so far as may be the valid claims of creditors against the decedent's estate that would be legally payable therefrom in the absence of this subchapter and without the benefit of any exemption statute, and which may be presented to the Department within one year from the date of death, or within the time, to the person, and in the manner required or permitted by the law of the State wherein administration, if any, is had upon the estate of the deceased veteran; and also the proper expenses and costs of administration, if any. If the decedent's estate is insolvent the distribution to creditors shall be in accordance with the laws of the decedent's domicile, and the preferences and priorities prescribed thereby shall govern, subject to any applicable law of the United States.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1260, § 5223; Pub. L. 99-576, title VII, § 701(102), Oct. 28, 1986, 100 Stat. 3300; renumbered § 8523, 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 5223 of this title as this section.

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

1986—Pub. L. 99-576 substituted "the decedent's" for "his" in two places.

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§ 8524. Disposal of remaining assets

The remainder of such assets or their proceeds shall become assets of the United States as trustee for the Fund and disposed of in accordance with this subchapter. If there is administration upon the decedent's estate such assets,

other than money, upon claim therefor within the time required by law, shall be delivered by the administrator of the estate to the Secretary or the Secretary's authorized representative, as upon final distribution; and upon the same claim there shall be paid to the Treasurer of the United States for credit to the Fund any such money, available for final distribution. In the absence of administration, any money, chose in action, or other property of the deceased veteran held by any person shall be paid or transferred to the Secretary upon demand by the Secretary or the Secretary's duly authorized representative, who shall deliver itemized receipt therefor. Such payment or transfer shall constitute a complete acquittance of the transferor with respect to any claims by any administrator, creditor, or next of kin of such decedent.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1261, § 5224; Pub. L. 99-576, title VII, § 701(103), Oct. 28, 1986, 100 Stat. 3300; renumbered § 8524, 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 5224 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's" for "his" in two places, and "the Administrator" for "him".

§ 8525. Court actions

If necessary to obtain such assets the Secretary, through the Secretary's authorized attorneys, may bring and prosecute appropriate actions at law or other legal proceedings, the costs and expenses thereof to be paid as are other administrative expenses of the Department.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1261, § 5225; Pub. L. 99-576, title VII, § 701(104), Oct. 28, 1986, 100 Stat. 3301; renumbered § 8525, 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 5225 of this title as this section.

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

1986—Pub. L. 99-576 substituted "the Administrator's" for "his".

§ 8526. Filing of claims for assets

Notwithstanding the crediting to said Fund of the assets, or proceeds thereof, of any decedent, whether upon determination by a court or the Department pursuant to the provisions of section 8520 of this title, any person claiming a right to such assets may within five years after the death of the decedent file a claim on behalf

of such person and any other claiming with the Secretary. Upon receipt of due proof that any person was at date of death of the veteran entitled to the veteran's personal property, or a part thereof, under the laws of the State of domicile of the decedent, the Secretary may pay out of the Fund, but not to exceed the net amount credited thereto from said decedent's estate less any necessary expenses, the amount to which such person, or persons, was or were so entitled, and upon similar claim any assets of the decedent which shall not have been disposed of shall be delivered in kind to the parties legally entitled thereto. If any person so entitled is under legal disability at the date of death of such decedent, such five-year period of limitation shall run from the termination or removal of legal disability. In the event of doubt as to entitlement, the Secretary may cause administration or other appropriate proceedings to be instituted in any court having jurisdiction. In determining questions of fact or law involved in the adjudication of claims made under this section, no judgment, decree, or order entered in any action at law, suit in equity, or other legal proceeding of any character purporting to determine entitlement to said assets or any part thereof, shall be binding upon the United States or the Secretary or determinative of any fact or question involving entitlement to any such property or the proceeds thereof, or any part of the Fund, unless the Secretary has been seasonably served with notice and permitted to become a party to such suit or proceeding if the Secretary makes a request therefor within thirty days after such notice. Notice may be served in person or by registered mail or by certified mail upon the Secretary, or upon the Secretary's authorized attorney in the State wherein the action or proceedings may be pending. Notice may be waived by the Secretary or by the Secretary's authorized attorney, in which event the finding, judgment, or decree shall have the same effect as if the Secretary were a party and served with notice. Any necessary court costs or expenses if authorized by the Secretary may be paid as are other administrative expenses of the Department.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1261, § 5226; Pub. L. 86-507, § 1(33), June 11, 1960, 74 Stat. 202; Pub. L. 99-576, title VII, § 701(105), Oct. 28, 1986, 100 Stat. 3301; renumbered § 8526 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.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5226 of this title as this section and substituted "8520" for "5220".

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

1986—Pub. L. 99-576 substituted "such person" for "himself" in first sentence, "the veteran's" for "his" in second sentence, "the Administrator" for "he" in fifth sentence, and "the Administrator's authorized" for "his authorized" in sixth and seventh sentences.

1960—Pub. L. 86-507 inserted "or by certified mail" after "registered mail".

§ 8527. Notice of provisions of subchapter

The Secretary shall prescribe a form of application for hospital treatment and domiciliary care which shall include notice of the provisions of this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1262, § 5227; renumbered § 8527, 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 5227 of this title as this section.

Pub. L. 102-83 substituted "Secretary" for "Administrator".

§ 8528. Investment of the Fund

Money in the Fund not required for current disbursements may be invested and reinvested by the Secretary of the Treasury in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1262, § 5228; renumbered § 8528, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5228 of this title as this section.