

–CITE–

38 USC CHAPTER 85 – DISPOSITION OF DECEASED VETERANS'

PERSONAL PROPERTY 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

–HEAD–

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

–MISC1–

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

Sec.

8501. Vesting of property left by decedents.

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AMENDMENTS

1991 – Pub. L. 102–83, Sec. 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, Sec. 305(b)(2), title IV, Sec.

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.

–End–

–CITE–

38 USC SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT

FACILITY 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

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SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–MISC1–

AMENDMENTS

1991 – Pub. L. 102–83, Sec. 4(a)(3), (4), Aug. 6, 1991, 105 Stat.

404, substituted "DEPARTMENT" for "VETERANS' ADMINISTRATION".

–End–

–CITE–

38 USC Sec. 8501 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8501. Vesting of property left by decedents

–STATUTE–

(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.

–SOURCE–

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

–MISC1–

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".

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8502 of this title.

–End–

–CITE–

38 USC Sec. 8502 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8502. Disposition of unclaimed personal property

–STATUTE–

(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 1781(b) of this title, upon such person's last admission to, or during such person's last period of maintenance in, a Department facility, has personal property situated on such facility and shall have designated in writing a person (natural or corporate) to receive such property when such veteran, dependent or survivor dies, the Secretary or employee of the Department authorized by the Secretary so to act, may transfer possession of such personal property to the person so designated. If there exists no person so designated by such veteran, dependent, or survivor or if the one so designated declines to receive such property, or failed to request such property within ninety days after the Department mails to such designate a notice of death and of the fact of such designation, a description of the property, and an estimate of transportation cost, which shall be paid by such designate if required under the regulations hereinafter mentioned, or if the Secretary declines to transfer possession to such designate, possession of such property may in the discretion of the Secretary or the Secretary's designated subordinate, be transferred to the following persons in the order and manner herein specified unless the parties otherwise agree in writing delivered to the Department, namely, executor or administrator, or if no notice of appointment received, to the spouse, children, grandchildren, parents, grandparents, siblings of the veteran. If claim is made by two or more such relatives having equal priorities, as hereinabove prescribed, or if there are conflicting claims the Secretary or the

Secretary's designee may in such case deliver the property either jointly or separately in equal values, to those equally entitled thereto or may make delivery as may be agreed upon by those entitled, or may in the discretion of the Secretary or the Secretary's designee withhold delivery from them and require the qualification of an administrator or executor of the veterans' estate and thereupon make delivery to such.

(c) If the property of any decedent is not so delivered or claimed and accepted the Secretary or the Secretary's designee may dispose of such property by public or private sale in accordance with the provisions of this subchapter and regulations prescribed by the Secretary.

(d) All sales authorized by this subchapter shall be for cash upon delivery at the premises where sold and without warranty, express or implied. The proceeds of such sales after payment of any expenses incident thereto as may be prescribed by regulations, together with any other moneys left or found on a facility, not disposed of in accordance with this subchapter, shall be credited to the General Post Fund, National Homes, Department of Veterans Affairs, a trust fund provided for in section 1321(a)(45) of title 31. 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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1257, Sec. 5202; Pub. L. 94–581, title II, Sec. 208(a), Oct. 21, 1976, 90 Stat. 2860; Pub. L. 97–258, Sec. 3(k)(9), Sept. 13, 1982, 96 Stat. 1066; Pub. L. 99–576, title VII, Sec. 701(94), Oct. 28, 1986, 100 Stat. 3299; renumbered Sec. 8502 and amended Pub. L. 102–40, title IV, Sec. 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102–54,

Sec. 14(f)(11), June 13, 1991, 105 Stat. 288; Pub. L. 102–83, Secs. 4(a)(3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–446, title XII, Sec. 1201(i)(11), Nov. 2, 1994, 108 Stat. 4689; Pub. L. 107–135, title II, Sec. 208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

–MISC1–

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, Sec. 402(b)(1), renumbered section 5202 of this title as this section.

Subsec. (a). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102–40, Sec. 402(d)(1), substituted "8501" for "5201".

Subsec. (b). Pub. L. 102–83, Sec. 5(c)(1), substituted "1713(b)" for "613(b)".

Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" and "Secretary's" for "Administrator's" wherever appearing.

Pub. L. 102–83, Sec. 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, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" and "Secretary's" for "Administrator's" wherever appearing.

Subsec. (d). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (e). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102–40, Sec. 402(d)(1), substituted "8501" for "5201" in two places.

Subsec. (f). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1986 – Subsec. (b). Pub. L. 99–576, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 8505 of this title.

–End–

–CITE–

38 USC Sec. 8503 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8503. Notice of provisions of this subchapter

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1258, Sec. 5203; Pub. L. 99–576, title VII, Sec. 701(95), Oct. 28, 1986, 100 Stat. 3300; renumbered Sec. 8503, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

–MISC1–

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.

–End–

–CITE–

38 USC Sec. 8504 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8504. Disposition of other unclaimed property

–STATUTE–

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.

–SOURCE–

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

renumbered Sec. 8504, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

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.

–End–

–CITE–

38 USC Sec. 8505 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8505. Sale or other disposition of property

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1258, Sec. 5205; renumbered Sec. 8505 and amended Pub. L. 102–40, title IV, Sec. 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102–83, Sec. 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

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".

–End–

–CITE–

38 USC Sec. 8506 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8506. Notice of sale

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1258, Sec. 5206; Pub. L. 99–576, title VII, Sec. 701(97), Oct. 28, 1986, 100 Stat. 3300; renumbered Sec. 8506, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

–MISC1–

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".

–End–

–CITE–

38 USC Sec. 8507 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8507. Payment of small shipping charges

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1259, Sec. 5207; Pub. L.
99–576, title VII, Sec. 701(98), Oct. 28, 1986, 100 Stat. 3300;
renumbered Sec. 8507, Pub. L. 102–40, title IV, Sec. 402(b)(1), May
7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(b)(1), (2)(E), Aug.

6, 1991, 105 Stat. 404, 405.)

–MISC1–

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".

–End–

–CITE–

38 USC Sec. 8508 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8508. Relinquishment of Federal jurisdiction

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1259, Sec. 5208; renumbered Sec. 8508, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

–MISC1–

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.

–End–

–CITE–

38 USC Sec. 8509 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8509. Definitions

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1259, Sec. 5209; renumbered Sec. 8509, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

–MISC1–

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.

–End–

–CITE–

38 USC Sec. 8510 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I – PROPERTY LEFT ON DEPARTMENT FACILITY

–HEAD–

Sec. 8510. Finality of decisions

–STATUTE–

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

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1259, Sec. 5210; renumbered Sec. 8510, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

AMENDMENTS

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

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

–End–

–CITE–

38 USC SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY 01/06/03

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TITLE 38 – VETERANS' BENEFITS

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SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–MISC1–

AMENDMENTS

1991 – Pub. L. 102–83, Sec. 4(a)(3), (4), Aug. 6, 1991, 105 Stat.

404, substituted "DEPARTMENT" for "VETERANS' ADMINISTRATION".

Pub. L. 102–40, title III, Sec. 305(b)(1), May 7, 1991, 105 Stat.

210, substituted "PATIENT" for "INMATE".

–End–

–CITE–

38 USC Sec. 8520 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8520. Vesting of property left by decedents

–STATUTE–

(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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1259, Sec. 5220; Pub. L. 94–581, title II, Sec. 208(b), Oct. 21, 1976, 90 Stat. 2860; Pub. L. 97–258, Sec. 3(k)(9), Sept. 13, 1982, 96 Stat. 1066; Pub. L. 99–576, title VII, Sec. 701(99), Oct. 28, 1986, 100 Stat. 3300; renumbered Sec. 8520, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Secs. 4(a)(3), (4),

5(c)(1), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 107–14, Sec.

8(a)(16), June 5, 2001, 115 Stat. 35; Pub. L. 107–135, title II,

Sec. 208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

–MISC1–

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, Sec. 5(c)(1), substituted "1713(b)" for "613(b)".

Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (b). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

1986 – Subsec. (a). Pub. L. 99–576, Sec. 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, Sec. 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.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 8521, 8526 of this title.

–End–

–CITE–

38 USC Sec. 8521 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8521. Presumption of contract for disposition of personalty

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1260, Sec. 5221; Pub. L. 94–581, title II, Sec. 208(c), Oct. 21, 1976, 90 Stat. 2860; Pub. L. 99–576, title VII, Sec. 701(100), Oct. 28, 1986, 100 Stat. 3300; renumbered Sec. 8521 and amended Pub. L. 102–40, title IV, Sec. 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102–83, Secs. 4(a)(3), (4), 5(c)(1), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 107–135, title II, Sec. 208(e)(9), Jan. 23, 2002, 115 Stat. 2464.)

–MISC1–

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".

Pub. L. 102–83 substituted "1713(b)" for "613(b)" and "Department" for "Veterans' Administration".

1986 – Pub. L. 99–576 substituted "such person" for "he".

1976 – 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 such)".

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.

-End-

-CITE-

38 USC Sec. 8522 01/06/03

-EXPCITE-

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

-HEAD-

Sec. 8522. Sale of assets accruing to the Fund

-STATUTE-

Any assets heretofore or hereafter accruing to the benefit of the Fund, other than money, but including jewelry and other personal effects, may be sold at the times and places and in the manner prescribed by regulations issued by the Secretary. Upon receipt of the purchase price the Secretary is authorized to deliver at the place of sale, said property sold, and upon request to execute and deliver appropriate assignments or other conveyances thereof in the name of the United States, which shall pass to the purchaser such title as decedent had at date of death. The net proceeds after paying any proper sales expense as determined by the Secretary shall forthwith be paid to the Treasurer of the United States to

the credit of the Fund; and may be disbursed as are other moneys in the Fund by the Division of Disbursements, Treasury Department, upon order of said Secretary. Articles of personal adornment which are obviously of sentimental value, shall be retained and not sold or otherwise disposed of until the expiration of five years from the date of death of the veteran, without a claim therefor, unless for sanitary or other proper reasons it is deemed unsafe to retain same, in which event they may be destroyed forthwith. Any other articles coming into possession of the Secretary or the Secretary's representative by virtue of this subchapter which, under regulations promulgated by the Secretary, are determined to be unsalable may be destroyed forthwith or at the time prescribed by regulations, or may be used for the purposes for which disbursements might properly be made from the Fund, or if not usable, otherwise disposed of in accordance with regulations.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1260, Sec. 5222; Pub. L. 99–576, title VII, Sec. 701(101), Oct. 28, 1986, 100 Stat. 3300; renumbered Sec. 8522, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

AMENDMENTS

1991 – Pub. L. 102–40 renumbered section 5222 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 second sentence, and "the Administrator's" for "his" in last sentence.

–TRANS–

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.

–End–

–CITE–

38 USC Sec. 8523 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8523. Disbursements from the Fund

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1260, Sec. 5223; Pub. L. 99–576, title VII, Sec. 701(102), Oct. 28, 1986, 100 Stat. 3300; renumbered Sec. 8523, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

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.

–TRANS–

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.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8303 of this title.

–End–

–CITE–

38 USC Sec. 8524 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8524. Disposal of remaining assets

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1261, Sec. 5224; Pub. L. 99–576, title VII, Sec. 701(103), Oct. 28, 1986, 100 Stat. 3300; renumbered Sec. 8524, Pub. L. 102–40, title IV, Sec. 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

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".

–End–

–CITE–

38 USC Sec. 8525 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8525. Court actions

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1261, Sec. 5225; Pub. L. 99–576, title VII, Sec. 701(104), Oct. 28, 1986, 100 Stat. 3301; renumbered Sec. 8525, Pub. L. 102–40, title IV, Sec. 402(b)(1), May

7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(a)(3), (4), (b)(1),

(2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

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".

–End–

–CITE–

38 USC Sec. 8526 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART VI – ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8526. Filing of claims for assets

–STATUTE–

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.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1261, Sec. 5226; Pub. L. 86–507, Sec. 1(33), June 11, 1960, 74 Stat. 202; Pub. L. 99–576, title VII, Sec. 701(105), Oct. 28, 1986, 100 Stat. 3301; renumbered Sec. 8526 and amended Pub. L. 102–40, title IV, Sec. 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102–83, Sec. 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

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".

–End–

–CITE–

38 USC Sec. 8527 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

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SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8527. Notice of provisions of subchapter

–STATUTE–

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

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1262, Sec. 5227;

renumbered Sec. 8527, Pub. L. 102–40, title IV, Sec. 402(b)(1), May

7, 1991, 105 Stat. 238; Pub. L. 102–83, Sec. 4(b)(1), (2)(E), Aug.

6, 1991, 105 Stat. 404, 405.)

–MISC1–

AMENDMENTS

1991 – Pub. L. 102–40 renumbered section 5227 of this title as this section.

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

–End–

–CITE–

38 USC Sec. 8528 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

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CHAPTER 85 – DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II – DEATH WHILE PATIENT OF DEPARTMENT FACILITY

–HEAD–

Sec. 8528. Investment of the Fund

–STATUTE–

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.

–SOURCE–

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

–MISC1–

AMENDMENTS

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

–End–