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38 USC CHAPTER 83 - ACCEPTANCE OF GIFTS AND BEQUESTS 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART VI - ACQUISITION AND DISPOSITION OF PROPERTY  
CHAPTER 83 - ACCEPTANCE OF GIFTS AND BEQUESTS

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CHAPTER 83 - ACCEPTANCE OF GIFTS AND BEQUESTS

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Sec.  
8301. Authority to accept gifts, devises, and bequests.  
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AMENDMENTS  
1991 - Pub. L. 102-40, title IV, Sec. 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 5101 to 5105 as 8301 to 8305, respectively.

-End-

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38 USC Sec. 8301 01/08/2008

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TITLE 38 - VETERANS' BENEFITS  
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-HEAD-  
Sec. 8301. Authority to accept gifts, devises, and bequests

-STATUTE-  
The Secretary may accept devises, bequests, and gifts, made in any manner, with respect to which the testator or donor shall have indicated the intention that such property shall be for the benefit of groups of persons formerly in the active military, naval, or air service who by virtue of such service alone, or disability suffered therein or therefrom, are or shall be patients or members of any one or more hospitals or homes operated by the United States Government, or has indicated the intention that such property shall be for the benefit of any such hospital or home, or shall be paid or delivered to any official, as such, or any agency in administrative control thereof. 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.

-SOURCE-  
(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1254, Sec. 5101; Pub. L. 99-576, title VII, Sec. 701(89), Oct. 28, 1986, 100 Stat. 3299; renumbered Sec. 8301, 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; Pub. L. 102-86, title V, Sec. 504, Aug. 14, 1991, 105 Stat. 426.)

-MISC1-  
AMENDMENTS  
1991 - Pub. L. 102-40 renumbered section 5101 of this title as this section.

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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.

-End-

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38 USC Sec. 8302

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TITLE 38 - VETERANS' BENEFITS  
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-HEAD-

Sec. 8302. Legal proceedings

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1254, Sec. 5102; Pub. L. 99-576, title VII, Sec. 701(90), Oct. 28, 1986, 100 Stat. 3299; renumbered Sec. 8302, 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.)

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AMENDMENTS

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

Pub. L. 102-83, Sec. 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".

-End-

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38 USC Sec. 8303

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TITLE 38 - VETERANS' BENEFITS  
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Sec. 8303. Restricted gifts

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1255, Sec. 5103; Pub. L. 99-576, title VII, Sec. 701(91), Oct. 28, 1986, 100 Stat. 3299; renumbered Sec. 8303 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(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

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## AMENDMENTS

1991 - Pub. L. 102-40, Sec. 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, Sec. 402(d)(1), substituted "8523" for "5223".

1986 - Pub. L. 99-576 substituted "the" for "his" in three places.

-End-

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38 USC Sec. 8304

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TITLE 38 - VETERANS' BENEFITS  
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Sec. 8304. Disposition of property

-STATUTE-

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

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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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1255, Sec. 5104; Pub. L. 99-576, title VII, Sec. 701(92), Oct. 28, 1986, 100 Stat. 3299; renumbered Sec. 8304, 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.)

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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.

-End-

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38 USC Sec. 8305

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TITLE 38 - VETERANS' BENEFITS  
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-HEAD-

Sec. 8305. Savings provision

-STATUTE-

(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.

-SOURCE-

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

-MISC1-

AMENDMENTS

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

Subsec. (b). Pub. L. 102-40, Sec. 402(d)(1), substituted "8301" for "5101".

-End-

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