

-CITE-

38 USC CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR
DISABLED VETERANS

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-MISC1-

- Sec.
- 2101. Veterans eligible for assistance.
- 2102. Limitations on assistance furnished.
- 2102A. Assistance for veterans residing temporarily in housing owned by a family member.
- 2103. Furnishing of plans and specifications.
- 2104. Benefits additional to benefits under other laws.
- 2105. Nonliability of United States.
- 2106. Veterans' mortgage life insurance.
- 2107. Coordination of administration of benefits.

AMENDMENTS

- 2006 - Pub. L. 109-233, title I, Sec. 101(d), June 15, 2006, 120 Stat. 399, added items 2102A and 2107.
- 1992 - Pub. L. 102-568, title II, Sec. 204(b), Oct. 29, 1992, 106 Stat. 4325, substituted "veterans' " for "veteran's" in item 2106.
- 1991 - Pub. L. 102-83, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 801 to 806 as 2101 to 2106, respectively.
- 1988 - Pub. L. 100-322, title III, Sec. 333(a)(2), May 20, 1988, 102 Stat. 539, substituted "veteran's mortgage life insurance" for "Mortgage Protection Life Insurance" in item 806.
- 1971 - Pub. L. 92-95, Sec. 2, Aug. 11, 1971, 85 Stat. 322, added item 806.

-End-

-CITE-

38 USC Sec. 2101

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2101. Veterans eligible for assistance

-STATUTE-

(a) Acquisition of Housing with Special Features. - (1) Subject to paragraph (3), the Secretary may assist a disabled veteran described in paragraph (2) in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the following criteria:

(A) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(B) The disability is due to -

(i) blindness in both eyes, having only light perception, plus

(ii) loss or loss of use of one lower extremity.

(C) The disability is due to the loss or loss of use of one lower extremity together with -

- (i) residuals of organic disease or injury; or
- (ii) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(D) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

(3) The regulations prescribed under subsection (d) shall require that assistance under paragraph (1) may be provided to a veteran only if the Secretary finds that -

(A) it is medically feasible for the veteran to reside in the proposed housing unit and in the proposed locality;

(B) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and

(C) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

(b) Adaptations to Residence of Veteran. - (1) Subject to paragraph (3), the Secretary shall assist any disabled veteran described in paragraph (2) (other than a veteran who is eligible for assistance under subsection (a)) -

(A) in acquiring such adaptations to such veteran's residence as are determined by the Secretary to be reasonably necessary because of such disability; or

(B) in acquiring a residence already adapted with special features determined by the Secretary to be reasonably necessary for the veteran because of such disability.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets either of the following criteria:

(A) The disability is due to blindness in both eyes with 5/200 visual acuity or less.

(B) The disability includes the anatomical loss or loss of use of both hands.

(3) Assistance under paragraph (1) may be provided only to a veteran who the Secretary determines -

(A) is residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family; or

(B) if the veteran's residence is to be constructed or purchased, will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family.

(c)(1) The Secretary may provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subparagraph (A), (B), (C), or (D) of paragraph (2) of that subsection if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under that subsection to veterans eligible for assistance under that subsection and subject to the requirements of paragraph (3) of that subsection.

(2) The Secretary may provide assistance under subsection (b) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subparagraph (A) or (B) of

paragraph (2) of that subsection if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under that subsection to veterans eligible for assistance under that subsection and subject to the requirements of paragraph (3) of that subsection.

(d) Regulations. - Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1168, Sec. 801; Pub. L. 86-239, Sept. 8, 1959, 73 Stat. 472; Pub. L. 88-401, Aug. 4, 1964, 78 Stat. 380; Pub. L. 91-22, Sec. 1, June 6, 1969, 83 Stat. 32; Pub. L. 95-117, title IV, Sec. 401, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 96-385, title III, Sec. 301(a), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 99-576, title IV, Sec. 401(a), title VII, secs. 701(48), 702(7), Oct. 28, 1986, 100 Stat. 3280, 3295, 3302; renumbered Sec. 2101 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 108-183, title IV, Sec. 401, Dec. 16, 2003, 117 Stat. 2664; Pub. L. 108-454, title IV, Sec. 401, Dec. 10, 2004, 118 Stat. 3614; Pub. L. 109-233, title I, Sec. 105(a), June 15, 2006, 120 Stat. 402.)

-MISC1-

PRIOR PROVISIONS

Prior section 2101, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1222, related to eligibility for mustering-out payments, prior to repeal by Pub. L. 89-50, Sec. 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

2006 - subsec. (a)(3). Pub. L. 109-233, Sec. 105(a)(3), substituted "subsection (d)" for "subsection (c)" in introductory provisions.

Subsec. (c). Pub. L. 109-233, Sec. 105(a)(2), added subsec. (c) consisting of the text of subsec. (c) of this section as in effect immediately before the enactment of Pub. L. 108-454, as modified by amendments to pars. (1) and (2) below. See 2004 Amendment note below. Former subsec. (c) redesignated (d).

Subsec. (c)(1). Pub. L. 109-233, Sec. 105(a)(2)(A), substituted "subparagraph (A), (B), (C), or (D) of paragraph (2)" for "paragraph (1), (2), or (3)" and "paragraph (3)" for "the second sentence".

Subsec. (c)(2). Pub. L. 109-233, Sec. 105(a)(2)(B), substituted "paragraph (2)" for "paragraph (1)" in first sentence and "paragraph (3)" for "paragraph (2)" in second sentence.

Subsec. (d). Pub. L. 109-233, Sec. 105(a)(1), redesignated subsec. (c) as (d).

2004 - Pub. L. 108-454 amended text of section generally. Prior to amendment, section consisted of subsecs. (a) and (b) authorizing the Secretary to assist veterans entitled to compensation under chapter 11 of this title for permanent and total service-connected disability due to loss or loss of use of lower extremities, blindness, or loss or loss of use of both hands and subsec. (c) authorizing similar assistance to members of the Armed Forces serving on active duty.

2003 - Subsec. (c). Pub. L. 108-183 added subsec. (c).

1991 - Pub. L. 102-83 renumbered section 801 of this title as this section and substituted "Secretary" for "Administrator" wherever appearing.

1986 - Subsec. (a). Pub. L. 99-576, Secs. 701(48), 702(7), substituted "the Administrator" for "he" and "veteran who" for "veteran, who", and struck out " , based on service after April 20, 1898," after "chapter 11 of this title".

Subsec. (b)(1). Pub. L. 99-576, Sec. 401(a), inserted at end "or

in acquiring a residence already adapted with special features determined by the Administrator to be reasonably necessary for the veteran because of such disability".

1980 - Pub. L. 96-385 designated existing provisions as subsec. (a) and added subsec. (b).

1978 - Pub. L. 95-117 in cl. (3) inserted reference to loss or loss of use of one upper extremity and reference to braces, crutches, and canes.

1969 - Pub. L. 91-22 added cl. (3) which authorized the Administrator to provide housing assistance to veterans whose permanent and total disability consists of loss or loss of use of one lower extremity when such loss precludes locomotion without a wheelchair.

1964 - Pub. L. 88-401 struck out provisions from cl. (2)(B) which required such permanent and total disability to be such as to preclude locomotion without the aid of a wheelchair.

1959 - Pub. L. 86-239 designated existing provisions of first sentence as cl. (1), struck out "by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis" after "loss of use", and added cl. (2).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-233, title I, Sec. 105(b), June 15, 2006, 120 Stat. 402, provided that: "The amendments made by subsection (a) [amending this section] shall take effect as of December 10, 2004, as if enacted immediately after the enactment of the Veterans Benefits Improvement Act of 2004 [Pub. L. 108-454] on that date."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96-385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-117 effective Oct. 1, 1977, see section 501 of Pub. L. 95-117, set out as a note under section 1114 of this title.

-End-

-CITE-

38 USC Sec. 2102

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2102. Limitations on assistance furnished

-STATUTE-

(a) The assistance authorized by section 2101(a) of this title shall be afforded under one of the following plans, at the option of the veteran -

(1) where the veteran elects to construct a housing unit on land to be acquired by such veteran, the Secretary shall pay not to exceed 50 percent of the total cost to the veteran of (A) the housing unit and (B) the necessary land upon which it is to be situated;

(2) where the veteran elects to construct a housing unit on land acquired by such veteran prior to application for assistance under this chapter, the Secretary shall pay not to exceed the smaller of the following sums: (A) 50 percent of the total cost to the veteran of the housing unit and the land necessary for such housing unit, or (B) 50 percent of the cost to the veteran

of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the veteran of the land necessary for such housing unit;

(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of such veteran's disability, acquired by such veteran prior to application for assistance under this chapter, the Secretary shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 percent of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 percent of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and

(4) where the veteran has acquired a suitable housing unit, the Secretary shall pay not to exceed the smaller of the following sums: (A) 50 percent of the cost to the veteran of such housing unit and the necessary land upon which it is situated, or (B) the full amount of the unpaid balance, if any, of the cost to the veteran of such housing unit and the necessary land upon which it is situated.

(b) Except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title shall be limited to the lesser of -

(1) the actual cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary, or

(2) \$10,000.

(c) The amount of assistance afforded under subsection (a) for a veteran authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing unit, which is vested in the veteran, is also vested in any other person, if the veteran resides in the housing unit.

(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to \$50,000.

(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to \$10,000.

(3) No veteran may receive more than three grants of assistance under this chapter.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1168, Sec. 802; Pub. L. 91-22, Sec. 2, June 6, 1969, 83 Stat. 32; Pub. L. 91-506, Sec. 6, Oct. 23, 1970, 84 Stat. 1113; Pub. L. 92-341, July 10, 1972, 86 Stat. 432; Pub. L. 93-569, Sec. 9, Dec. 31, 1974, 88 Stat. 1867; Pub. L. 95-476, title I, Sec. 101, Oct. 18, 1978, 92 Stat. 1497; Pub. L. 96-385, title III, Sec. 301(b), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 97-66, title V, Sec. 502, Oct. 17, 1981, 95 Stat. 1032; Pub. L. 97-295, Sec. 4(33), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 98-543, title III, Sec. 304(a), Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99-576, title IV, Sec. 401(b), Oct. 28, 1986, 100 Stat. 3280; Pub. L. 100-322, title III, Sec. 301, May 20, 1988, 102 Stat. 534; renumbered Sec. 2102 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 105-178, title VIII, Sec. 8204(a), June 9, 1998, 112 Stat. 494; Pub. L. 106-419, title III, Sec. 321, Nov. 1, 2000, 114 Stat. 1855; Pub. L. 107-103, title IV, Sec. 404, Dec. 27, 2001, 115 Stat. 993; Pub. L. 108-183, title IV, Sec. 402(a), Dec. 16, 2003, 117 Stat. 2664; Pub. L. 109-233, title I, Sec. 101(b), June 15, 2006, 120 Stat. 398.)

-MISC1-

PRIOR PROVISIONS

Prior section 2102, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1223, related to determination of amount of mustering-out payments, prior to repeal by Pub. L. 89-50, Sec. 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

2006 - Subsec. (a). Pub. L. 109-233, Sec. 101(b)(1), in introductory provisions, struck out "shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and" before "shall be afforded" and substituted "veteran - " for "veteran but shall not exceed \$50,000 in any one case - ".

Subsec. (d). Pub. L. 109-233, Sec. 101(b)(2), added subsec. (d).

2003 - Subsec. (a). Pub. L. 108-183, Sec. 402(a)(1), substituted "\$50,000" for "\$48,000" in introductory provisions.

Subsec. (b)(2). Pub. L. 108-183, Sec. 402(a)(2), substituted "\$10,000" for "\$9,250".

2001 - Subsec. (a). Pub. L. 107-103, Sec. 404(1), substituted "\$48,000" for "\$43,000" in introductory provisions.

Subsec. (b)(2). Pub. L. 107-103, Sec. 404(2), substituted "\$9,250" for "\$8,250".

2000 - Subsec. (c). Pub. L. 106-419 added subsec. (c).

1998 - Subsec. (a). Pub. L. 105-178, Sec. 8204(a)(1), substituted "\$43,000" for "\$38,000" in introductory provisions.

Subsec. (b)(2). Pub. L. 105-178, Sec. 8204(a)(2), substituted "\$8,250" for "\$6,500".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 802 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "2101(a)" for "801(a)" in introductory provisions.

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

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "2104(b)" for "804(b)" and substituted "2101(b)" for "801(b)" in two places.

Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in par. (1).

1988 - Subsec. (a). Pub. L. 100-322, Sec. 301(1), substituted "\$38,000" for "\$35,500".

Subsec. (b)(2). Pub. L. 100-322, Sec. 301(2), substituted "\$6,500" for "\$6,000".

1986 - Subsec. (b)(1). Pub. L. 99-576 substituted "cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value," for "cost".

1984 - Subsec. (a). Pub. L. 98-543, Sec. 304(a)(1), substituted "\$35,500" for "\$32,500" in provisions before par. (1).

Subsec. (b)(2). Pub. L. 98-543, Sec. 304(a)(2), substituted "\$6,000" for "\$5,000".

1982 - Subsec. (a). Pub. L. 97-295 substituted "percent" for "per centum" wherever appearing.

1981 - Subsec. (a). Pub. L. 97-66, Sec. 502(1), substituted "\$32,500" for "\$30,000" in provisions preceding par. (1), "such veteran" for "him" in pars. (1), (2), and (3), and "such veteran's" for "his" in par. (3).

Subsec. (b). Pub. L. 97-66, Sec. 502(2), substituted "section 804(b)" for "section 804(b)(2)".

1980 - Subsec. (a). Pub. L. 96-385, Sec. 301(b)(1), (2), designated existing provisions as subsec. (a) and substituted "section 801(a)" for "section 801".

Subsec. (b). Pub. L. 96-385, Sec. 301(b)(3), added subsec. (b).

1978 - Pub. L. 95-476 substituted "\$30,000" for "\$25,000".

1974 - Pub. L. 93-569 substituted "\$25,000" for "\$17,500".

1972 - Pub. L. 92-341 substituted "\$17,500" for "\$12,500".

1970 - Par. (3). Pub. L. 91-506 inserted provision authorizing Administrator in the case of assistance to disabled veterans for specially adapted housing, where the veteran elects to remodel a dwelling not adapted to his disability, to pay the cost of remodeling as an alternative to the present provisions still set out in this par. which authorize the Administrator to pay the total

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of 50 percent of the remodeling cost plus 50 percent of the dwelling's cost or the full amount of the unpaid balance of the cost of such dwelling, whichever sum is smaller.

1969 - Pub. L. 91-22 substituted "\$12,500" for "\$10,000".

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title IV, Sec. 402(c), Dec. 16, 2003, 117 Stat. 2664, provided that: "The amendments made by subsections (a) and (b) [amending this section and section 3902 of this title] shall apply with respect to assistance furnished on or after the date of the enactment of this Act [Dec. 16, 2003]."

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-178, title VIII, Sec. 8204(b), June 9, 1998, 112 Stat. 494, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to limitations under section 2102 of such title on assistance furnished to a veteran under section 2101 of such title on or after October 1, 1998."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 304 of Pub. L. 100-322 provided that: "The amendments made by sections 301, 302, and 303 [amending this section and sections 907 and 1902 [now 2307 and 3902] of this title] shall take effect on April 1, 1988."

EFFECTIVE DATE OF 1984 AMENDMENT

Section 304(b) of Pub. L. 98-543 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1985."

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97-66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96-385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as a note under section 3702 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-569 effective Dec. 31, 1974, see section 10 of Pub. L. 93-569, set out as a note under section 3702 of this title.

-End-

-CITE-

38 USC Sec. 2102A

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2102A. Assistance for veterans residing temporarily in housing owned by a family member

-STATUTE-

38C21

(a) Provision of Assistance. - In the case of a disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

(b) Amount of Assistance. - The assistance authorized under subsection (a) may not exceed -

(1) \$14,000, in the case of a veteran described in section 2101(a)(2) of this title; or

(2) \$2,000, in the case of a veteran described in section 2101(b)(2) of this title.

(c) Limitation. - The assistance authorized by subsection (a) shall be limited in the case of any veteran to one residence.

(d) Regulations. - Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

(e) Termination. - No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

-SOURCE-

(Added Pub. L. 109-233, title I, Sec. 101(a), June 15, 2006, 120 Stat. 398.)

-REFTEXT-

REFERENCES IN TEXT

The date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, referred to in subsec. (e), is the date of enactment of Pub. L. 109-233, which was approved June 15, 2006.

-End-

-CITE-

38 USC Sec. 2103

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2103. Furnishing of plans and specifications

-STATUTE-

The Secretary is authorized to furnish to veterans eligible for assistance under this chapter, without cost to the veterans, model plans and specifications of suitable housing units.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1168, Sec. 803; renumbered Sec. 2103 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

-MISC1-

PRIOR PROVISIONS

Prior section 2103, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1223, related to payment of mustering-out payments to beneficiaries of deceased members, prior to repeal by Pub. L. 89-50, Sec. 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

38C21
AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 803 of this title as this section and substituted "Secretary" for "Administrator".

-End-

-CITE-

38 USC Sec. 2104

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2104. Benefits additional to benefits under other laws

-STATUTE-

(a) Any veteran who accepts the benefits of this chapter shall not by reason thereof be denied the benefits of chapter 37 of this title; however, except as provided in subsection (b) of this section, the assistance authorized by section 2101 of this title shall not be available to any veteran more than once.

(b) A veteran eligible for assistance under section 2101(b) of this title shall not by reason of such eligibility be denied benefits for which such veteran becomes eligible under section 2101(a) of this title or benefits relating to home health services under section 1717(a)(2) of this title. However, no particular type of adaptation, improvement, or structural alteration provided to a veteran under section 1717(a)(2) of this title may be provided to such veteran under section 2101(b) of this title.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, Sec. 804; Pub. L. 96-385, title III, Sec. 301(c), Oct. 7, 1980, 94 Stat. 1531; renumbered Sec. 2104 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-262, title I, Sec. 101(e)(2), Oct. 9, 1996, 110 Stat. 3180.)

-MISC1-

PRIOR PROVISIONS

Prior section 2104, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1223, related to time limitations, prior to repeal by Pub. L. 89-50, Sec. 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

1996 - subsec. (b). Pub. L. 104-275 substituted "section 1717(a)(2)" for "section 1712(a)" in two places.

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 804 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "2101" for "801".

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "2101(b)" for "801(b)" in two places, "2101(a)" for "801(a)", and "1712(a)" for "612(a)" in two places.

1980 - Pub. L. 96-385 designated existing provisions as subsec. (a), substituted "except as provided in subsection (b) of this section, the assistance authorized by section 801 of this title" for "the assistance authorized by this chapter", and added subsec. (b).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96-385, set out as a note under section 1114 of this title.

-End-

-CITE-

38 USC Sec. 2105

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2105. Nonliability of United States

-STATUTE-

The Government of the United States shall have no liability in connection with any housing unit, or necessary land therefor, or adaptation acquired under the provisions of this chapter.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, Sec. 805; Pub. L. 96-385, title III, Sec. 301(d), Oct. 7, 1980, 94 Stat. 1531; renumbered Sec. 2105, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

PRIOR PROVISIONS

Prior section 2105, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1224, related to administration of mustering-out payments provisions, prior to repeal by Pub. L. 89-50, Sec. 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 805 of this title as this section.

1980 - Pub. L. 96-385 made the United States not liable for any adaptation in connection with any housing unit.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96-385, set out as a note under section 1114 of this title.

-End-

-CITE-

38 USC Sec. 2106

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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2106. Veterans' mortgage life insurance

-STATUTE-

(a) The United States shall automatically insure any eligible veteran age 69 or younger who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran unless the veteran (1) submits to the Secretary in writing the veterans' election not to be insured under this section, or (2) fails to respond in a timely manner to a

request from the Secretary for information on which the premium for such insurance can be based.

(b) The amount of insurance provided a veteran under this section may not exceed the lesser of \$90,000 or the amount of the loan outstanding on the housing unit. The amount of such insurance shall be reduced according to the amortization schedule of the loan and may not at any time exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit, insurance is not payable under this section. If an eligible veteran elects not to be insured under this section, the veteran may thereafter be insured under this section, but only upon submission of an application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Secretary.

(c) The premiums charged a veteran for insurance under this section shall be paid at such time and in such manner as the Secretary prescribes. The rates for such premiums shall be based on such mortality data as the Secretary considers appropriate to cover only the mortality cost of insuring standard lives. In the case of a veteran receiving compensation or other cash benefits paid to the veteran by the Secretary, the Secretary shall deduct from such compensation or other benefits the premiums charged the veteran under this section.

(d)(1) The United States shall bear the costs of insurance under this section to the extent that such costs exceed premiums established by the Secretary. Premiums collected on insurance under this section shall be credited to the "Veterans Insurance and Indemnities" appropriation account, and all disbursements of insurance proceeds under this section shall be made from that account.

(2) There are authorized to be appropriated to the Secretary for such account such amounts as may be necessary to carry out this section.

(e) Any amount of insurance in force under this section on the date of the death of an eligible veteran insured under this section shall be paid to the holder of the mortgage loan, for payment of which the insurance was granted, for credit on the loan indebtedness. Any liability of the United States under such insurance shall be satisfied when such payment is made. If the Secretary is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title.

(f) The secretary may prescribe such regulations relating to eligibility for insurance under this section, the maximum amount of insurance, the effective date of insurance, the maximum duration of insurance, and other pertinent matters not specifically provided for in this section as the Secretary determines are in the best interest of veterans or the United States.

(g) The amount of the insurance in force at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by subsection (b) of this section or regulations prescribed by the Secretary under this section.

(h) The Secretary shall issue to each veteran insured under this section a certificate setting forth the benefits to which the veteran is entitled under the insurance.

(i) Insurance under this section shall terminate upon whichever of the following events first occurs:

(1) Satisfaction of the veteran's indebtedness under the loan upon which the insurance is based.

(2) Termination of the veteran's ownership of the property securing the loan.

(3) Discontinuance of payment of premiums by the veteran.

(j) Termination of life insurance under this section shall not affect the guaranty or insurance of the loan by the Secretary.

(Added Pub. L. 92-95, Sec. 1, Aug. 11, 1971, 85 Stat. 320, Sec. 806; amended Pub. L. 94-433, title III, Sec. 302, Sept. 30, 1976, 90 Stat. 1377; Pub. L. 99-576, title VII, Sec. 701(49), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 100-322, title III, Sec. 333(a)(1), May 20, 1988, 102 Stat. 537; renumbered Sec. 2106 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-568, title II, Sec. 204(a), Oct. 29, 1992, 106 Stat. 4325; Pub. L. 103-446, title XII, Sec. 1201(h)(2), Nov. 2, 1994, 108 Stat. 4688; Pub. L. 105-368, title VI, Sec. 602(e)(2), Nov. 11, 1998, 112 Stat. 3347; Pub. L. 107-330, title III, Sec. 302, Dec. 6, 2002, 116 Stat. 2824.)

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AMENDMENTS

2002 - Subsec. (a). Pub. L. 107-330, Sec. 302(1), inserted "age 69 or younger" after "any eligible veteran".

Subsec. (i)(2) to (4). Pub. L. 107-330, Sec. 302(2), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: "The veteran's seventieth birthday."

1998 - Subsec. (e). Pub. L. 105-368 substituted "deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title" for ", as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively".

1994 - Pub. L. 103-446 substituted "Veterans' mortgage life insurance" for "Veterans' Mortgage Life Insurance" as section catchline.

1992 - Subsec. (b). Pub. L. 102-568 struck out "initial" after "The" and substituted "\$90,000" for "\$40,000".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 806 of this title as this section.

Subsecs. (a) to (d). Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (e). Pub. L. 102-83, Sec. 5(c)(1), substituted "3723 or 3724" for "1823 or 1824".

Pub. L. 102-83, sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsecs. (f) to (h), (j). Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

1988 - Pub. L. 100-322 amended section generally, substituting provisions relating to veterans' mortgage life insurance for former provisions relating to mortgage protection life insurance.

1986 - Subsec. (b). Pub. L. 99-576, Sec. 701(49)(A), substituted "the veteran's" for "his".

Subsec. (c). Pub. L. 99-576, Sec. 701(49)(B), substituted "the veteran" for "he" before "may thereafter".

Subsec. (d). Pub. L. 99-576, Sec. 701(49)(C), substituted "the veteran's" for "he" in last sentence.

Subsec. (g)(2). Pub. L. 99-576, Sec. 701(49)(D)(i), substituted "the Administrator" for "he" in two places, "the Administrator's" for "his", and "the Administrator" for "him" in two places.

Subsec. (g)(3). Pub. L. 99-576, Sec. 701(49)(D)(ii), substituted "the veteran" for "he".

Subsec. (g)(5). Pub. L. 99-576, Sec. 701(49)(D)(iii), substituted "the Administrator" for "him" in two places.

Subsec. (h). Pub. L. 99-576, Sec. 701(49)(E), substituted "the Administrator's" for "his" in first sentence and "the veteran's" for "his" in second sentence.

1976 - Subsec. (c). Pub. L. 94-433 substituted \$40,000 for \$30,000.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title VI, Sec. 602(f), Nov. 11, 1998, 112 Stat. 3348, provided that: "This title [enacting sections 3722 and 3771 to 3775 of this title, amending this section and sections 3702, 3703, 3711, 3720, 3727, 3729, 3733 to 3735, and 3763 of this title,

repealing sections 3723 to 3725 of this title, and enacting provisions set out as a note under section 3722 of this title] and the amendments made by this title shall take effect on October 1, 1998."

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-568 effective Dec. 1, 1992, see section 205 of Pub. L. 102-568, set out as an Effective Date note under section 1922A of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 333(b) of Pub. L. 100-322 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act [May 20, 1988]."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

SAVINGS PROVISION; DISCONTINUANCE OF CONTRACT PROGRAM; DEFINITION

Section 333(c)-(e) of Pub. L. 100-322 provided that:

"(c) Savings Provision. - Mortgage protection life insurance granted to any veteran under the former section 806 shall continue in force with the United States as insurer, subject to the terms of subsection (d). Nothing in that subsection shall impair any rights of any veteran or mortgage loan holder under the former section 806 that matured before the effective date specified in subsection (b) [see Effective Date of 1988 Amendment note above].

"(d) Discontinuance of Contract Program. - (1) Effective as of the effective date specified in subsection (b), the Administrator shall discontinue the policy of insurance purchased in accordance with the former section 806.

"(2) All premiums collected or received by the insurer on or after such effective date under a policy purchased under the former section 806 shall be promptly forwarded to the Administrator and shall be credited to the 'Veterans Insurance and Indemnities' appropriation account. Any positive balance of the contingency reserve maintained by the insurer under such policy remaining after all charges have been made shall be payable to the Administrator and shall be deposited by the Administrator in such account, except that such balance may, upon the election of the insurer, be paid by the insurer in equal monthly installments over a period of not more than two years beginning on the date, after such effective date, that the Administrator specifies.

"(e) Former section 806 Defined. - For the purpose of subsections (c) and (d), the term 'former section 806' means section 806 [this section] of title 38, United States Code, as in effect on the day before the effective date specified in subsection (b)."

-End-

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38 USC Sec. 2107

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 21 - SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

-HEAD-

Sec. 2107. Coordination of administration of benefits

-STATUTE-

The Secretary shall provide for the coordination of the

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administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and such programs that are administered by the Under Secretary for Benefits under this chapter, chapter 17, and chapter 31 of this title.

-SOURCE-

(Added Pub. L. 109-233, title I, Sec. 101(c), June 15, 2006, 120 Stat. 399.)

-End-